

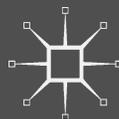
THE HOLOCAUST AND ITS CONTEXTS



# Nazi Collaborators on Trial during the Cold War

Viktors Arājs and the Latvian Auxiliary Security Police

Richards Plavnieks



# The Holocaust and its Contexts

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Viktors Arājs and the Latvian Auxiliary Security  
Police

palgrave  
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The Holocaust and its Contexts

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*For my namesake,  
Vilis Ričhards Pļavnieks,  
who wanted to be a history teacher, but was caught up in historic events and  
never realized his dream. He survived a period in history the likes of which  
humankind must never see again.*

## PREFACE

This book touches a variety of historical topics: Nazi Germany and the Holocaust, Eastern European collaboration, the Cold War, post-1945 international criminal law, both the Soviet Union and East Germany, and Baltic studies.

Showing the intricate interrelationships of these seemingly disparate areas of inquiry, with Nazi crimes as their nexus, is one of my goals. Apart from the academic interest I hope it will draw, this book also has significance for Latvians' process of coming to terms with their country's encounter with Nazi Germany—a process analogous to Germany's *Vergangenheitsbewältigung*—that was retarded and deformed by Latvia's domination by the USSR until 1991. The wide scope of the project provides, I hope, a uniquely constructive framework for historicizing the difficulties of this process.

The evidence gathered over decades of work by prosecutors across the world, which my work examines, first established the facts of Latvian collaboration. This book, then, is well-suited to advance this still developing process, as it deals both with Latvia's most notorious killers and their post-war fates on both sides of the Iron Curtain, as well as contemporary Latvians' responses to the investigations and trials in different political contexts. In that sense, this book is a record of the earliest phases of the process of coming to terms with Latvian collaboration—a process which must now continue and to which this book, I hope, will contribute.

Those Latvians living in the enclaves of the post-1945 Latvian diaspora the world over will, I believe, be interested in this book. I gave a

talk to the Washington, DC, Association of Latvian Fraternities and Sororities in January 2016 on the subject of the Arajs Kommando that drew a very large audience and many attendees inquired about when this book would be published. I also hope that the global Anglophone Latvian community will read it eagerly as well, particularly the increasingly broad and deep bench of Latvian scholars.

My grandparents came to the United States in 1949 and I myself grew up around the Latvian exile enclave in Rockville, Maryland. As a child and teenager, between 1992 and 1996, I lived in Moscow and Rīga, where my interest in my family's background and twentieth century European history was kindled. As a professionally trained historian and a descendent of political refugees, I hope my book will not be seen by Latvians as the work of an outsider clumsily seeking to intervene in a volatile and sensitive topic. On the question of Latvians' role in Hitler's Europe, I hope here to contribute something.

For this, I was fortunate to obtain funding for two full years of research in Hamburg, Ludwigsburg, Rīga, Jerusalem, and Washington, DC, with the support of the United States Holocaust Memorial Museum, the Conference on Jewish Material Claims Against Germany, and the German Academic Exchange Service. In Israel, I had the privilege of meeting and learning from Yehuda Bauer, David Caeserani, Konrad Kwiet, Wendy Lower, Dan Michman, Alexander Prusin, and David Silberklang. Later, as a Charles H. Revson Foundation Fellow at the US Holocaust Memorial Museum, I had the honor of working alongside such scholars as Martin Dean, Jürgen Matthäus, and Mark Roseman at the Jack, Joseph and Morton Mandel Center for Advanced Holocaust Studies.

Besides long-term research in six different archives, I was also able to meet some of the people involved in the events about which I was writing. Dr. Steven Rogers, retired historian at the Office of Special Investigations, very generously met with me on a variety of occasions to talk about his experiences. I was also helped by the gracious and urbane Hauptregierungsdirektor JVA Kassel I, Georg-Uwe Meister, who allowed me to tour his facility, which once imprisoned Viktors Arājs. Likewise, the American Latvian defense attorney, Ivars Bērziņš, deserves much thanks for his courtesy and candor towards me. Professor Eduard Anders, a Latvian Jewish Holocaust survivor, offered invaluable advice on the final manuscript. Finally, I was also kindly welcomed into the home of Andrew Ezergailis from whom I have learned so much.

Tremendous gratitude I also owe to Christopher Browning, whose guidance, encouragement, knowledge, patience, insights, and example made my work possible. Eric Kurlander, who set me on my course to academia, also deserves many thanks. His impact on my life has been literally inestimable.

Finally, I wish to mention fondly my closest companions during this project: Andrew Haeberlin, Brandon Hunziker, Jen Lynn, Patrick Tobin, and Waitman Beorn.

Orlando, USA

Richards Plavnieks

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## ABBREVIATIONS

ALA	American Latvian Association. Umbrella group constituted by the American Latvian community to represent their interests.
ATF	United States Bureau of Alcohol, Tobacco, and Firearms. Now the ATFE: Bureau of Alcohol, Tobacco, Firearms, and Explosives.
BaB	Bundesarchiv-Berlin, German Federal Archive in Berlin, Germany.
BaL	Bundesarchiv-Ludwigsburg, German Federal Archive in Ludwigsburg, Germany.
BaMa	Bundesarchiv-Militärarchiv. German Federal Military Archive in Freiburg, Germany.
BdO	Befehlshaber der Ordnungspolizei, or “Commander of the Order Police” for regions such as the Ostland.
BdS	Befehlshaber der Sicherheitspolizei, or “Commander of the Security Police,” the stationary successor to the mobile Einsatzgruppen and commander of the Security Police for regions such as the Ostland.
BStU	Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutsche Demokratische Republik, or “The Federal Mandatory for the Records of the State Security Service of the Former German Democratic Republic.”
CFL	Committee for a Free Latvia. A fairly inconsequential post-war American Latvian lobbying group in the United States funded by the CIA.
CIA	United States Central Intelligence Agency
CPSU	Communist Party of the Soviet Union
DOJ	Department of Justice of the United States of America
DP	Displaced Person

DSF	Gesellschaft für Deutsch-Sowjetische Freundschaft, or “Society for German-Soviet Friendship.”
DV	Daugavas Vanagi, or “Hawks of the Daugava.” Latvian welfare organization established for veterans of the Latvian Legion.
EG	Einsatzgruppe. Nazi mobile task force assigned to kill Jews and Communists behind the lines. Einsatzgruppe A was the northernmost unit and the one responsible for carrying out Nazi political and racial murders in the Baltic states.
EK	Einsatzkommando. Nazi rear-echelon task force assigned to kill Jews and Communists behind the lines. Einsatzkommando 2, a constituent of Einsatzgruppe A, was responsible for carrying out Nazi political and racial murders in Latvia.
FDGB	Freier Deutscher Gewerkschaftsbund, or “Free German Trade Union Federation.” East German umbrella trade union federation. By the time of East Germany’s collapse, nearly all workers were members.
FRG	Federal Republic of Germany. Anglicization of the official German-language name of West Germany.
FSB	Federalnaya Sluzhba Bezopasnosti Rossiyskoy Federatsii, or “Federal Security Service of the Russian Federation.” Post-Soviet Russian successor of the KGB.
GDR	German Democratic Republic. Anglicization of the official German-language name of East Germany.
Hiwi	Hilfswillige, or “Willing Helpers.” Non-German volunteers attached individually or in small groups to frontline Wehrmacht units or Luftwaffe air-defense batteries as well as rear area German occupation forces.
HRSP	Human Rights and Special Prosecutions Section of the Criminal Division of the United States Department of Justice.
HSSPF	Höhere SS- und Polizeiführer, or “Higher SS and Police Leader” who commanded all regional forces of the SS (such as Friedrich Jeckeln for the Ostland).
INS	United States Immigration and Naturalization Services
IRR	Investigative Records Repository of the United States. National Archives and Records Administration.
JVA	Justizvollzugsanstalt, or, literally, “Justice Enforcement Institution,” meaning “prison” in Germany.
KdO	Kommandeur der Ordnungspolizei, or “Commander of the Order Police,” who commanded district forces (such as Latvia) of the Order Police.
KdS	Kommandeur der Sicherheitspolizei, or “Commander of the Security Police.” The stationary successor to the mobile

	Einsatzkommandos, who commanded district forces (such as Latvia) of the Security Police.
KGB	Komitet Gosudarstvennoy Bezopasnosti, or “Committee for State Security.” Over-arching Soviet police and security organization, successor of the NKVD.
KZ	Konzentrationslager, or “Concentration Camp.”
LS	Labor Service. Affiliated with the United States Army in post-war West Germany.
LSSR	Latvian Soviet Socialist Republic
LVVA	Latvijas Valsts Vēstures Arhīvs, or “Latvian State Historical Archives.”
MfS	Ministerium für Staatssicherheit, or “Ministry for State Security.” Wide-ranging, all-encompassing East German police and security agency. See: Stasi.
MoD	Ministry of Defence of Great Britain
NARA	National Archives and Records Administration of the United States
NKVD	Narodniy Komissariat Vnutrenneekh Dyel, or “People’s Ministry of Internal Affairs.” Main police agency of the Soviet Union, encompassing both regular and secret police from 1934 to 1954.
Orpo	Ordnungspolizei, or “Order Police” of Nazi Germany.
OSI	Office of Special Investigations of the United States Justice Department’s Criminal Division.
RSHA	Reichssicherheitshauptamt, or “Reich Security Main Office” of Nazi Germany.
RuSHA	Rasse- und Siedlungshauptamt, or “Race and Settlement Main Office” of Nazi Germany.
SD	Sicherheitsdienst, or “Security Service” of Nazi Germany.
SED	Sozialistische Einheitspartei Deutschlands, or “Socialist Unity Party of Germany.” East Germany’s Communist Party.
Sipo	Sicherheitspolizei, or “Security Police” of Nazi Germany.
SMERSH	Smert Shpionam, or “Death to Spies,” the name for the Soviet Chief Directorate of Counter-Intelligence during the Second World War.
SSR	Soviet Socialist Republic
StaH	Staatsarchiv Hamburg, or “State Archive of Hamburg.”
Stasi	Staatssicherheit, or “State Security.” Unofficial name for East Germany’s Ministry for State Security. See: MfS.
StPO	Strafprozeß Ordnung, or “Code of Criminal Procedure.” The West German Code of Criminal Procedure.
USHMM	United States Holocaust Memorial Museum
USSR	Union of Soviet Socialist Republics
VEB	Volkseigener Betrieb, or “People’s Enterprise.” These concerns represented 75% of the East German industrial sector.

VFW	Veterans of Foreign Wars, a private veterans association in the United States.
VĻKJS	Vissavienības Ļeņina Komunistiskās Jaunatnes Savienība, or “All Union Leninist Young Communist League” in the Latvian Soviet Socialist Republic.
ZS	Zentrale Stelle der Landesjustizverwaltungen zur Aufklärungen nationalsozialistischer Gewaltverbrechen, or “Central Office of the State Ministries of Justice for the Investigation of National Socialist Violent Crimes.” West German counterpart to the East German ZUV.
ZUV	Zentraler Untersuchungsvorgang zur Untersuchung von NS- und Kriegsverbrechen, or “Central Investigative Body for the Investigation of National Socialist and War Crimes.” East German counterpart to the West German Zentrale Stelle.

# Introduction: The Latvian Auxiliary Security Police and Cold War Justice

## THE CRIMES OF THE LATVIAN AUXILIARY SECURITY POLICE

In early July 1941, immediately following the arrival in Rīga, Latvia, of the first units of the Wehrmacht and Einsatzgruppe (EG) A, a small group of Latvians under the leadership of a former police lieutenant and law student named Viktors Arājs volunteered for service with the German security forces. Officially, it was designated the “Latvian Auxiliary Security Police,” but unofficially it was dubbed the “Arajs Kommando,” after its leader whose name meant “plowman.” After a rampage in the first days following the Germans’ entry that killed several hundred Jews on the streets of Rīga, the capital of Latvia, and burned down its synagogues, the Arajs Kommando was deemed worthy of new tasks by its Nazi masters. These included the arbitrary invasion of the city’s Jewish homes and the terrorization, robbery, and arrest of the residents; the routine shooting of Jews and Communists in the Biķernieki forest outside of the city in early morning mass executions; and mobile operations, traversing the Latvian hinterland and acting as the triggermen in the organized “liquidation” of the Jews of Latvia’s small towns and countryside.

Over these first few months of the German occupation, the Latvian Auxiliary Security Police became better organized, its initial core of about 300 rowdy volunteers expanded while becoming ever more experienced and disciplined, and its uniforms and equipment became standardized. On 30 November and 8 December 1941, the Arajs Kommando was instrumental in providing the cordon for the notorious Rumbula Action that

took place in the Rumbula forest outside of Rīga. This was the second largest mass shooting of the Holocaust up to that point, the 25,000-plus victims of which were exceeded in number only by the victims at the massacre at Babi Yar outside Kiev the previous September. German, Austrian, and Czech Jews deported to Latvia then became the Kommando's next targets, the Jews of Latvia having already been killed except for a small remnant reserved for slave labor. After selected members of the Kommando had been sent to formal Security Service (SD) training in Germany and returned, rotating sections of the newly professionalized unit were deployed to German-occupied Belarus. There, the Latvian Auxiliary Security Police—now a permanent, militarized, mobile, hardened, battalion-strength appendage of Nazi power—participated in ghetto clearings, mass shootings, anti-partisan operations, and reprisal actions against the local population. By 1944, the war having turned against the Third Reich, the unit was effectively disbanded. They could then better serve Hitler as soldiers than police paramilitaries, so the Arajs Kommando's personnel were absorbed into frontline combat units of the Latvian Legion along the rapidly approaching Eastern Front.

At war's end, Viktors Arājs's Kommando had itself directly killed no fewer than 26,000 people in Latvia, while its very substantial death tally in Belarus is simply impossible to estimate but may have equaled or even exceeded the tally in Latvia. Considering its participation in the Rumbula cordon and other shootings, the unit also abetted the killings of tens of thousands more. The members of this Latvian police unit, operating under the command of Einsatzkommando (EK) 2 and later the Kommandeur der Sicherheitspolizei (KdS) Lettland, participated as volunteers in practically every signature aspect of Nazi oppression in occupied Eastern Europe. They were quintessential actors in what is now recognized as “the Holocaust by bullets”—old-fashioned killers who shot their targets one at a time, creating their death count without need of the techno-industrial horror of the gas chambers.

All of this, however, was only the first part of the story of the men of the Arajs Kommando. Much of the actual historical record of their crimes was not established by historians through normal analysis of period records in archival repositories. The Nazis often avoided committing anything incriminating to paper and they deliberately destroyed all they could of the documentary evidence that did exist before they were defeated. Thus, much of what we know about the Kommando is the result of decades of painstaking work by prosecutors around the globe

who, to make their cases against the unit's killers, augmented the scarce wartime material at hand with witnesses of all types: survivors, bystanders, and the perpetrators themselves.

It is upon these sources that the present study is based.

To answer the deceptively simple questions of whether, how, by whom, and with what results these men were investigated, tried, and punished requires deeper examination. Hundreds of cases were tried in multiple jurisdictions on both sides of the Iron Curtain during the entire span of the vast contest of the Cold War. The legal aftermath of the crimes against humanity committed by the Arajs Kommando can therefore be used as a prism through which to view a spectrum of very different justice systems at work at different times, and how they attempted to match atrocity with justice amid a radically new post-war order. In this regard, this study assesses the efforts of the Soviet Union, both West and East Germany, and the United States. Using these hideous crimes as a backdrop, the following chapters examine both Communist and liberal-democratic legal systems, and their intermittent dialogue with one another, from the 1940s through the 1980s, as they dealt with Nazi crimes while operating in the context of the global superpower struggle.

## THE HISTORIOGRAPHY OF THE HOLOCAUST IN LATVIA

This study connects two of the currently expanding major subfields of the subject of the Holocaust: Eastern Europeans' participation in it and the Holocaust's aftermath. More specifically, it examines the legal ramifications of Latvian Holocaust complicity, the social and political effects of the functioning of the legal apparatus in each national case study, and their interaction in an international context.

Particularly since the collapse of the Soviet Union and the reassertion of national histories in the erstwhile formally monolithic Eastern Bloc, historical scholarship has concerned itself increasingly with the investigation of Eastern European Nazi auxiliaries and Holocaust co-perpetrators. That many participated is not in doubt. What is less well understood is the degree to which Eastern Europeans actively sought to participate and what motivated their fateful volunteerism. All told, as many as 300,000 Eastern European police auxiliaries had been recruited to the German side by the end of 1943. Not all of them colluded with the Nazis to carry out the Holocaust—indeed, relatively few to the degree that the men of the Arajs Kommando did—but all of them tied themselves to the

fortunes of Hitler and the Third Reich. As Jürgen Matthäus has written: “German policy is key to the understanding of non-German involvement,” but “this astonishing degree of involvement in murder was not merely the result of German instigation; there were other, indigenous factors at work.”<sup>1</sup> The major debate on the Holocaust in Latvia is precisely upon this point: to what degree were Latvians complicit, why, and how should their complicity be regarded vis-à-vis German policy? Like other examples in the wider field, assessments in this case also vary fairly widely from sweeping accusatory generalizations to polemical apologetics, and disagreements have been attended by considerable acrimony.<sup>2</sup> Because the subject has become something of a lightning rod, this study cannot avoid addressing it as one of four overarching points.

The Latvian-American scholar Andrew Ezergailis’s sweeping yet admirably detailed overview, *The Holocaust in Latvia, 1941–1944: The Missing Center*, published in 1996, provided the starting point for an objective, detached, and apolitical assessment of Latvian involvement in the Holocaust, and it remains to date the definitive work on the subject.<sup>3</sup> The “missing center” referred to in Ezergailis’s title—and which he tries to fill with his book—is what he correctly identifies as a general problem of perception: between exaggeration of Latvian complicity (in its most extreme form: a “Germanless” Holocaust in which events were dictated by eager Latvian killers) on one hand, and the elision—not to say denial—of Latvian participation on the other. In a case of strange bedfellows, variants of the former line have been put forward by some Jewish scholars, Soviet publications, and extreme Holocaust “revisionists”

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<sup>1</sup>Christopher R. Browning and Jürgen Matthäus. *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939–March 1942*. Lincoln, Nebraska, and Jerusalem: The University of Nebraska Press and Yad Vashem, 2004, pp. 268–69.

<sup>2</sup>The debate overall has seen some extraordinary controversy, the most famous of which was the publication of Jan Gross’s *Neighbors*. Jan Gross. *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*. Princeton, New Jersey: Princeton University Press, 2001. For an example of the other side of the argument, see: Richard Lukas. *The Forgotten Holocaust: The Poles under German Occupation, 1939–1944*. New York: Hippocrene, 1997.

<sup>3</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Riga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996.

alike.<sup>4</sup> The second was adopted as a strategy by some post-war Latvian exiles living in the West and has since also been advanced by post-1991 Latvian nationalist apologists.<sup>5</sup> Ezergailis is right to insist that the reality fell somewhere in between these extremes.

Another overview of the Holocaust in Latvia has been published more recently in German, and in English translation. Andrej Angrick and Peter Klein have produced a remarkable work about Jewish life and death in Rīga during the German occupation, from ghettoization to the mass shootings.<sup>6</sup> It is a fairly comprehensive study of the Holocaust in Latvia, although its focus is on Rīga and German policies as seen through their effects there, rather than in Latvia's provinces. However, in the work of Ezergailis as well as others, the Arajs Kommando is only peripherally mentioned.

Several historians have focused more on Latvian participation but have somewhat undervalued German decision-making and overall orchestration or overstressed Latvian anti-Semitism as a motive factor for collaboration. These historians as well, however, have relegated the Arajs Kommando to incidental mentions or small sections within larger works. Latvian, German, and Jewish historians such as Modris Eksteins, Katrin Reichelt, and Menachem Barkahan have to varying degrees overvalued Latvian autonomy while underplaying the role of the Nazis who were

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<sup>4</sup>For the most important examples of raising the importance of Latvian perpetrators over the German ones, see: Max Kaufmann. *Churbn Lettland: Die Vernichtung der Juden Lettlands*. Munich: 1947, and Bernhard Press. *The Murder of the Jews in Latvia: 1941–1945*. Evanston, Illinois: Northwestern University Press, 2000. For the 1960s Soviet version of events, see: “*Destroy as Much as Possible...: Latvian Collaborationist Formations on the Territory of Belarus, 1942–1944*.” Document Compendium. Johan Beckman, ed. Irina Zhila, trans. Helsinki: Johan Beckmann Institute, 2010. For a typical example of this type of “revisionism” see: Ted O’Keefe. “Quiet Neighbors: Prosecuting Nazi War Criminals in America. Book Review,” in *The Journal for Historical Review*. Volume 6, Number 2. Summer 1986, p. 231.

<sup>5</sup>Witness the absence of discussion about the Holocaust among Latvians living in the West and the active repudiation of the idea of the Holocaust by the right-wing Pērkonkrusts [“Thundercross”] organization in present-day Latvia. See: <http://www.perkonkrusts.lv/>.

<sup>6</sup>Andrej Angrick und Peter Klein. *Die “Endlösung” in Riga: Ausbeutung und Vernichtung, 1941–1945*. Darmstadt: Wissenschaftliche Buchgesellschaft, 2006.

in command.<sup>7</sup> This tradition is generally still being followed in the most recent scholarship from Germany.<sup>8</sup>

Much serious Latvian language scholarship has also been done since 1991, most importantly by the blue ribbon Symposium of the Commission of the Historians of Latvia, which produces periodic volumes. The present study draws upon the findings of several of the participants in this perennial symposium, most significantly Rūдите Viksne, who almost alone has dedicated herself to the study of the Arajs Kommando.<sup>9</sup>

## THE HISTORIOGRAPHY OF THE HOLOCAUST'S LEGAL AFTERMATH

Aftermath studies is a very broad and somewhat nebulous field. It can encompass studies of memoirs, memory, museums, and memorialization; post-war Jewish diaspora and migration to Israel; the Holocaust in art and cinema; trauma and survivor psychology; survivor literature and Jewish generational difference; the post-war Jewish relationship with, say, Poles, or that between the Soviet government and the 'refuseniks,' reparations; and every aspect of German *Vergangenheitsbewältigung* ["actively coming to grips with the past"].

This study focuses on the legal aftermath. In fact, this is a rapidly growing area of research and is garnering considerable interest from top-level scholars and institutions, including Yad Vashem and the United

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<sup>7</sup>Modris Eksteins. *Walking Since Daybreak: A Story of Eastern Europe, World War II, and the Heart of Our Century*. Boston and New York: Houghton Mifflin Company, 1999. Katrin Reichelt. *Lettland unter deutscher Besatzung, 1941–1944: der lettische Anteil am Holocaust*. Berlin: Metropol-Verlag, 2011. Menachem Barkahan. *Extermination of the Jews in Latvia, 1941–1945: Series of Lectures*. Emil Tubinshlak, trans. Rīga: Shamir, 2008.

<sup>8</sup>Robert Bohn. "Kollaboration und Genozid im Reichskommissariat Ostland. Die strafrechtliche Aufarbeitung in der Bundesrepublik Deutschland am Beispiel des Arajs-Verfahrens," in *Reichskommissariat Ostland: Tatort und Erinnerungsobjekt*. Sebastian Lehmann, Robert Bohn, and Uwe Danker, eds. Paderborn, Munich, Vienna, and Zurich: Ferdinand Schöningh, 2012. For a significant counterpoint, see: Wolfgang Curilla. *Schutzpolizei und Judenmord: Die Dienststelle des Kommandeurs der Schutzpolizei in Riga*. Berlin: Edition Hentrich, 2005.

<sup>9</sup>Rūдите Viksne. "The Arājs Commando Member as Seen in the KGB Trial Files: Social Standing, Education, Motives for Joining It, and Sentences Received," in *Holokausta Izpētes Problēmas Latvijā: Latvijas Vēsturnieku Komisijas Raksti*. 2. Sējums. Rīga: Latvijas vēstures institūta apgāds, 2001.

States Holocaust Memorial Museum.<sup>10</sup> One of the most important contributors to this arena of thought is Devin Pendas.<sup>11</sup> He starkly emphasizes the importance of judicial investigations into Nazi crimes, while struggling to reconcile the disappointing and totally incommensurate penalties applied as a rule to convicted perpetrators with the great benefit to knowledge and truth that even such flawed proceedings could yield. As a unit, an exceptionally high proportion of the men of the Latvian Auxiliary Security Police—between one-third and one-half—either did not survive the war or faced some form of justice thereafter. Yet, in view of the enormity of the crimes they committed, the results for ‘justice’ remain palpably unsatisfying while the cause of ‘truth’ was well-served. In this sense, the fate of the Latvian Auxiliary Security Police stands as compelling evidence in support of Pendas’s paradox. Because it is the area in which the law was most successful, underscoring the significance of the record established by legal investigators is the second goal of this work.

Yet in this rapidly growing area of study, few works have been dedicated to the legal aftermath of Nazi crimes in the Baltics.<sup>12</sup> On that score, the necessary starting point has again been supplied by

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<sup>10</sup>For recent monographs, see: Donald Bloxham. *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory*. Oxford and New York: Oxford University Press, 2001. *Nazi Crimes and the Law*. Nathan Stoltzfus and Henry Friedlander, eds. German Historical Institute and Cambridge University Press: Washington, DC and Cambridge, 2008. For essay collections, see: *Holocaust and Justice: Representation and Historiography of the Holocaust in Post-War Trials*. David Bankier and Dan Michman, eds. Jerusalem and New York: Yad Vashem and Berghahn Books, 2010. Also see: *Atrocities on Trial: Historical Perspectives on the Politics of Prosecuting War Crimes*. Patricia Heberer and Jürgen Matthäus, eds. Lincoln and London: University of Nebraska Press in association with the United States Holocaust Memorial Museum, 2008.

<sup>11</sup>Devin Pendas. *The Frankfurt Auschwitz Trial, 1963–1965: Genocide, History, and the Limits of Law*. Cambridge and New York: Cambridge University Press, 2006.

<sup>12</sup>A notable exception is Jerome Legge’s study of the Estonian war criminal Karl Linnas. See: Jerome S. Legge, Jr. “The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics,” in *Holocaust and Genocide Studies*. Volume 24, Issue 1, Spring 2010. Also see, again: Robert Bohn. “Kollaboration und Genozid im Reichskommissariat Ostland. Die strafrechtliche Aufarbeitung in der Bundesrepublik Deutschland am Beispiel des Arajs-Verfahrens,” in *Reichskommissariat Ostland: Tatort und Erinnerungsobjekt*. Sebastian Lehmann, Robert Bohn, and Uwe Danker, eds. Paderborn, Munich, Vienna, and Zurich: Ferdinand Schöningh, 2012. For a significant counterpoint, see: Wolfgang Curilla. *Schutzpolizei und Judenmord: Die Dienststelle des Kommandeurs der Schutzpolizei in Riga*. Berlin: Edition Hentrich, 2005.

Ezergailis—specifically, his critique of perceived Soviet political interference in the workings of US justice in the 1970s and 1980s.<sup>13</sup> Because this is a wide-ranging comparative project, a third focal point of each national case study will be the laws, legal procedures, and legal culture specific to each polity that determined how the crimes of the Arajs Kommando could even be approached and how the search for ‘truth’ and ‘justice’ could be undertaken and accomplished or distorted and misdirected in these various contexts. What were the relative merits of the respective systems, and what shortcomings did they have relative to one another or did they perhaps share? How did the Cold War shape legal imperatives and influence attitudes and actions toward the suspects and to the other justice systems?

Finally, in connection with the strictly legal aftermath of the Holocaust there is a fourth focal point of the present study. Following Lawrence Douglas, the didactic value or effect of the investigations and trials—that is, their broader societal impact in each polity—must also be reckoned with in the final assessment of the discrepant processes.<sup>14</sup> While this function of the legal proceedings is generally more significant in high profile cases like the International Military Tribunal in Nuremberg, the trial of Adolf Eichmann in Jerusalem, and the Auschwitz trial in Frankfurt, it also can be applied to more minor sets of cases such as those relating to the Arajs Kommando. Even if the various Arajs Kommando cases had relatively less resonance for the wider public, they were at least indispensable for the edification of the Latvian exile communities during the Cold War—of which this author was a member—and for the education of Latvians in Latvia today—a cause to which the present work is also dedicated.

This study hinges on the subject of law and the Holocaust, and is predicated upon the validity of the notion that the concepts of ‘truth’ and ‘justice’ are related but can be separable. While individual perpetrators were confronted with their crimes and given ‘due process’ and ‘justice’ of various stripes, another metric is available: what contribution did the dispensers of individual ‘justice’ make to the cause of ‘truth,’ first discovering and then

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<sup>13</sup>Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: ‘Daugavas Vanagi—Who Are They?’ Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005.

<sup>14</sup>Lawrence Douglas. *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*. New Haven and London: Yale University Press, 2001.

exposing the reality of the Holocaust for all humanity? Theories that the law is to be applied primarily in order to rehabilitate the criminal, to deter future criminals, or to satisfy the victims seem inadequate in the face of such truly extraordinary crimes. Because of the magnitude of real atrocity, the assignment of proportionate penalties to the perpetrators seems a virtual impossibility. To evaluate the judicial system used by each polity—East or West—to reckon with the Kommando’s crimes, then, this study chooses ‘truth’ alongside ‘justice’ as a comparative metric. At least as important as the number of perpetrators in the dock and the severity of their punishments and the cathartic value the process might offer the survivors—in the long term—is the quality and volume of reliable historical data uncovered for posterity over the course of the investigations and trials. Because historians, the public, and posterity are so dependent on the material generated in the course of these cases, this project evaluates the disparate legal systems involved according to the criterion of their contribution to our understanding of the historical reality.

### THE ORGANIZATION OF THE STUDY

Before any assessment of the legal attempts to visit justice upon the men of the Arajs Kommando and establish the truth of their crimes can take place, the wartime events themselves must be described. Chapter 2 reconstructs and analyzes the actions of the Arajs Kommando and the historical context—both deep and immediate—in which they occurred, the collective biography of the unit, and the various hypothetical motives of its members. It aims to help account for their volunteerism in the Nazis’ project to exterminate the Jews even though, as Latvians, they emerged from a culture hitherto almost uniquely not anti-Semitic among the others of Eastern Europe. Chief among a variety of posited factors is a militant and traumatized anti-Soviet sentiment gained through the first year of the USSR’s occupation of Latvia and misdirected by the Nazis against Jews.

Chapter 3 is the first of a series of four case studies of the post-war judicial ramifications of the Arajs Kommando’s lethal participation in the Holocaust. The Soviet Union was the first to recognize and prosecute any man who had belonged to the Kommando. A tremendous amount of data was accumulated by the investigations, conducted by the Soviets between 1944 and 1967, of some 356 captured men of the Kommando—almost a third of the unit, remarkably. This hard data was largely concealed from

domestic audiences, however. A related but partly falsified official history was substituted and periodically adjusted by the Communist Party of the Soviet Union (CPSU) for purposes of political utility according to the times. Thus, paradoxically, while responsible for punishing by far and away the greatest number of Arajs Kommando perpetrators, the USSR also did the most to distort the historical truth of the Holocaust and the Kommando's role in it before a domestic and international public. The political instrumentalization of justice by the Soviets manifested itself most egregiously in a series of show trials in the 1960s. Here, a number of defendants—including Latvian exiles living in the West—were tried and sentenced to death in order to send a Cold War message abroad, and to audiences at home. Even here, however, justice for the criminals was deserved and no obviously innocent persons were convicted, but much of the truth was again hidden behind propaganda and the proceedings took place with no provision for due process. Nevertheless, Soviet cooperation with legal efforts against captured suspects from the Kommando abroad was unstinting, reality-based, and would prove to be indispensable.

In Chap. 4, the West German response is addressed. It was in that country that Viktors Arājs himself was captured and tried in the 1970s. His pursuit, prosecution, and punishment are laid out in detail. The post-war experience of Arājs was in some ways typical of that of the generic Nazi war criminal living quietly in the Federal Republic of Germany (FRG). Left unpunished by the Allied Commissions in the immediate wake of the war, he was left in peace throughout the 1950s and forgotten. The 1960s saw a rekindling of interest in the pursuit of justice and coming to terms with the Nazi past, and Arājs was asked after but not apprehended. Arājs's story deviates from the norm, however, firstly in that he was captured at all. Secondly, although throughout the investigation and trial his rights were assiduously—even meticulously—respected and he and his legal defense team were given every possible opportunity to stall the proceedings, invoke technicalities, and make appeals, unlike most such defendants, he actually received the harshest legal punishment available in West Germany: life imprisonment. The trial was, of course, conducted in full view of the public and the authorities in this case seem to have been perfectly uninterested, politically.

Chapter 5 covers the single case brought by East Germany against a suspected former Arajs Kommando man. It is convenient from the standpoint of the historian who wishes to draw comparisons between East and West that the capture, investigation, and trial of this suspect in the German

Democratic Republic (GDR) were virtually contemporaneous with those of Arājs in the FRG, and both men received the same sentence. The East German trial was kept secret, however, firstly because it was presumably initiated as an ‘insurance policy,’ and secondly because it was bungled. This case was probably being prepared as part of East Germany’s obsessive competition with West Germany to prove itself the more progressive and anti-fascist of the two Germanies. But the effort ended up serving no political purpose because the West German investigation did not result in a clear miscarriage of justice, unlike many other such trials in West Germany, thus depriving East Germany of the opportunity of using its own parallel Arājs Kommando trial to showcase its more uncompromisingly anti-Nazi stance. Moreover, the investigation itself was seriously and bizarrely flawed. This was an elaborately squandered opportunity in that the suspect was clearly guilty of crimes related to the Holocaust, but the process was so badly managed that almost all knowledge to be potentially gained from it was corrupted. In the end, the entire case remained secret. Lacking due process and drawing some dubious conclusions, the investigation and trial neither served justice nor enhanced historical knowledge, despite being years in the making.

Lastly, the comparatively belated response of the United States is assessed in Chap. 6. Only in the late 1970s did the necessary alignment of political and social factors emerge to trigger a revisitation of Nazi crimes by US justice authorities: the devalorization of the victims of Communism amid a population growing weary of the Cold War and the roughly simultaneous breakthrough of the Holocaust into public consciousness. In the event, a novel system was devised to denaturalize immigrants who were convicted of having perjured themselves on the requisite immigration and naturalization forms about their wartime past, and who had indeed committed crimes of Nazi persecution. Once convicted, they faced banishment: deportation to any country as would take them. The American Latvian exile community, however, pushed back against this effort in the 1980s in concert with their native right-wing allies. The resulting melee turned out to be very illustrative of the relationship between the public and the judiciary in a free and pluralistic society—that is, between the court of public opinion and the courts of justice.

The conclusion of the present study underscores the thesis that the most lasting and salutary legacy of the investigations and trials undertaken against the killers of the Latvian Auxiliary Security Police lies in the knowledge they uncovered—that truth was better served than justice.

The exception that proves the rule, the Israeli government-sanctioned extrajudicial killing of a notorious and high-ranking Kommando member in the 1960s, Herberts Cukurs, represents at once an act of perhaps understandable revenge but also a permanent and irrevocable denial of knowledge to posterity. The crimes at issue are beyond punishment, the perpetrators beyond rehabilitation, and the victims beyond any fitting compensation. In the long term, then, the best that could realistically be hoped for was the discovery, preservation, and dissemination of knowledge about what happened. For the most part, that is what happened.

Of the four Einsatzgruppen tasked with the mass murder of Jews and Communists behind the advancing Wehrmacht, none was as dependent on the aid of local volunteers as the 170-man EG A.<sup>15</sup> The approximately 1,200 men of the Latvian Auxiliary Security Police made a heavy contribution to the Nazi cause. The goal of Chap. 2 is to document the crimes of Viktors Arājs and the “plowmen” of his Kommando, and to propose a series of explanations for how they could have so willingly scarred the soil of Latvia with their evil tilling. The chapters that follow it will explore what justice and truth there were to be reaped.

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<sup>15</sup>Valdis O. Lumans. *Latvia in World War II*. New York: Fordham University Press, 2006, p. 167.

## Wartime Latvia: Viktors Arājs, Hell's Plowman

### OVERVIEW

The intent of this chapter is to establish, contextualize, and analyze the wartime events in Latvia. It is divided into two parts. The first lays out the necessary historical background of the territory of twentieth century Latvia from the Middle Ages through the Second World War. It also examines the commander of the Latvian Auxiliary Security Police, Viktors Arājs, the composition of his unit, and its specific contributions to the Nazi cause. The second part focuses solely on analyzing the motives behind the men of the Arajs Kommando. It is an attempt to situate the Arajs Kommando and its crimes intelligibly within Latvian history. The examination of the investigations and trials that took place after the war pursuant to these crimes forms the basis of this work's subsequent chapters. First, it is necessary to know and understand what those crimes were, and the context in which they were committed.

### THE DEEP HISTORICAL BACKGROUND

For more than 700 years, the territories that would become Latvia were ruled by a military, religious, and merchant elite of Germans—conquering crusaders and their descendants. This minority ruling class of Germans maintained its lordship over the proto-Latvian peasantry under successive empires even after it could no longer maintain its own exclusive suzerainty over the territory. This class maintained its unassailable ascendancy

until the emancipation of the serfs in their lands by the Tsar in the early nineteenth century. That decree set in motion a series of developments that undermined and eventually unseated the Baltic Germans.

Emancipation brought the gradual advent of a Latvian middle class. With education, Latvian print culture developed along with national consciousness and aspirations for independence. The first armed rumblings were to be observed in the unsuccessful 1905 Revolution—jointly put down by the Russian autocracy and its local aristocratic German allies. But the cataclysms of the First World War and the Russian Civil War afforded the chance for a nationalist movement to militarily defeat all of its enemies—the detested Baltic Germans, the White Russian monarchists, and the newly birthed Red threat—one-by-one. Independence was declared on 18 November 1918, although the fighting persisted until the last opponent withdrew from the arena in 1920.

Latvia's first experience with self-government took the form of a parliamentary democracy. It functioned well during the 1920s and minority rights were respected. However, political gridlock, international turmoil, and the Great Depression combined to see the parliamentary democracy fall to an indigenous dictatorship, in much the same way as these factors combined to produce democratic failure and authoritarian successor regimes across much of Europe. Kārlis Ulmanis, the Vadonis, or "Leader," used the slogan "Latvia for the Latvians," banned all political parties, and imposed strict censorship, fatefully blinding the population to the menacing and portentous events transpiring in Nazi Germany and the Soviet Union after he came to power in 1934.

The pivotal year between the summer of 1940 and that of 1941 saw the imposition of a new Soviet regime on Latvia. During this brief period, known as the Baigais Gads, or "Year of Horror," tens of thousands were killed or deported to the Soviet interior. Soviet control also occasioned massive economic dislocation and the pauperization of the country. The commencement of Operation Barbarossa put Soviet power in Latvia quickly to flight. What followed is the chief concern of this chapter.<sup>1</sup>

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<sup>1</sup>Several helpful synthetic general histories of Latvia form the basis for this summary, for instance: Andrejs Plakans. *The Latvians: A Short History*. Stanford: Hoover Institution Press and Stanford University, 1995. Some of these were offered as part of the exiles' post-war public relations offensive, but remain very useful sources. For example: Alfred Bilmanis. *Dictionary of Events in Latvia*. Washington, DC: The Latvian Legation, 1946. Also see: *Crossroads Country Latvia*. Edgars Andersons, ed. Waverly, Iowa: Latviju

### *The Sword Brothers*

The land now called Latvia has ever occupied a strategic geographic position. Archeological evidence of Viking and proto-Russian and Ukrainian cultures shows that the land was traversed by traders and raiders since time immemorial. Its existence as a land that supplied amber, furs, and honey was vaguely known to the Mediterranean world during the flourishing of the Roman Empire.

However, if history begins when people start to record events by the written word, then the pre-literate peoples of present-day Latvia entered history at the tip of German crusaders' swords in the last few years of the twelfth century. The best records of the first conquest of the territory by the Teutonic and Livonian Orders, referred to by Latvians as Zobeņu Brāļi, or "Sword Brothers"—comes from the *Chronicles of Henry of Livonia*.<sup>2</sup> He depicts an indigenous agricultural society composed of numerous fractious pagan tribes. These were gradually subdued by the foreign knights through the direct application of force aided by political maneuvering that sought to pit one tribe against another. Forced conversion to Christianity and serfdom awaited all those who were not wiped out.<sup>3</sup>

What emerged was not quite the classic feudal system of the high Middle Ages elsewhere in Europe in that power remained radically decentralized. The military caste was autonomous and its barons were independently powerful enough to prevent the emergence of a kingship. Where the sword went, the Cross followed. Like everywhere else in Europe, secular power was complimented and rivaled by the ecclesiastical, and despite the theoretically religious commission of the Livonian and Teutonic Orders from Popes Celestine III and Innocent III, the barons jealously defended their corporate independence. Rīga quickly became a fully-fledged Catholic archbishopric, while smaller centers in the territory became bishoprics. Next in power behind these two forces

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Footnote 1 (continued)

Gramata, 1953. Other histories created for native Latvian audiences are also instructive, for example: P. Dreimans. *Latvju Tautas Vēsture*. Copenhagen: Imanta, 1958.

<sup>2</sup>Henricus Lettus. *The Chronicle of Henry of Livonia*. James A. Brundage, ed., trans. New York: Columbia University Press, 2003.

<sup>3</sup>Andrejs Plakans. *The Latvians: A Short History*. Stanford: Hoover Institution Press and Stanford University, 1995, pp. 14–29.

in the lands called Courland and Livonia was the Hanseatic League, the great north-German trade network of free cities that would include Rīga after 1282. Beneath these three competing groups was the mass of the peasantry.

Interestingly, in what Heinrich von Treitschke called “the classical land of peasant oppression,” one other dynamic set Courland and Livonia apart.<sup>4</sup> Unlike elsewhere in Europe, the system of social stratification was fully congruent with linguistic, ethnic, and ultimately national difference. The most durable aspect of the society’s structure—unchallengeable German privilege and perpetual indigenous peonage—would persist under three separate expansionist powers: the Polish-Lithuanian Commonwealth, the Swedish Empire, and the Russian Empire.

The unrelenting hegemonic status of the Germans in Courland and Livonia meant that both the nascent Latvian people and Jews, who began arriving in the territories in the 1600s, were similarly cast in the role of underlings. Both groups’ rights were curtailed by the German barons, clerics, and merchants. For example, until perhaps the mid-1600s, both Latvians and Jews were effectively priced out of the chance to become householders in Rīga.<sup>5</sup> Other historical circumstances also retarded the growth of a distinctly Latvian form of anti-Semitism. Firmly locked into their station as a permanent peasant underclass, the nascent Latvian people experienced no economic competition from Jewish storekeepers, peddlers, and craftsmen. Also, Christianity was very long in taking root in the hearts of the peoples indigenous to Courland and Livonia. Pagan symbols, folksongs, stories, and other cultural artifacts still enjoy currency in Latvia today, being sold to tourists in the very shadows of the Germans’ stone churches in Rīga’s medieval Old Town. The concepts undergirding Christian anti-Semitism were as foreign to the local peoples as the religion itself. The elaborate pagan belief system

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<sup>4</sup>Gershon Shafir. *Immigrants and Nationalists: Ethnic Conflict and Accommodation in Catalonia, the Basque Country, Latvia, and Estonia*. New York: State University of New York Press, 1995, p. 131. It was also dubbed “the heaven of nobility, the paradise of the clergy, the gold mine of foreigners, and the hell of the peasants.” *Ibid.*, p. 131.

<sup>5</sup>Andris Kolbergs. *The Story of Riga: History of Riga Old Town*. Rīga: Jāņa Sēta Publishers & Printers, 1998, pp. 24–25. The author argues that the householders of Rīga bore a common allegiance to that city-state that outweighed ethnic tensions. He admits, however, that “non-Germans” bore a huge set of special prohibitions.

against which Christianity was pitted had no preconceptions about or historical baggage associated with Jews.

### *The Russian Imperial Period*

Courland and Livonia came under Tsarist rule in the early 1700s—spoils of the Great Northern War with Sweden, which polity had, in turn, won the lands from the Polish-Lithuanian Commonwealth the century before. They were considered “partly autonomous territories” of the Russian Empire.<sup>6</sup> This designation is not to be misunderstood as meaning that the local populations at large had any involvement in government or administration. It meant simply that the Baltic Germans who had dominated not only the political, but also the religious and economic life of Livonia and Courland since the 1200s were “partly autonomous” from the Tsar’s court in Petersburg. Of all the territories of the western reaches of the Russian Empire—and quite distinct from the “pale of settlement,” as further Jewish immigration to the Baltic provinces was barred by Alexander I in 1805—those of Courland and Livonia were almost alone in their absence of pogroms.<sup>7</sup>

Between 1817 and 1819, fully forty years ahead of their counterparts elsewhere in the Russian Empire, Latvian serfs were emancipated.<sup>8</sup> The peasant emancipation was the first among other profound developments that followed during the middle decades of the century and culminated in the emergence of a distinct Latvian national consciousness.<sup>9</sup> Beginning

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<sup>6</sup>Georg von Rauch. *The Baltic States: The Years of Independence, Estonia, Latvia, Lithuania, 1917–1940*. Gerald Onn, trans. Berkeley and Los Angeles, California: University of California Press, 1974, p. 9.

<sup>7</sup>A comprehensive and dispassionate chronicle of Latvian Jewish history is: Josifs Šteimanis. *History of Latvian Jews*. Edward Anders, rev. ed. Helena Belova, trans. Boulder: East European Monographs and New York: Columbia University Press, 2002. It includes excellent and detailed interwar statistical summaries as well.

<sup>8</sup>Gershon Shafir. *Immigrants and Nationalists: Ethnic Conflict and Accommodation in Catalonia, the Basque Country, Latvia, and Estonia*. New York: State University of New York Press, 1995, p. 131. In Lattgallia, the eastern portions of the territory that would become Latvia, serfs were only emancipated—together with the rest of the Russian Empire’s serfs—in the 1860s.

<sup>9</sup>Georg von Rauch. *The Baltic States: The Years of Independence, Estonia, Latvia, Lithuania, 1917–1940*. Gerald Onn, trans. Berkeley and Los Angeles, California: University of California Press, 1974, p. 9.

in the 1840s, the natives began to explore their own history as a nation, though even as late as 1860, some forty years after the reform, the majority of them still identified themselves not as a nationality, but rather as “people of the country.”<sup>10</sup> Only with the rapid industrialization and commercialization that began in earnest in the 1860s, and which coincided with the first large-scale peasant purchases of land, did national sentiments begin to have an audience amongst a burgeoning educated social stratum of self-conscious “Latvians.”<sup>11</sup>

It is no coincidence that at the same time, the first sizable classes of Latvian university students were graduating. Prior to these growing yearly waves of graduates, upwardly mobile elements of the indigenous population were tempted to avoid alienation by assimilating as best they were able into the ranks of the Baltic Germans, commonly even adopting Latvianized German names.<sup>12</sup> But by the 1860s, a critical mass of educated Latvian middle-class people had emerged. As described by Benedict Anderson, “The general growth in literacy, commerce, industry, communications and state machineries that marked the nineteenth century created powerful new impulses for vernacular linguistic unification within each dynastic realm.”<sup>13</sup> The processes essential for “second-wave” European nationalism were all finally present in what was to become Latvia.

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<sup>10</sup>Gershon Shafir. *Immigrants and Nationalists: Ethnic Conflict and Accommodation in Catalonia, the Basque Country, Latvia, and Estonia*. New York: State University of New York Press, 1995, p. 132.

<sup>11</sup>Arnolds Spekke. *History of Latvia: An Outline*. Stockholm: M. Goppers, 1957, p. 308.

<sup>12</sup>Gershon Shafir. *Immigrants and Nationalists: Ethnic Conflict and Accommodation in Catalonia, the Basque Country, Latvia, and Estonia*. New York: State University of New York Press, 1995, p. 132. This was actually judged a Volkstumswechsel, or “change of nationality.” Racial ideas were apparently not part of the makeup of the Baltic German psyche at that time. Also see: Georg von Rauch. *The Baltic States: The Years of Independence, Estonia, Latvia, Lithuania, 1917–1940*, p. 7. In fact, one important study of the Baltic Germans during the second half of the nineteenth century found that they believed “that linguistic nationality was a subsidiary function of social class.” Anders Henriksson. *The Tsar’s Loyal Germans: The Riga German Community: Social Change and the Nationality Question, 1855–1905*. New York: Columbia University Press, 1983, p. 107.

<sup>13</sup>Benedict Anderson. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Rev. Ed. London: Verso, 2003, pp. 77–78.

### *The Revolution and National Independence*

At the outbreak of the First World War, the lands that were soon to become Latvia were still subject to the Tsar. Latvians, together with some Baltic Germans, fought loyally in the ranks of the army of the Russian Empire for years against the Kaiser's forces. Much of this fighting took place in Courland and Livonia, where the Latvians zealously acquitted themselves as some of Nicholas II's best troops. However, 1917 brought the abdication of the Tsar, the collapse of the Russian war effort, and the descent of the Empire into civil war between "Whites" and "Reds," with non-Russian nationalists asserting themselves along the Empire's vast western periphery.

The fledgling Bolshevik government, anxious to cease hostilities with Germany to free it to attend to the consolidation of its own power in Russia, effectively ceded what would become Latvia to the German Reich by the Treaty of Brest-Litovsk in March of 1918. Many people in the territories of Courland and Livonia had their own vision of the post-war order that did not include the seamless resumption of German dominance, however. A week after Germany signed an armistice and conceded defeat on the western front, the Latvian independence movement headquartered in Rīga and led by Kārlis Ulmanis, took the opportunity to declare a state. The date was 18 November 1918. At that time, a host of non-government forces vied for control of the territory besides those of the new government of pro-independence Latvians and their indispensable Estonian allies: monarchist "White" Russian forces, German Freikorps composed of a mixture of a local Baltic German Landeswehr and breakaway German Army personnel calling themselves the "Iron Division," and the new Red Army that included some pro-Communist Latvians with a rival Bolshevik Latvian government in train. A very hard fight—including the loss of Rīga to the Communists at one point and to the Germans at another, and involving the making and breaking of tactical alliances—was over by 1920. In international diplomacy and by virtue of the facts on the ground, the Republic of Latvia was confirmed and became a member of the League of Nations.

In effect, the revolutionary emergence of the Latvian state represented the arrival of political and economic modernity in the territory, with the social dislocation that that leap necessarily entailed. Compared with the status quo antebellum, with the most to lose as vestiges of the feudal

system, the Baltic Germans lost the most, while Jews, with the most to gain from complete legal emancipation, also gained the most.

Finally, comprehensive land reform was enacted. After decade upon decade of vehemently attempting to preserve an increasingly dysfunctional, inefficient, and patently unfair estate system against reform, the old Baltic barons were virtually dispossessed by edicts of the Saeima, the popularly elected Latvian parliament that dominated both the new executive and judiciary branches. The Baltic Germans' active attempts to diplomatically thwart the very inception of the Latvian state and then to kill it in its cradle with armed force left them with very few friends or favors to call upon. A relatively more prosperous and productive Latvian peasantry resulted from the reforms. At the same time, in the democratic Latvian state, Jews were accorded, at least on paper, rights equal to those of every other citizen. This increased freedom meant a vast improvement over life as a Jewish subject of the Russian crown and Latvian Jews were able to succeed culturally and economically in the newly created liberal environment.

In the Republic of Latvia, minority rights were observed by the government with attention to international norms and treaties. Russians (10.59% of the total population of Latvia), Jews (4.79%), Germans (3.19%), Poles (2.51%), and smaller minorities were free to send their children to schools run by their own respective communities.<sup>14</sup> The government did not tamper with religious observation of any stripe or sect. Minorities were also free, if they could muster the votes, to elect their own representatives to the national legislative body, the Saeima—and did so. Nor were they impeded from printing their own newspapers and journals or from participating at high levels in the economy. As a rule, religious, cultural, educational, and economic autonomy for minorities prevailed. The borders were never closed and personal and public communication and travel were never hindered in either direction.

That is not to deny that institutional discrimination against minorities did occur. Some government policies certainly tended to favor Latvians or were outright exclusionary. Quota systems operated unofficially, for

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<sup>14</sup>Census is from 1935. Josifs Šteimanis. *History of Latvian Jews*. Edward Anders, rev. ed. Helena Belova, trans. Boulder: East European Monographs and New York: Columbia University Press, 2002, p. 181.

example, in certain university admissions.<sup>15</sup> The military, especially, was a jealously guarded province, with the officer corps almost entirely of ethnic Latvian background. Much evidence exists pointing to the routine bullying of Baltic German conscripts by Latvian drill instructors in the peacetime Army. Fluency in Latvian was a prerequisite for any government job and minorities did not frequently find employment in the civil service.

It was not a perfect system. By the end of the 1920s, amid growing international turmoil and political radicalization in Europe, the parliamentary system became gradually more unstable. As elsewhere in Europe, the onset of the Great Depression ratcheted up the vitriol and acrimony and led the public to seek increasingly radical solutions in the voting booths and in the streets. Well after Lithuania and about the same time as Estonia, Latvia too succumbed to the trend sweeping Europe: one-man rule. Already a national icon as an Independence War hero and the state's first President, Kārlis Ulmanis took power in a coup, dissolving the Saeima and casting himself as the bringer of order in May 1934.

### *The Ulmanis Dictatorship*

Oddly, one of the most accomplished alums of the University of Nebraska at Lincoln was the Latvian Independence War hero Kārlis Ulmanis. After graduating with his diploma in agriculture, returning to his home in the Russian Empire, and acquitting himself with a storied war record as a freedom fighter, he became one of Latvia's Founding Fathers. No Washington or Cincinnatus, however, after the interlude of the late 1920s and the climax of the political and economic crises at the end of that decade and the beginning of the next, Ulmanis determined to intervene again—this time unilaterally and without reference to the will of the citizens or the democratic process he had fought for and helped to establish.<sup>16</sup>

While among the mildest of Europe's right-wing dictatorships of the period, its fundamentally authoritarian nature is not to be forgotten.

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<sup>15</sup>Bernhard Press. *The Murder of the Jews in Latvia: 1941–1945*. Evanston, Illinois: Northwestern University Press, 2000, p. 27.

<sup>16</sup>For a classic post-war Latvian exile reckoning with the Ulmanis legacy, see: Edgars Dunsdorfs. *Kārļa Ulmaņa dzīve: Ceļnieks, Politīķis, Diktators, Mocekļis*. Stockholm: Daugava, 1978. The title means: *The Life of Kārlis Ulmanis: Traveler, Politician, Dictator, Martyr*.

Two conclusions are ultimately the most important for the purposes of this study. First, various policies enforced by the anti-democratic Ulmanis regime played concretely into the hands of Latvia's large, hostile neighbors during their subsequent respective takeovers, such as the consolidation of state direction of banks and industry that would later facilitate nationalization and centralized control for running the occupied country's economy on a war footing. Second and perhaps equally significant, the censorship of the press by the government, though designed to preserve absolute neutrality and avoid provoking either the Nazis or the Soviets, wound up simply keeping the Latvian people terrifically ignorant of the true meaning of international developments and the nature of the two emergent totalitarian systems that would shortly envelope them. Hence, Ulmanis left the people of Latvia, Jews and non-Jews, unprepared to cope with the coming tests.

When Ulmanis seized power, no fatalities were incurred, although opposition leaders on both the extreme nationalist Right and especially the Communist and Social Democratic Left were immediately arrested and sent to labor camps. There was no Ulmanis dogma, philosophy, worldview, or ideology. As evidenced by its actions, the regime did not respect personal freedom and scorned democracy, but it was pragmatic and enacted fairly successful policies without much interference in the affairs of the country's minorities. While promoting the slogan of "Latvia for Latvians," the government did not subscribe to racism or anti-Semitism.

In character, Kārlis Ulmanis's public image stood in great contrast to most of Europe's other right-wing 'strongmen' of the 1930s. Ulmanis did not project the image of the medal-bedecked Generalissimo, the overbearing aspiring Caesar of the modern-day, or the ragaholic visionary of racial politics that have become some of the twentieth century's most enduring and embarrassing political clichés. The regime and persona of Kārlis Ulmanis are more resistant to caricature. He fostered the image of a post-partisan pragmatist: a self-assured father figure and neutral technocrat standing above the bickering, dithering, and sophistry stereotypically associated with the last gridlocked governments of the Republic he had both founded and toppled. Ulmanis never approached developing a fanatical personality cult remotely comparable to those of Hitler or Stalin during his tenure as "Vadonis," the Latvian word for "leader." Ulmanis always wore a suit. There was no Party, much less a Party uniform. In fact, all political parties including the Agrarian Union Party from which

Ulmanis had himself emerged were banned. The duration of his tenure was unconstitutional, but credibly or not, he was viewed by many as a competent quasi-regent who would administer Latvia until the crises passed and democracy could be safely and responsibly reinstated.<sup>17</sup>

Ulmanis's foreign policy was quiet and moderate. Latvia had no territorial claims against its neighbors, nor any notable irredentist problems. With Latvia's sizable Russian and German populations, the government had every incentive for gentle policies toward minorities. There was far more continuity than change between the parliamentary government's liberal attitudes towards minorities—including Jews—and Ulmanis's, although as a rule their situation was less favorable after his coup than before. The government's chief foreign policy goals were to avoid stepping on Nazi or Soviet toes; strengthen economic and diplomatic relations with Great Britain, France, and the United States; and continue attempts to forge a Baltic political bloc with mutual military guarantees—the latter effort brought to naught by insoluble differences between Poland and Lithuania regarding territory.

Domestically, the rule of Ulmanis was not without some impressive economic accomplishments. Most notable was Latvia's rapid recovery from the effects of the global depression through government infrastructure initiatives like rural electrification and public-private cooperative enterprises that led to large profits from the export of lumber and dairy products (drawing seasonal labor from Lithuania and Poland owing to Latvia's nearly full employment) as well as high-quality consumer electronics like cameras and radios.

Older Latvians living in exile after the war, remembering the Latvia in which they grew up, often likened Kārlis Ulmanis to a "Saimnieks." It is a difficult term to translate in this context but roughly means the (male) head of the household, the master of his house, pater familias, or patriarch.<sup>18</sup> In their minds, Ulmanis symbolized the high-water mark of independent Latvia. His popularity at the time seems to have been genuinely widespread, at least among ethnic Latvians. With the passage of time,

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<sup>17</sup> Andrejs Plakans. *The Latvians: A Short History*. Stanford: Hoover Institution Press and Stanford University, 1995, pp. 132–143. Also see: Bruno Kleimanis. Author's interview with Bruno Kleimanis. Gaithersburg, Maryland, 10 August 2003.

<sup>18</sup> See for example: Alma Rusley. Author's interview with Alma Rusley. Garrett Park, Maryland, 10 November 2002.

he became an almost totemic figure to many who considered themselves Latvian patriots.<sup>19</sup>

The “benign” dictatorship was undone by decisions taken far outside the control of any Latvian. In Moscow, during the night of 23–24 August 1939, the Molotov-Ribbentrop Non-Aggression Pact was signed between Nazi Germany and the Soviet Union, removing the last obstacle separating Hitler from his war. Underneath the mild-sounding title of the agreement were manifold odious secret provisions. Among them: a new partition of Poland by the two bellicose totalitarian signatories; a guarantee that Germany would not be threatened by another two-front war when it turned its attention to France and Britain; and the consignment of Finland, the Baltic states, and Bessarabia to the Soviet sphere.

Little time was lost by the Soviet Union in asserting control over the countries illegally ceded to its sphere of influence by Hitler and the Nazis. Within two months, it had forced a “Mutual Assistance” agreement on Latvia, allowing the presence of nearly 30,000 Soviet military personnel on sovereign Latvian soil. After spuriously alleging a series of provocations on the part of the Latvians, the Soviets engaged in a brief exercise in sham diplomacy by demanding emergency “negotiations” with the governments of the Baltic states for the establishment of Soviet military bases on their respective territories. With no capacity to resist, the Soviet threats and ultimatums were heeded. Soviet control of Latvia was effectively established by a military occupation that began on 17 June 1940.

### *The Baigais Gads, or “Year of Horror”*

The Baigais Gads, or the “Year of Horror,” is the term current among Latvians to denote the year of Soviet occupation from the entrance of Soviet troops in June 1940 through the subsequent establishment of a Soviet puppet regime and absorption into the USSR to the forcible ejection of the Red Army and Soviet control by the Wehrmacht in early July 1941. A total of about 35,000 people were killed or deported during

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<sup>19</sup>In fact, later events suggest that he was also a revered symbolic figure among Soviet Latvians as well, if only secretly. It could not have been entirely by coincidence that Ulmanis’s grandnephew, Guntis, who had spent his childhood in Siberia and most of his adulthood in Latvia under the surname Rumpitis, was elected president in post-Soviet Latvia in 1993.

that one year of Soviet control. This figure approaches about 2% of the total population of the country at the time. In its most spectacular exercise of power, on the night of 14–15 June 1941, the Soviets conducted a massive sweep of the country. Literally overnight, the NKVD managed to round up and deport almost 15,000 people. One week later, German Army Group North chased the Soviets out—a juxtaposition of events that made a fateful impression on the Latvian population.

Self-appointed president-for-life Ulmanis urged calm in the face of initial Soviet military occupation, famously telling his people to remain in their places just as he would remain in his.<sup>20</sup> He was soon deposed in obviously illegitimate “elections” with close to 99% turnout rates. A pro-Soviet regime was installed that immediately requested Latvia’s admission into the Soviet Union. Stalin graciously accepted the staged request and Latvia became the 15th Soviet Socialist Republic. Banners proclaiming the good news were shipped by rail from factories in the Soviet interior.

Radical Soviet reform measures were imposed rapidly. Industries were nationalized while agricultural land and livestock were divided and distributed to smallholders in preparation for full-scale collectivization. Banks were nationalized and private savings were confiscated. Ordinary consumer products long taken for granted immediately became scarce or unobtainable except on the black market. The educational system at all levels was “revolutionized.” Schoolchildren were fed crude propaganda while the more sophisticated university students were required to study Marxism-Leninism. Faculties were purged. Virtually whole libraries were boxed up and pulped as subversive to the People’s cause. Church attendance was sternly discouraged, services were disrupted by agitators, and notable clergymen disappeared. Pre-occupation affiliations with organizations deemed “counter-revolutionary” were punished retroactively. The Latvian officer corps was decimated as politically unreliable and the vacancies were filled by Soviet commanders. The men were given political instruction and folded into the Red Army. Soviet troops left their new Baltic bases and were seen everywhere in public. Portraits of the old leader were replaced by bigger portraits of the new foreign one. Escape from the country was made nearly impossible, except through the

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<sup>20</sup> Andrejs Plakans. *The Latvians: A Short History*. Stanford: Hoover Institution Press and Stanford University, 1995, p. 144.

intercession of the USSR's geo-strategic partner, Nazi Germany. This was done as part of Himmler's resettlement scheme for the "repatriation" of "ethnic Germans," and applicants had to meet certain "racial" requirements.

It has been claimed, and not only in Soviet propaganda literature, that the Baigais Gads was a "made-up tragedy" first proposed in the Latvian-Nazi collaborationist press during the war and then further embellished and mythologized by Latvian exiles in the West after the war to justify Latvian collaboration with the Nazis and participation in the Holocaust. This 'confabulation thesis' does not hold up to scrutiny.

That Latvian Jews were deported by the Soviets in numbers disproportionate to the size of their community is certainly true. In fact, Latvian Jews were deported to Siberia at more than twice the rate of their non-Jewish Latvian neighbors.<sup>21</sup> However, it should be unnecessary to point out, neither the Soviets nor the Nazis published statistical data on the demographic makeup of those murdered or deported.

It is also true that some of the deported Latvians, including Jews, would return from Siberia in the 1950s and 1960s. But people at the time could certainly never have imagined that this would be the case. Also, when those men and women did return to Latvia, they often did so as physical cripples and psychological wrecks.

In any context, but especially a pre-Holocaust context, a nation that loses 2% of its population—not to mention the most visible 2%, including all high-level government officeholders, military leaders, athletic and artistic celebrities, economic magnates, and so on—in the span of one year to state-orchestrated violence cannot be said to have endured a mere "made-up tragedy." *Nothing but an event on the scale and of the nature of the Baigais Gads could have prepared Latvians to welcome Hitler's army given their long and acrimonious history with the Germans.* Soviet abuse alone can account for the weird and wonderstruck welcome of the swastika into Rīga documented in Propaganda Minister Goebbels's film reels.

What happened to the Latvians under the Soviets in 1940–1941 was the worst conceivable fate at that time. What was to happen to the Latvian Jews under the Nazis, however, was so bad that it was not even

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<sup>21</sup>Jewish overrepresentation among the deportees was more a reflection of Jewish overrepresentation in economic activities that caused them to be classified as "capitalists" and "class enemies" in the eyes of the Soviet authorities, than a reflection of racial persecution.

conceivable. Ironically, most Latvian Jews who survived the war did so because they had been deported to the Soviet interior during the Baigais Gads. Seen retrospectively, a non-Jewish Latvian's nightmare scenario was the greatest stroke of good fortune that a Latvian Jew could have hoped for.<sup>22</sup> As a percentage, only Lithuanian Jews faced more grim odds under Nazi occupation than Latvian Jews.

What Latvian leadership might have coalesced to oppose the Nazis or attempt to chart a more independent course were all dead or gone, from Ulmanis on down. The Soviets had taken care of that. Such leadership as did arise was quickly co-opted or eliminated. On 1 July, Walter Stahlecker, the commander of Einsatzgruppe A who was tasked with the murder of every Communist and, as became clear by the end of that month, every Jew—man, woman, and child—in Barbarossa's northern sector, arrived in Rīga.<sup>23</sup> The first person he met was Viktors Arājs.

### *The Plowman: Viktors Arājs*

Before the summer of 1941, Viktors Arājs, whose last name means “plowman,” was fairly unremarkable. His biography, which he himself articulated several times—whether for his fraternity in 1935, for the university in 1941, or before medical examiners and judges in the second half of the 1970s—gives no indication of what he would become under German occupation. It reveals only a hard-working man, the son of a single mother, who struggled to better his social position and was interested in all aspects of the law—both its philosophy and its implementation.<sup>24</sup>

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<sup>22</sup>It is estimated that approximately 10,000–15,000 Jews, a number approaching perhaps one-sixth of the Jewish population, escaped to the Soviet Union before the Wehrmacht's advance in 1941. Josifs Šteimanis. *History of Latvian Jews*. Edward Anders, rev. ed. Helena Belova, trans. Boulder: East European Monographs and New York: Columbia University Press, 2002, p. 125. Also see: Dov Levin. *Baltic Jews Under the Soviets, 1940–1946*. Jerusalem: Centre for Research and Documentation of East European Jewry, Avraham Harman Institute of Contemporary Jewry, Hebrew University of Jerusalem, 1994, pp. 159–170.

<sup>23</sup>Ian Kershaw. *Hitler, the Germans, and the Final Solution*. Jerusalem: International Institute for Holocaust Research, Yad Yashem. New Haven and London: Yale University Press, 2008, p. 105.

<sup>24</sup>The following section is based on the following principal accounts that Viktors Arājs gave of himself. See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arājs Verfahren.” Sonderband 24, pp. 4259–4260. Viktors Arājs. “Lebenslauf.” 7 January

On 13 January 1910, Viktors Arājs was born in the hamlet of Baldone, not far from Rīga. His mother, Berta Burkevičs, had some Baltic German background which may have increased her son's appeal to the race-obsessed German authorities during the Second World War. Nevertheless, his facility with the German language was poor at the beginning of the war, since it was generally not used at home. His father, Teodors Arājs, had an interesting life. He fought in the Army of the Russian Empire from the beginning of the First World War as a conscript. Somehow, against the backdrop of the Russian Civil War, Teodors found himself in China having apparently chosen the losing side of that conflict, for he was killed by the Soviets after the Second World War officially for fighting on the side of the Russian Whites. In the interwar period, however, he returned to Latvia with a Chinese wife. He divorced Berta in 1927 and with that, took leave of his former family entirely. Viktors also had a younger sister, Elvira.

Both the Arājs family home and the farm of Viktors's surviving grandparents were destroyed in the First World War. The young Viktors, his sister, and their mother relocated to Rīga. When he was old enough, Viktors was sent to the countryside to earn money as a cowherd. When his grandparents died, Berta used the inheritance money to establish a boarding house in Jelgava with Elvira, while Viktors continued down his humble career path of cowherd and agricultural day laborer. He attended school only in winter when there was no farm work to be done. At age 16, he threw in with a group of itinerant carpenters. Eventually, Viktors enrolled in school in Jelgava, where he excelled in his studies.

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Footnote 24 (continued)

1941. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. “Arajs Verfahren.” Sonderband 4, pp. 676–710. Viktors Arājs. “Protokoll in der Ermittlungssache gegen Maywald u.a.” Hamburg, 30 July 1975. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. “Arajs Verfahren.” Sonderband 27, pp. 3273–3279. Viktors Arājs. “Protokoll über die Vernehmung des Angeschuligten Viktor Arajs.” Hamburg, 24 March 1976. Also see: StaH. 213-12. Staatsanwaltschaft Landgericht—NSG. 0044-012. “Arajs Verfahren.” Sonderband 54, pp. 8674–8684. Dr. Müller and I. Dalibor. “Nervenärztliches und psychologisches Gutachten,” Hamburg, 26 February 1977. Also see: StaH. 213-12. Staatsanwaltschaft Landgericht—NSG. 0044-018. Handakten-Sonderbände “Arajs.” Band 3, pp. 502–522. Prof. Gramann. “Beginn der Vernehmung des A. zur Person.” Kiel, 7 November 1977. Also see: StaH. 213-12. Staatsanwaltschaft Landgericht—NSG. 0044-018. Handakten-Sonderbände “Arajs”—Band 3, pp. 529–542. “Arajs: Das stimmt alles.” Kiel, 17 March 1978.

After graduating in 1930, he enlisted in the Vidzeme artillery regiment, eventually being promoted to Corporal. At the same time, he was able to secure his admission to the law school of the University of Latvia in 1932 with his full tuition paid by scholarship. Additionally, within a few years he was able to gain membership in Lettonia, the most prestigious Latvian student fraternity about which more will be said below.

Although Viktors had done remarkably well climbing the social rungs from landless peasant to a respected up-and-coming student in the capital, he was still poor. Looking for part-time work, he fatefully joined the police reserve. This side occupation gradually took more and more time away from his studies, eventually causing him to suspend his studies altogether several times. He went career in 1935 and received a posting outside of Rīga, interrupting his studies for the foreseeable future. It was on this posting that he met his wife, Zelma Zeibots.

In 1939, then Lieutenant Viktors Arājs retired from the police force to rededicate himself to obtaining his law degree. Indeed, he was awarded the degree in March of 1941, but by then Latvia had become part of the Soviet Union. He was licensed to practice Soviet law. This was Viktors Arājs less than four months before the German invasion: once a peasant, now newly-minted Soviet jurist with military and police background, married, and living in the capital.<sup>25</sup>

### *The Composition of the Arajs Kommando*

Dr. Walter Stahlecker, commander of EG A, learned of Viktors Arājs through his official translator, the Baltic German Hans-Eugen Dressler. Dressler remembered Arājs from before the war when he drilled under Arajs's supervision in the Latvian Army. He recalled Arājs fondly as one of the few instructors who did not show him any prejudice because he was a Baltic German. Here, as was so often the Nazi way, hugely consequential decisions were made and events and outcomes determined

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<sup>25</sup>Andrew Ezergails has written an excellent summary of the early life of Viktors Arājs, agreeing that it offers little insight into his subsequent arch-criminality. See: Andrew Ezergails. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, pp. 175–180.

totally haphazardly on the basis of personal contacts, connections, and cronyism.<sup>26</sup>

On 4 July 1941, the newly-established Latvian language daily newspaper, *Tēvija*, or “*Fatherland*,” ran the following announcement. It turned out to be the original muster call for the Arājs Kommando.

#### A CALL

All nationally-thinking Latvians – members of Pērkonkrusts, students, officers, Home Guards [“Aizsargi”], and others, who wish to take an active part in the cleansing of our country from harmful elements, can register themselves at the Headquarters of the Security Kommando at Valdemars Street 19, from 9–11 and from 17–19.<sup>27</sup>

Arājs wished to command a unit composed of radical nationalists and the cream of pre-war Latvian society. He wanted members of Pērkonkrusts as well as the Aizsargi, military officers, and university students to join his unit. The first two groups largely failed him—even if only perhaps for reasons beyond their control—but the second two satisfied him in the unit’s early days. However, the Kommando’s recruitment base had to be greatly enlarged by the inclusion of men from less socially exalted cadres, also including peasants and workers, before it could expand to its ultimate size of approximately 1,200 men. Each group and its connection to the Kommando will be explained in turn below.

As to the nature of Pērkonkrusts, one sometimes comes across the formula “Donnerkreuz = Hakenkreuz,” or “Thundercross (Pērkonkrusts) = Hookcross (swastika).”<sup>28</sup> In today’s parlance, Pērkonkrusts was a “hate group.” And its members incontrovertibly did collaborate with the

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<sup>26</sup>Cross-referencing a list of convicted Kommando members with the album containing all members of the Lettonia fraternity yields seven names in common. Although this seems like a small number, when they joined the Kommando it was tiny and in its infancy. For Lettonia alone, at least seven of the first 40 or so recruits represents a fairly significant showing. Furthermore, this list is certainly not comprehensive, especially as this author does not have comparable information regarding the other, smaller, fraternities.

<sup>27</sup>“Uzaicinājums.” *Tēvija*. Nr. 4. 4 July 1941.

<sup>28</sup>See, for example: StaH. 213-12. Staatsanwaltschaft Landgericht—NSG—0044-02. “Arājs Verfahren.” Sonderband 6, pp. 1177–1226. “Namensliste. Auswertung aus dem Buch *Daugavas Vanagi*.” Undated, presumably prepared by prosecutors in the Arājs case as a summary of the contents of *Daugavas Vanagi—Who Are They?* to identify persons of potential interest. It identifies Arājs as the “Führer” of Pērkonkrusts. It also says: “Donnerkreuz = Hakenkreuz.”

Nazis in a variety of capacities, from pseudointellectual scribblers of repellent racist diatribes to shooters of Jews. These individuals are not to be defended, nor are their contributions to Hitler's cause to be minimized. However, to identify the whole group or would-be "movement" as allied with German National Socialism per se is to make a serious error. Pērkonkrusts was certainly fanatically nationalist, anti-Communist, and fascist-oriented. It favored authoritarian single-party (if it was their party) or even one-man (if he was their man) rule, pro-natalist policies and the active enforcement of 'traditional' gender roles and norms and the persecution of gays and persons of other gender identities, economic protectionism with aspirations of autarchy, militarism and the national security state, strict immigration controls, discriminatory language laws, quotas in university enrollment and in the professional occupations according to ethnic identity, and the like, while it rejected internationalism and pluralism of any stripe.

But to describe Pērkonkrusts as "National Socialist" is to ignore completely its foundational ideological hatred of Germans, *specifically*, as the principal hereditary enemy of the imagined ethnically and culturally pure Latvian "Tauta"—a term much more readily identified with the ethnically charged German word "Volk" than the blander English equivalent "People." For more than 700 years, the ruling German minority had been a detested presence. Compared to Jews or even the pre-Soviet Russians, the Germans were by far the key target for Latvians' historical resentment and animosity. Far from fetishizing such crackpot racial theories as were current across almost all of Europe at the time, however, Pērkonkrusts's ideology was largely simply an outgrowth of this concrete historical legacy: seven centuries of exploitation, brutalization, and segregation at the hands of Germans, coded by language and ethnicity. Pērkonkrusts, awful as its views indubitably were, was simply the most radical manifestation of the anger that could for the first time be lawfully expressed in public in the freedom of the first democratic and independent Latvia.

Pērkonkrusts was, nonetheless, also almost prototypically a part of Europe's so-called New Right in the 1930s. This was owed to a unique historical contingency: the traditional conservative elites of pre-independent Latvia belonged to the pre-World War One German baronial class. They were largely dispossessed by the land reform of the early parliamentary period after having gambled and irreversibly destroyed their own legitimacy in a Latvian national state by their subversive pro-Kaiser

machinations and outright military opposition during the Independence War. All this built upon their previous historical baggage from the repression that followed the 1905 Revolution and went back all the way to the year the German knights arrived in the territory in the Middle Ages. In other words, since Latvian national independence was predicated on the removal of foreigners, or at least non-ethnic Latvians—overwhelmingly of German extraction—from access to the levers of power, there simply were no Old Regime fossils left in the running. Pērkonkrusts could not, by virtue of the transformation that had occurred, have been other than part of Europe’s ‘New Right.’<sup>29</sup>

Whatever squalid “philosophies” they may have held in common with some groups in this category in other European countries, however, in Latvia Pērkonkrusts was notably deficient in at least one defining characteristic of the New Right: the politics of mass mobilization. At no point in history did its membership exceed approximately 6,000 people in a country of about 2,000,000 that included 1,500,000 ethnic Latvians.<sup>30</sup> They were declared illegal by the right-wing Ulmanis government.

Also, unlike their stance towards the Italian Fascists, the Romanian Iron Guard, the Hungarian Arrow Cross, the Croatian Ustaše, the Nationaal-Socialistische Beweging in Nederland (or “National Socialist Movement in the Netherlands”), much less the pro-Anschluss

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<sup>29</sup>For a good article on the influence of the Latvian right-wing during the first independence period, see: Ieva Zaķe. “Latvian Nationalist Intellectuals and the Crisis of Democracy in the Inter-War Period,” in *Nationalities Papers*, Vol. 33, No. 1, March 2005.

<sup>30</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 81. This figure represents the Nazi German intelligence services’ best estimate, and was also cited in the Hamburg Court’s 1979 verdict against Viktors Arājs. StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. Sonderband 49, p. 8. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979. Pērkonkrusts itself claimed twice as many adherents. The founder of the group, Gustavs Celmiņš, produced an autobiography after the war. Gustavs Celmiņš *Eiropas Krustceļos*. Esslingen: Dzintarzeme, 1947. The title means “Europe at a Crossroads” and it is wholly dedicated to anti-Communism. An organization calling itself “Pērkonkrusts” exists in present-day Latvia, but has very little truck indeed with the society at large. Its activities seem limited to organizing sparsely attended ceremonies at the Brothers’ Cemetery, occasional demonstrations at the “Jewish” embassy, and maintaining a website: <http://www.perkonkrusts.lv/>.

Austrians, or even many Baltic Germans living in Latvia before the war for that matter, the Nazis had no interest in working together with Pērkonkrusts.<sup>31</sup> The proof that the organization, however despicable, cannot accurately be described as “Latvian Nazi” is that the actual Nazis themselves outlawed the group during their occupation as hostile to German interests. After a honeymoon period of about two months, the group was banned and its leader, Gustavs Celmiņš, was eventually sent to a concentration camp for operating an underground press. Pērkonkrusts insisted upon “Latvia” as a geopolitical concept, and whatever other common ground they may or may not have shared, this was unacceptable to the Nazis. Fruitful collaboration was a non-starter once German intentions—which did not involve any future reconstitution of the independent Latvian state—became clear.<sup>32</sup>

Indubitably, some members of Pērkonkrusts joined the Kommando, presumably for hyper-nationalist reasons. Their numbers must have been few, for although victim testimony refers often to Pērkonkrusts in the role of persecutors, the organization is mentioned in perpetrator testimony exceedingly rarely.<sup>33</sup> And those who did join the Kommando would have been compelled to repudiate their membership in Pērkonkrusts when the ban was imposed by the Nazis.

The Aizsargi, or “Home Guards,” are frequently mistakenly portrayed as “Latvian pro-Nazi nationalist army members” and the like.<sup>34</sup> “Home Guards” is a very imprecise translation of the plural Latvian term “Aizsargi.” The connotations of the word come closer to the literal

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<sup>31</sup>See: Andrew Ezergailis. “Collaboration in German Occupied Latvia: Offered and Rejected,” in *Latvia Under the Nazi German Occupation, 1941–1945. Materials of an International Conference*. 12–13 June 2003. Rīga: Symposium of the Commission of the Historians of Latvia, Volume 11, pp. 121–138.

<sup>32</sup>The ban was reinstated less than a short two months into the German occupation, on 17 August 1941. See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 11, pp. 2058–2061. Adolfs Šilde. “Vernehmungsniederschrift.” Münster, 17 October 1975.

<sup>33</sup>It should not be forgotten that members of Pērkonkrusts assisted the Nazis in other ways. For a detailed assessment, albeit one that emphasizes Pērkonkrusts members’ collaboration, see: Katrin Reichelt. “Between Collaboration and Resistance? The Role of the Organization ‘Pērkonkrusts’ in the Holocaust in Latvia,” in *Latvijas Vēsturnieku komisija, Holokausta Izpētes Jautājumi Latvija*. Rīga: Latvijas vēstures institūta apgāds, 2003.

<sup>34</sup>For example: Julia Robinson. “Julia’s Story,” in *The Unfinished Road: Jewish Survivors of Latvia Look Back*. Gertrude Schneider, ed. New York: Praeger, 1991, p. 46.

German meaning of “Abwehr,” a word signifying “defense” with a prefix denoting the idea of “warding off.” As a rule, they were not, as many have charged, “pro-Nazi extremists,” except insofar as they shared the Nazis’ determination to oppose Communism along with the bulk of the Latvian populace at the time. It would be more instructive to think of them as an aging, culturally conservative, male, and rural bulwark against radicalism or change of any stripe in Latvian society. The members of this group were generally respected in Latvian society because of their association with the Independence War. The Aizsargi had also been part of the informal coalition behind the 1934 coup of Kārlis Ulmanis, who was himself an Independence War veteran. But that was precisely the problem with the Aizsargi in 1941: too many were twenty years past their fighting prime. Though the Aizsargi did have a “youth” component, the Jaunsargi (“Young Guards”), and the group’s membership was especially singled out for persecution by the Soviets in 1940–1941, they too largely disappointed Arājs. Almost never in the depositions of captured Kommando members after the war is the Aizsargi organization mentioned. The simple but undoubtedly resonant inclusion of their name in Arājs’s appeal, however, certainly strengthened its potency.

With members of the former Latvian military, Arājs was more successful: many of the Kommando’s first entrants came from this set of men. Two factors, both concerning the preceding Soviet occupation, help explain their attraction to collaborationist formations including the Arājs Kommando. The first is the surrender of Latvia to the Soviets in the summer of 1940 without a fight, and the second is the subsequent incorporation of the Latvian armed forces into those of the Soviet Union. Although both eventualities were completely beyond the power of these men to change, the Army was exposed to back-to-back accusations first by some Latvians of being cowardly and then by the Germans of being influenced by Communism. As a further twist of the knife, both of these developments also seemed to confirm Soviet claims that Latvia had entered the Union voluntarily.

The Ulmanis government’s policy of offering no resistance to the entrance of the Red Army in 1940 was the only real option Latvia had in response to Soviet ultimatums and threats.<sup>35</sup> It likely saved many Latvian

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<sup>35</sup>This capitulation is still viewed with anger as an act of cowardice among some Latvians. Most, however, admire Ulmanis’s stoicism and appreciate that his situation was quite impossible.

lives, although not that of Ulmanis himself. Unlike the plucky and much-admired Finns who famously mortified the Red Army in the Winter War (November 1939–March 1940), the Latvian Army, following its orders, did not use force to oppose the Soviet takeover. The soldiers thereafter could not even take pride in having bloodied the enemy in a hopeless but hard-fought war. They had not given the enemy battle. This fact was probably a more-or-less conscious factor in the algebra of motivations among the former-military segment of the Kommando membership. Joining German or German-sponsored military and security forces for some men may have been considered a potential vehicle of the recovery of self-respect and a feeling of manhood. It promised to take them down an avenue for both proving themselves and taking revenge against the source of their humiliation.

Further compounding the fact that the Red Army had taken Latvia without firing a shot was the later incorporation of the Latvian soldiery into the Soviet military. The rank and file of the pre-war Latvian armed forces was transmuted into the 24th Territorial Corps of the Red Army. This new formation was composed of the politically purged rump of the pre-war Latvian Army's officer corps together with a transfusion of mainly Russian officers and political commissars. Therefore, since many of the Kommando's personnel had first belonged to the Latvian military, a good number of them had also been folded into the Red Army in the year preceding the German invasion. This category of men had an urgent need to prove their loyalty to the new German occupiers in 1941. There was hardly a more direct route to proving one's anti-Communist bona fides than volunteering to do the Nazis' "dirty work."

A conspicuous segment—probably a plurality—of Arājs's very first recruits came from the lofty ranks of university. With the University of Latvia (quickly demoted to the "University of Rīga" by Nazis eager to excise the concept of "Latvia" from history) closed by the German occupation authorities for an indefinite period of time, joining some kind of security force in the summer of 1941 seemed like a good option to many. The majority of the student population of Rīga, a modern, highly-developed city, was constituted of eligible military-age males. Perversely then, the university formed a natural pool of recruits who were standing by. Many were caught up in the furious excitement of the times and had few other attractive options.

As a subset of the recruits from the University, those individuals in the initial group of volunteers who became the hard core of the Kommando

were drawn from the “korporacija,” or student fraternities.<sup>36</sup> After the war, men who got into the Kommando on the ground floor described the fraternities as “the skeleton” of the Kommando.<sup>37</sup> In interwar Latvia, such associations were highly prestigious and served as lifelong social patronage networks and ‘good ol’ boy’ clubs. Obtaining membership was a major distinction and a powerful indicator of the promise of future success and social prominence. They were also quite exclusionary. Arājs’s fraternity, Lettonia, for example, recruited only male ethnic Latvians: Russians, Jews, and Germans were ineligible, but were free to found their own less esteemed and influential associations. As bastions of elite bourgeois class enemies and nationalists, the fraternities were immediately banned during the first Soviet occupation and eager to make a comeback in the summer of 1941. Their very mention in Arājs’s recruitment call would itself have been viewed as a repudiation of the fleeing Communists and a proud demonstration that their power in Latvia was gone.

More than just a student, Arājs himself was a member of Latvia’s largest and most esteemed fraternity: Lettonia.<sup>38</sup> Members of the

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<sup>36</sup>In the interests of full disclosure, it must be noted that this author’s father and paternal grandfather both joined Lettonia.

<sup>37</sup>BStU ZUV 63 Bd. 12, pp. 40–54. Aleksejs Proškovičs. “Zeugenvernehmungsprotokoll.” Rīga, 6 April 1978, p. 7.

<sup>38</sup>“1932–1940. I, II Turpinājums,” in *1870–1988. Album Lettonorum*. Lincoln, Nebraska: Augstums Printing Services, Inc., 1988, p. 13. His name also appears in the alphabetical listing. *Ibid.*, p. 29. Also, the yearbook contains two pictures of Viktors Arājs, although the pages on which they appear are not numbered. The first photograph is a small oval portrait. In the second, he stands with a wistful expression in a snowy forest with a group of nine other Lettons posing in 1935. His unremarkable entry reads:

927. (Arājs, Viktors,) kalēja Teodora un Bertas, dz. Burgevicis d., \* 13. X 1910, Baldones Dravniekos. Apmekl. Jelgavas pils. 4. Pamatsk. un Valsts Jelgavas arodsk., 30. I abit. Jelgavas klasisko ģimn. 32. II Latv. Univ., iur. L. u. 35. I T. 36. I. † 22. I 1988, Vācijā.

It merely indicates his membership number (927) and that he was born to the smith, Theodore, and Berta, neé Burgevicis, and describes his educational background. It then indicates when he was accepted as a candidate into the fraternity, and when he was initiated as a fully-fledged member one year later. The entry ends by correctly noting the date and place of his death. It should be mentioned that this seemingly minimalist entry is, in fact, the same format as all of the other entries, which are similarly spare.

fraternity, individually called “Lettons,” provided an appreciable number of the unit’s first recruits. To choose a prominent example, Leonīds Jansons, who was to testify in many of the post-war trials including that of Arājs himself, joined the unit in the first days of July 1941. He knew Arājs only because of their mutual membership in Lettonia.<sup>39</sup> “I personally handed out the identification papers that Arājs had signed to the members of the Latvian Auxiliary Police [sic.] and maintained the personnel rosters.” He was convicted of participation in the shooting of approximately 50 male Jews in the Biķernieki Forest in the first weeks of the German occupation.<sup>40</sup>

Overlapping with the Lettonia connection, an appreciable number of the initial few score of members of the Kommando were recruited on the basis of personal acquaintance with Arājs in other spheres of life, such as the pre-war Latvian Army. Some also joined upon the advice of friends or family members who knew Arājs through various happenstances. In other words, the ranks were filled at first by roughly the same informal mechanism by which Arājs was given the green light to instantiate the armed unit in the first place—his pre-war acquaintance with one of Stahlecker’s aides. There are many examples of men being drawn to the Kommando because they knew Arājs. It does not, however, seem that even the first wave of recruits were drawn in by charisma or personal magnetism, although Arājs was very handsome. Instead, most accounts show men just stumbling into the Kommando because they needed a job and they knew that Arājs was hiring. Many such depictions are suspect because their narrators subsequently tried to distance themselves from the man and obscure their commitment to the unit and its mission. Nevertheless, it is a nearly consistent feature of the entire body of testimony. For example: after being laid off from a desk job in the office of Rīga’s Central Prison—repurposed from its former NKVD days in form if not in function—an unexpectedly unemployed Arnis Upmalis was perhaps worried about being drafted for labor in Germany.<sup>41</sup> He spoke on the matter with his older brother. “My brother was an acquaintance with

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<sup>39</sup>“1932.–1940. I, II Turpinājums,” in *1870–1988. Album Lettonorum*. Lincoln, Nebraska: Augstums Printing Services, Inc., 1988, p. 29. Jansons was member number 989 to Arājs’s 927.

<sup>40</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. “Arajs Verfahren.” Sonderband 10, pp. 1964–1977. Leonīds Jansons. “Protokoll über eine Zeugenvernehmung.” Rīga, 12 May 1971.

<sup>41</sup>Coming so early in the war, this may have just been an excuse produced for interrogators.

Arājs through the University. Jānis Upmalis studied in the medical faculty there and Arājs, as my brother said, studied in the Law faculty.” Until 1940, when the organization was dissolved by the Soviets, both were members of the Lettonia student fraternity. In January 1942, the younger Upmalis joined the Kommando. “Arājs answered that I would have to keep guard duty [“daß ich Wachdienst zu leisten haben würde.”].”<sup>42</sup>

Another member of the Kommando, Kārlis Kencis, also joined based on his personal acquaintance with Arājs. He was the son of a career officer in the Latvian Army who had been deported, along with Kencis’s mother, by the Soviets in the Baigais Gads. His brother was killed by Soviet forces near Leningrad; he had presumably volunteered as a *Hilfswillige*. Such volunteers, called *Hiwis*, were locally-recruited non-German men attached individually or in small groups to frontline Wehrmacht units or Luftwaffe air defense batteries as helpers. The exact circumstances of Kencis’s brother’s death are unknown, but he was killed virtually as soon as the city was reached by German forces. Apparently in an effort to continue the family’s military tradition, Kencis claimed at his trial that he applied for membership in the unit “Since for me Arājs was not an unknown person and I really wanted to ready myself for military service [“mich ja für den Militärdienst zur Verfügung stellen wollte”].”<sup>43</sup>

As the Kommando was transformed into a professional standing unit, its ranks were filled out by men from less exalted social tiers. Laborers, farmhands, and other working-class men fleshed out the expanding outfit until they constituted the absolute majority. The easily-anticipated post-war Soviet “class enemy” canard that the Arājs Kommando was composed purely of men of bourgeois background has been refuted by scholarship.<sup>44</sup>

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<sup>42</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arājs Verfahren.” Sonderband 22, pp. 3995–4002. Arnis Upmalis. “Zeugenvernehmungprotokoll.” Rīga, 21 November 1975. In Russian parlance, the term “faculty” is used to denote what in English is called a “department.”

<sup>43</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arājs Verfahren.” Sonderband 11, pp. 2090–2097. Kārlis Kencis. “Vernehmungsniederschrift.” Kaiserslautern, 22 October 1975. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arājs Verfahren.” Sonderband 11, pp. 2203–2207. Kārlis Kencis. “Vernehmungsniederschrift.” Kaiserslautern, 13 November 1975.

<sup>44</sup>See the excellent: Rūdiņa Viķsne. “The Arājs Kommando Member as Seen in the KGB Trial Files: Social Standing, Education, Motives for Joining It, and Sentences Received,” in *Holokausta Izpētes Problēmas Latvijā: Latvijas Vēsturnieku Komisijas Raksti*. 2. Sējums. Rīga: Latvijas vēstures institūta apgāds, 2001.

The reality is much more troubling in that, over time, Latvian men from all sections of society were attracted to it. Although they joined at different times and for different reasons, which will be treated below in detail, the Latvian Auxiliary Security Police ultimately would draw men from all stations, high and low, in Latvian society.

*The Arajs Kommando and Terror in the Nazi Ostland*<sup>45</sup>

One of the major historiographical bones of contention about Latvian participation in the Holocaust, and the Arajs Kommando's contribution in particular, centers around the question of whether, as Andrew Ezergailis has phrased it, the crimes committed were of "passion" or of "organization." Bound up with either answer to this question is an implication about the relationship between, and relative blame to be apportioned to, the German and Latvian perpetrators, respectively. In fact, the Kommando perpetrated the Holocaust along the lines of both models. At its inception, the unit rampaged in a manner only relatively loosely directed by Einsatzkommando 2, in accordance with Heydrich's instructions to foment local pogroms without leaving any trace of German involvement in order to strengthen the appearance of local spontaneity. Quickly, however, the unit came under a form of paramilitary discipline, ordered by its Nazi masters. In time, the Kommando matured into a professional death squad, the actions of which were under tight German control.

The Kommando, in its infancy in July and August 1941, conducted what have been termed "wild actions." These included the pogrom-esque burning of Rīga's beautiful synagogues. At least in the case of the Choral Synagogue on Gogol Street, the arson was committed by Arājs and some of his men on the orders of Einsatzkommando 2. This earliest phase of the Kommando's existence was also characterized by random

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<sup>45</sup>Andrew Ezergailis has also written a fairly comprehensive account of the Kommando and its activities. See: Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, pp. 173–202. For an unsurpassed synthetic history of Latvia in the Second World War, albeit one that intentionally avoids centering on the Holocaust in Latvia, see: Valdis O. Lumans. *Latvia in World War II*. New York: Fordham University Press, 2006.

home invasions of Jews that ended in the arrests (usually of males) and the theft of property. All of the Kommando's initial activities were carried out locally in Rīga.<sup>46</sup>

As a first step to permanence, the growing unit was installed in a bank building on Valdemārs Street that had been nationalized by the Soviets but was formerly owned by a Latvian Jewish family. It was centrally located in downtown Rīga, securely walled and gated, contained ample office space to conduct logistics for a relatively small unit of men, boasted a canteen as well as a large cellar easily converted into a holding area for detainees, and also had a garage. Multiple accounts lead to the plausible conclusion that female prisoners were commonly raped in the building.<sup>47</sup> From this base, detachments of the Kommando were sent to perform various missions that included the escort of Jewish forced laborers; the guarding of the camps being established by the Germans such as Salaspils, Jungfernhof (Jumpravmuiža), and Kaiserwald (Mežaparks); making arrests and confiscating property at the homes of Jews; and conducting shootings in the Biķernieki Forest.

The Biķernieki shootings were the first real test of the Kommando and the resolve of its members. Designated (and overwhelmingly Jewish) prisoners—at first it seems most were men, many of military age—were taken from the Kommando's own detention area and later exclusively from the Rīga Central Prison on busses and, if necessary, flatbed trucks, to pre-selected locations in the forest. This happened in the early hours of the morning. If properly executed, the sun would just have risen when the disoriented prisoners and their “guards” arrived. Only very early risers in the city would be on the streets to observe the convoy. The forest was not distant, probably a trip of some 20 or 30 minutes depending on how deep into the woods the site was situated. German supervising officers and, often, Arājs himself, would arrive early by automobile. Kommando troops would be taken in trucks separately

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<sup>46</sup>According to USSR Ereignismeldung Number 15 of 7 July 1941, 400 Jews had already been killed in Rīga. These killings definitely involved, possibly exclusively, members of the embryonic Arajs Kommando.

<sup>47</sup>See, for example, StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajs Verfahren.” Sonderband 22, pp. 3912–3923. Ella Medalje. “Zeugenvernehmungsprotokoll.” Rīga, 18 November 1975. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. “Arajs Verfahren.” Sonderband 10, pp. 1990–1995. “Zelda-Riwka Hait.” Bath Yam, Israel, 26 September 1975.

from the officers. A guard or two would ride along in the trucks with the victims. Upon arrival, procedures seem to have varied; in general, the efficiency of the operations increased with practice and the number of victims per operation increased concomitantly with the Nazis' rising confidence in the unit's capabilities. The number of victims per execution fluctuated between 200 or 300 up to a maximum of about 1,000. The pits were invariably prepared beforehand, dug out by Soviet Prisoners of War. The victims were let off of the trucks in groups of ten—or, if the trucks needed to return to Rīga for another load, were made to sit on the ground within earshot, but not sight, of the ongoing shooting. When their turn came, the ten victims of each group were made to stand along the edge of the pit. Usually, 20 shooters in two rows kneeling and standing, respectively, delivered one salvo per group from full-size battle rifles. These were usually English or Czech weapons of the former Latvian Army. The victims were supposed to topple back into the grave. In practice, dead or dying victims sometimes had to be kicked into the grave. It seems that sometimes a ratio of two shooters per victim was deemed superfluous and ten victims would be apportioned to ten shooters. No escape from these operations has been documented. Machine gunners were posted visibly to deter any mass attempts at flight. It cannot be determined when or how the transition to primarily targeting woman and child victims was made. The testimony of former Kommando members suggests that military-age male Jewish victims were exclusively selected for shooting in Biķernieki for most of the first month of the Kommando's operations.<sup>48</sup> As a rule, alcohol was in fact not consumed at the site but for reasons of safety and efficiency only given to the actual shooters after the operation, while drivers and those maintaining the cordon were rewarded with a less generous ration.<sup>49</sup> Exceptions were apparently made during longer operations.

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<sup>48</sup>See, for example: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. "Arajs Verfahren." Sonderband 29, p. 4875. Jānis Labans. "Vernehmungsprotokoll." 26 August 1947. "When I myself took part in the shootings, the victims involved were exclusively Jews of male gender, who were brought from the Central Prison and among whom were to be found tradesmen, employees of Soviet institutions, and other occupational groups." By October, he had graduated to killing Jewish old people, women, and children. *Ibid.*, p. 4876. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. "Arajs Verfahren." Sonderband 25, p. 4502. Alexanders Vanags. "Vernehmungsprotokoll," Rīga, 11 January 1945.

<sup>49</sup>*Ibid.*

This is how most of the members of the Kommando passed July, August, and September 1941. The shootings proceeded at a pace of at least two per week. In relatively short order, the unit cohered, and the volunteers were issued standardized weapons by Einsatzkommando 2. Gradually, the hodgepodge of Latvian Army uniforms and different armbands described in the post-war testimonies disappeared in favor of SD uniforms with the identifying armband of the Latvian Auxiliary Security Police. The actions of the Kommando became ever more systematized and coordinated.

Another step on the ladder of the unit's increasing sophistication and capabilities was the simultaneous routinization of the so-called "Blue Bus actions." While approximately half of all Latvian Jews lived within easy reach of the Arajs Kommando in Rīga, the other half did not. Swedish busses from the capital city's public transport authority were commandeered by the Germans and given to the Kommando. Using these capacious blue-painted busses, detachments of 30–60 men could be conveyed throughout the Latvian hinterland. The Jews of Latvia's villages and small towns were rounded up and concentrated by personnel of Einsatzkommando 2 and provincial Latvian police and volunteers. Then the men of the Kommando would arrive, dismount, and perform the shooting. Graves for the victims and food, alcohol, and fuel for the Kommando's return trip were provided locally. Disappointingly little additional concrete information is available about this itinerant function of the Latvian Auxiliary Security Police. No Jewish survivors were ever left behind who later emerged to describe these operations, although several of the drivers survived the war, were captured, and gave testimony.<sup>50</sup> Only a few of these excursions have been documented at all, however, the most notable being those directed toward Madona and Liepāja, where the shootings were comparatively large and Viktors Arājs himself was probably present. These mobile operations began in July and continued into December 1941. Unfortunately, little more can therefore be said except that by the time they ceased, for all intents and purposes,

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<sup>50</sup>For example: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. "Arajs Verfahren." Sonderband 4, pp. 841–850. Jānis Franks-Pranks. "Zeugenvernehmungsprotokoll." Rīga, 24 May 1974.

every Jew in Latvia was either imprisoned in the large ghettos in Rīga, Daugavpils, and Liepāja or dead—many at the hands of Arājs's men.<sup>51</sup>

Already by the middle of October 1941, just before the Rīga Ghetto was sealed, according to Dr. Walter Stahlecker, the commander of Einsatzgruppe A, 30,025 Jews and 1,843 Communists had been executed. In other words, more than one in three Latvian Jews were already dead.<sup>52</sup> The Arajs Kommando was indispensable in producing that figure. But a new challenge awaited Einsatzkommando 2. German authorities in Rīga were told to expect a massive transport of Jews from the Reich and Reinhard Heydrich's Protectorate of Bohemia and Moravia amounting to well over 20,000 people. The highest Nazi police authority in Latvia and the architect of the Babi Yar massacre outside of Kiev the previous September, the Höhere SS- und Polizeiführer Lettland, or "Higher SS and Police Leader" in Latvia, Friedrich Jeckeln, decided that to accommodate the fresh deportees, the Rīga Ghetto needed to be cleared. Thus 25,000 Jewish inmates were to be killed—a challenge that required the participation of the proven killers of the ensanguined Kommando of Viktors Arājs.

The shootings occurred over the course of two days: 30 November and 8 December 1941, at a site Jeckeln personally had chosen in Rumbula Forest 10 kilometers distant from the ghetto. On each day, the operation began before first light and lasted until after sundown. He did not entrust the actual shooting at the pits to Latvians and had his own men perform that role using captured Soviet submachine guns—probably PPD-40s—set to fire single shots. However, Latvians were necessary to carry off the entire operation by brutally rousing and assembling the inmates, organizing them into columns of 1,000 persons each, and ensuring that none escaped along the way. They were, of course, authorized to use deadly force at their discretion to prevent escapes and eliminate stragglers. In the event, approximately 1,000

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<sup>51</sup>For a candid account of the shootings in the Latvian countryside from a Wehrmacht observer later taken prisoner by the British, see: Neitzel, Sönke, and Harald Welzer. *Soldiers: German POWs on Fighting, Killing, and Dying*. Jefferson Chase, trans. New York: Vintage Books, 2012, pp. 101–104. The Latvians "are known to be the most brutal" but "the Germans directed affairs... there was terrific bitterness against the Jews at DVINSK, and the people simply gave vent to their rage."

<sup>52</sup>NARA II. Nuremberg Document L-180. "Einsatzgruppe A Gesamtbericht bis zum 15. October 1941."

Jewish victims were killed before even reaching Rumbula. Arriving in the forest, the victims were rushed by Latvian guards under German supervision through a conveyor belt of stations at which their shoes, clothing, and valuables were removed for sorting and redistribution later. The pits themselves were cavernous, with ramps carved into the sides. Victims were forced to descend the ramp and lay prostrate on the layers of victims previously shot. It was called “sardine packing” and it was a method devised personally by Jeckeln to achieve maximum utilization of the pits’ volume. When it was over, the Jewish population of Rīga—over 43,000 in 1935—was reduced to fewer than 1,000 men capable of labor. Arājs and his men had taken part.

Strikingly, membership in the Arajs Kommando seems to have been fluid, with people both volunteering to join and choosing to leave the unit during its first phase prior to its official militarization detailed below. Jānis Vabulis was a civil administrator who worked for the District Commissariat of the City of Rīga throughout nearly the entire period of German control from August 1941 to April 1944. In August of 1941, he was introduced to Viktors Arājs himself by their mutual acquaintance Konrāds Kalējs. Over time, Vabulis was made aware of the deeds of the Kommando, but learned that some personnel were desperate to leave it. Among them, for example, was Edgars Rikurs, a Lieutenant in the former Latvian Army who joined the Kommando in its first days. Rikurs personally told Vabulis that “he [Rikurs] was no murderer, but a soldier and that he did not wish to take part in murdering people.”<sup>53</sup> According to Vabulis, “Since he no longer wished to serve in the Arajs Kommando, he [again] became a soldier and fell at the front, as was reported in the press.” Another man whom Vabulis knew from service in the Kommando was also trained in the peacetime Latvian Army. This man, Feliks Dibietis, gained a reputation even among other Kommando members for exceptional cruelty during actions, but soon committed suicide—an alternative form of permanently leaving the unit.<sup>54</sup>

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<sup>53</sup>Edgars Rikurs appears in Ezerģailis’s compilation of the names of the members of the Latvian SD. See: Andrew Ezerģailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 389.

<sup>54</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 29, pp. 4947–4952. Jānis Vabulis. “Zeugenvernehmungsprotokoll.” Rīga, 29 March 1976. Feliks Dibietis, who must be identical, appears in Ezerģailis’s compilation of the names of the members of the Latvian SD. See: Andrew Ezerģailis. *The Holocaust in*

Vabulis's claims conform to a more general pattern in the wider testimony collected after the war. Further bolstering his credibility is the unusual circumstance that Vabulis rescued and eventually briefly married a Jewish woman, Selda Schepschelowitch, who escaped from her work detail in November 1941 and alternately hid with either Vabulis himself or his parents for the duration of the war and later moved to Israel.<sup>55</sup>

Even if a relatively small number out of the total complement of the Kommando, there are other proven examples of men who voluntarily joined the Kommando and then later exited it for various reasons. Jānis-Eduard Zirnis, who will reappear in a later chapter, is the most important member of this subset of Kommando members for the purposes of this study.

In summary, during the first months of killings—at least up until the Rumbula Action in late 1941 and maybe even up to the time of an SS training program in Germany in early 1942 to create a more militarily proficient force, individuals could enter or exit the Kommando with little difficulty, although perhaps not quite exactly at will. However, once the unit's mission changed from mass execution of unarmed civilians to a more militarized combat role, it seems to have been much more difficult to exit, while entrance requirements and training prerequisites became more stringent. In other words, when the Latvian Auxiliary Security Police was gradually repurposed over the course of 1942, it also made a transition from a militia group to a regular force. Up until that point, there had been a notable, if statistically small, rate of personnel turnover in the Kommando. This was not the case after the unit was, in a word, professionalized. With this transition came a new mission profile and a great increase in the danger faced by Kommando members.

Having proven the reliability and capability of himself and his Kommando, Viktors Arājs and a large group of his men were given

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Footnote 54 (continued)

*Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 385. Vabulis's name sometimes also appears as Babulis—evidently a result of mistransliteration from Russian: the Cyrillic character denoting the “V” sound is identical with the Latin “B” character.

<sup>55</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 29, pp. 4947–4952. Jānis Vabulis. “Zeugenvernehmungsprotokoll.” Rīga, 29 March 1976.

training at the elite SS and Police school at Fürstenberg, in the Reich. At the same time, all of the regular men of the Kommando received training with pistols, rifles, light machine guns, orienteering, and topography, as well as almost daily political education about the merits of National Socialism and the necessity of the fight against Bolshevism.<sup>56</sup> At this moment in early 1942, the Arajs Kommando was institutionalized and became something much more than an improvisation by the commander of Einsatzgruppe A. Arājs was promoted to Major, indicating command over a battalion-sized unit. The smattering of pre-war Latvian uniforms and occasional hybrid uniforms involving Latvian and German elements, not to mention civilian clothing with a variety of identifying armbands bearing different colors, ensigns, or phrases, seem to have proliferated before the unit was formally institutionalized. Now, all men of the Latvian Auxiliary Security Police wore the uniform of the SD and bore standardized arms. In conjunction with its new permanent status and expanded role, the Kommando was given a larger and more high-profile headquarters. The move took place in early 1942, just as the first graduating class from officer training, which included Arājs himself, returned to Rīga from Germany. Like the old headquarters, the new building at 99 Krišjānis Barons Street was also located in the heart of the city. In fact it was well known: it was formerly the Latvian military academy. Thus did the Nazis stroke the egos of Arājs and his men and elevate their profile. It is also possible that it was a conscious attempt to besmirch the honor of the former Latvian Army by this grotesque association and spuriously widen, by insidious implication, the circle of complicity in the murder of the Jews of Latvia.

The Nazis obviously had plans for Arājs and his group of true-blue “willing executioners,” to borrow a much misused term, who had already proven their effectiveness and utility to Hitler’s cause. As a unit, the Kommando had previously enjoyed no formalized training. Although perhaps something approaching a majority of recruits already had some firearms training either in the Latvian Army or police, officer training for the Kommando’s leadership and the additional military training for the men represented a quantum leap in the unit’s progression from an ad hoc crew of militants to a disciplined, standing force.

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<sup>56</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 25, pp. 4427. Juris Schumskis. “Vernehmungsprotokoll,” Rīga, 10 April 1945.

After exhaustive study, Andrew Ezergailis produced this rough tabulation of the known victims who were directly killed by members of the Latvian Auxiliary Security Police in Latvia:

Bīķernieki (July–September 1941)	5,000
Bīķernieki (foreign Jews, January–March 1942)	8,000
Jews of provincial towns (July–December 1941)	9,000
Gypsies and the insane	2,000
Latvian communists	2,000
Total	26,000 <sup>57</sup>

Thus, the minimum number of murders directly committed by the Latvian Auxiliary Security Police in Latvia is approximately 26,000. The numbers here also do not reflect Arajs Kommando participation in support roles such as at the two gigantic Rumbula massacres. Andrew Ezergailis has speculated that the Kommando's total death toll might be "easily" twice the number he was carefully able to determine for Latvia alone—for the unit's area of operations was expanded beyond tiny Latvia's borders in 1942.<sup>58</sup>

With the Jews of Latvia dead or well in hand as slave laborers in camps together with the Jews later deported from the Third Reich to Latvia, new work for the men of the Kommando was found. As German military fortunes declined on the Eastern Front, partisan activity in the rear increased and threatened small occupation garrisons and inadequately guarded supply lines. Western Belarus, including Minsk, already appended to the artificial polity of the Reichskommissariat Ostland, was one such hot spot conveniently located next door to the General District of Latvia. It would be the Kommando's new major area of operations.

Unlike the collection, transport, and execution of unarmed civilians in friendly territory, the unit's new mission was actually quite dangerous. With a new base in Minsk, rotating detachments of the Kommando became heavily involved in anti-partisan hunts and reprisal actions across the swamps and countryside of Belarus, where irregular pro-Soviet units operated. There, Arājs began to quickly lose members

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<sup>57</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 188.

<sup>58</sup>Ibid.

of his unit for a new reason: the Kommando took a very high rate of casualties.<sup>59</sup> In fact, it is no hyperbole to state that one major reason that many of the Kommando's members did not face trial after the war was because so many had been killed before it was over. First, elements of the Kommando participated in the massive "Swamp Fever" anti-partisan sweep in September 1942. It was the first of several such operations, carried out with ferocious brutality and criminal actions collectively against the entire populace of occupied Belarus, in which the men of the Kommando were involved. But the largest of these was Operation "Winter Magic," that took place in the winter of 1942–1943. Indeed, Viktors Arājs himself did not survive the increasingly dangerous anti-partisan campaign unscathed; he received a combat injury in late 1943.<sup>60</sup>

Further attrition of the unit's men occurred even after the unit itself was disbanded sometime in late 1943 or early 1944. By then, the danger posed by the returning, resurgent Red Army far eclipsed that of the partisans. Most other armed Latvian formations had already been, or were in the process of being, absorbed into the Latvian Legion, which was founded with Adolf Hitler's signature in March of 1943. With the real front inexorably approaching, the Latvian Auxiliary Security Police was cannibalized for manpower and perhaps nearly all of its able personnel were transferred into the Legion. Sturmbannführer Viktors Arājs was inducted into the Legion and sent to the infantry school at Bad Tölz in late 1944. He remained in the Legion until he surrendered to the British at the end of the war.

The combat deaths of so many of Arājs's men made the capture, interrogation, and trials of the surviving members, including Arājs himself, that much more important for obtaining both knowledge of the Kommando and its deeds as well as exercising some small measure of justice for its victims.

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<sup>59</sup>Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: 'Daugavas Vanagi—Who Are They?' Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005, p. 37.

<sup>60</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 178.

## ANALYSIS OF THE MOTIVES

*Motives*

Approaching the motives of the perpetrators of the Arajs Kommando's crimes can only be accomplished by breaking the issue down into three separate questions. First, why the Kommando was able to attract the members that it did in July 1941 can be easily explained by both individual and structural factors. The second question of why a new recruit willingly remained, once he understood the Kommando's real mission and especially the blood-soaked duties of its members regarding the killing of women, children, and other objectively non-threatening victims is vastly more resistant to comprehension. A similarly difficult third question must also be answered: why were men willing to join the Kommando later in the war—say in mid-1942—even after its original gruesome purpose and past misdeeds were known to anyone who cared to know, and certainly to anyone who wished to throw in with it?

Below is an analysis of a series of six hypothetical “push” and “pull” factors behind joining the Kommando early and, less convincingly perhaps, behind remaining in the Kommando as a participating member or joining it later in the war. These are explained in descending order of significance. They are: misdirected anti-Soviet sentiment; the material advantages of membership; the initial aura of credibility surrounding the German forces and, by extension, their local allies; the pre-war authoritarian conditioning supplied by the Ulmanis dictatorship; the dynamic ethno ideological relationship between the German and the Latvian perpetrators; and lastly, the combination of scant indigenous Latvian anti-Semitism and the waterfall of anti-Semitism descending from the conquering Nazi state.

Before this analysis can commence, however, a serious epistemological note on the sources upon which it must necessarily be based should first be highlighted. As is to be expected, the Nazis tried to destroy as many of their internal documents related to the “Final Solution” as possible before their ultimate defeat. Fortunately, some of the most crucial documents related to the “Holocaust by bullets” in the Baltic have survived: the first and a draft of the second Comprehensive Report of SS-Brigadeführer Walter Stahlecker, the commander of Einsatzgruppe A, as well as a large number of Situation Reports—summaries of the grisly progress being made by the Einsatzgruppen compiled

for consumption in Berlin, to name the most important, high-level examples. Unfortunately, almost no documents generated specifically by the Latvian Auxiliary Security Police are known to exist, although some may still be held secretly in Moscow. While deliberate destruction of such mundane documents as must have existed—payroll stubs; applications for medical leave; receipts for office and cleaning supplies; transfer forms; weapon and ammunition inventories; alcohol ration cards for the unit; sign-out sheets for vehicles from the motor pool; gas and electricity bills for the headquarters building; in short: everything pertaining to supply, logistics, and human resources management—can be taken for granted, there is another consideration. It is known that, as far as possible, operational orders were only given orally to Arājs and his lieutenants by their German superiors. The mundane paperwork that kept the wheels of the Kommando spinning was destroyed. But the kill orders were never committed to paper in the first place. Just as a signed order by Hitler to carry out the Holocaust never existed, so no written orders from Stahlecker, Jeckeln, or Dr. Rudolf Lange—Viktors Arājs's direct superior—to Arājs to carry out mass shootings exist.

Apart from the summary reports at the top level, therefore, the chief source base for this and every other chapter in the present study is, by necessity, that material which was produced during the post-war investigations and trials. To make their cases against the Kommando's killers, prosecutors around the globe have augmented the scanty wartime record at hand with the words of these men themselves. Obviously, the various explanations defensively proposed by accused members of the Kommando after the war must be handled carefully, as must the testimony of their unrepentant sympathizers. Below, the large body of testimonies is analyzed critically and skeptically, leaving behind, hopefully, a residue of the truth.

Lastly, the nature of the extant sources does not permit an analysis of interpersonal and group dynamics within the Latvian Auxiliary Security Police such as Christopher R. Browning's memorable dissection of Reserve Police Battalion 101.<sup>61</sup> The Arājs Kommando's members were tried in many different countries over many years. The investigators who produced these testimonies were rarely in direct dialogue with

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<sup>61</sup>Christopher R. Browning. *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*. New York: HarperPerennial, 1992.

one another. Of course, the social-psychological factors and phenomena explained by Browning in *Ordinary Men* no doubt similarly obtained to some degree among the men of the Arajs Kommando, but the historical and situational context within which the Latvian volunteers of the Arajs Kommando operated was quite different from that of the middle-aged German conscripts of Reserve Police Battalion 101. Therefore, when appropriate, elements of social-psychological analysis will appear here. However, this study will also adduce a separate set of very particular historical and situational factors that are necessary to account for the behaviors of the Latvian men of the Arajs Kommando in the specific context of a collaborator unit of volunteers perpetrating the Holocaust in their country.

### *Misdirected Latvian Anti-Soviet Sentiment*

After the war, investigations into the crimes of the men of the Arajs Kommando examined the question of motive very seriously. Taken together, a key general feature that emerged during the prosecutions of the men of this unique Latvian unit was the competition between anti-Semitism and anti-Communism as explanatory factors for their actions—a tension absent or much weaker in dealing with perpetrators from notoriously anti-Semitic countries or who grew up under anti-Semitic regimes. The Soviets predictably believed that anti-Communism lay behind the crimes of Arājs's men and that anti-Semitism, if present, was wholly epiphenomenal. Meanwhile, Western authorities tended to believe the opposite and presumed that anti-Semitism was the root of the perpetrators' evil and dismissed claims of anti-Communism as feeble excuses.

This question, even if for the wrong reasons, the Soviet system answered correctly. Soviet interrogators *unanimously* found hostility to Communism to be the primary motivating factor behind their guilty captives' wartime crimes. Soviet ideology could hardly produce or understand any other but the "counter-revolutionary" hypothesis, besides that of crass material enrichment, perhaps. It was a tautology: fascism itself was fundamentally understood as anti-Communism and, hence, its agents acted out of anti-Communism. The dictum of the Communist line stated that racism and anti-Semitism were superficial elements by which the capitalist-imperialist system manipulated the masses and created "false consciousness" that masked the perpetrators'

underlying anti-Communist and anti-proletarian class motives. Neither were the Soviets interested in emphasizing Jewish victimization as special, or admitting that the Jewish fate was worse than what generic “victims of fascism” suffered. Soviet interrogators would not likely have credited those few who confessed their anti-Semitism and would have pressed for the “real” economic and counter-revolutionary reasons behind their behavior. But that so few of the captured men even offered it as an explanation for their murderous actions at all is remarkable and should not be dismissed.<sup>62</sup>

Meanwhile, in Western investigations, defendants’ pleas that they had acted out of hatred of Communism were often viewed as a fig leaf to hide the anti-Semitism that was too frequently assumed to be the basis of all perpetrator motivations. Suspects being interrogated in the liberal-democratic West during the Cold War, after all, had every incentive to emphasize their anti-Communism and deny anti-Semitism.

What seemed to be two very different forces—anti-Communism and anti-Semitism—to both sets of interrogators were simply two sides of the same coin *in the understanding of the perpetrators back in 1941*. But the historian can still ask which was primary. In the case of the Latvian perpetrators, they seem to have become anti-Semitic because in particularly traumatic historical circumstances they were virulently anti-Communist and allied to the virulently anti-Communist *and* anti-Semitic Nazis. More on the question of Latvian anti-Semitism will appear below in a separate section of this chapter. First, Latvian anti-Communism and how it came to be expressed, *de facto*, as virulent anti-Semitism will be examined.

Indeed, the most crucial motivating “pull” factor in joining the Latvian Auxiliary Security Police was the desire to strike out against Latvia’s Communist oppressors who, with the arrival of Germany’s forces, were in disarray. Anti-Semitism *per se* was actually a trivial component of most Latvian perpetrators’ outlook *except insofar as it could be made to mean anti-Communism*. The Nazis were able to convince a large enough section of the non-Jewish Latvian population that “Jew” and “Communist” were interchangeable terms in order to fill the quota

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<sup>62</sup>Rūdīte Viķsne. “The Arājs Commando Member as Seen in the KGB Trial Files: Social Standing, Education, Motives for Joining It, and Sentences Received,” in *Holokausta Izpētes Problēmas Latvijā: Latvijas Vēsturnieku Komisijas Raksti*. 2. Sējums. Rīga: Latvijas vēstures institūta apgāds, 2001, p. 375.

of local collaborators necessary to carry out the “Final Solution” in that land. It was a fairly simple matter of trading on the suffering endured by Latvians during the preceding year of Soviet occupation. The Nazis only needed to stoke a pre-existing hatred among the Latvians with their propaganda and to make it interchangeable with their own pathological and all-consuming object of hatred. This is not a far-fetched or apologetic notion. After all: it should be remembered that the identity of Jews with Communism—“Judeo-Bolshevism”—was already an article of faith among most German troops and had widespread currency amongst the German public, and the publics of most other European countries as well, particularly in Eastern Europe. Propaganda for all audiences was produced to reinforce the linkage. But for Germans *concretely*, the belief in the identity of Jews with Communism was based largely upon vague recollections of the national humiliation and instability of 1918 and 1919 and the economic and political chaos that followed. Meanwhile, branded onto the brains of the Latvians who were to become the Nazis’ partners in crime, were red-hot, personal, direct, and devastating encounters with Soviet power in the immediate past from which they were ostensibly rescued by the German Army. It should not be surprising that a traumatized population with the intensity of anti-Soviet hatred resulting from one year of real Soviet domination could be easily convinced of the guilt of any scapegoat whatsoever. Therefore: independently of the actual identity of the victims, to understand the Latvian perpetrators requires knowledge of *who they thought—or at least were told—that their victims were and why this may have seemed credible to them.*

There were, indeed, a few Jews who ranked fairly highly in the Soviet Latvian hierarchy. Simon Shustin, the infamous NKVD chief, was the personage most frequently mentioned in the subsequent propaganda as the embodiment of the unity of “the Jews” with Communism. But the few real anecdotal examples alone could come nowhere close, of course, to proving that Bolshevism was some kind of Jewish plot. Other figures, such as the Soviet-installed Prime Minister of Latvia during the Baigais Gads, Augusts Kirhenšteins, supposed arch Jewish-Communist traitor, were falsely asserted to have been Jewish to help beef up the objectively rather small numbers of Jews in the Soviet occupation apparatus. However, as visible symbols, they could serve the ideologically poisoned, the enraged, and the undiscerning as corroborating evidence of the larger Nazi trope of the grand Judeo-Bolshevik world conspiracy.

Usually, the tendency to accept false generalizations and false facts—such as that the Communist occupation was staffed overwhelmingly by Jews or that Kirhenšteins was a Jew—indicates the prior existence of such an ethnic prejudice. A pre-existing and unexamined assumption that Jews are evil would go far to explain the readiness with which some Latvians, as they observed and mentally processed events, were prepared to lash out with an absolutely misplaced sense of grievance and righteousness. But such a pre-existing prejudice hardly existed in Latvia prior to 1940. This circumstance—the relative absence of pre-war anti-Semitism—seriously frustrates efforts at understanding the violent Latvian response unless focus is directed to the deliberate and unrelenting Nazi attempt to force the notion of the equivalency of “the Jews” and Communism on the Latvian public.

As further evidence constantly adduced were the well-known demonstrations of a segment of the Jewish population and its real, if perhaps short-lived, enthusiasm for the Communist takeover in 1940. The motivations of these people are readily apprehended, for Soviet rule, bad as it was, held fewer terrors for Jews than Nazi rule. Even if Jews were over-represented among the Soviets’ deportees, it was not because they were Jews but because they were clustered in groups identified as “capitalist” class enemies. On the other hand, the Nazis threatened every Jew without exception. Naturally, therefore, Soviet rule was preferred as a means of forestalling an even more menacing Nazi occupation. The natural distaste of any minority for living under a right-wing nationalist dictatorship and a heavy dose of naiveté about what the Soviets were really about—courtesy of that same dictatorship’s media censorship—is all that further need be adduced. However, given the sensitivity of the matter, it should be pointed out that such a scholar as Dov Levin, among the greatest Jewish historians of the Baltic, has documented in great detail the relationship between the Soviet Communists and the Jewish communities in the Baltic. In general, his expertise centers on Jews in Lithuania, but his knowledge of Latvia is also extensive. Levin agrees that a sizable segment of the Jewish population welcomed Soviet rule, and for idealistic, ideological, and material reasons.<sup>63</sup>

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<sup>63</sup>See, especially: Dov Levin. *The Lesser of Two Evils. Eastern European Jewry Under Soviet Rule, 1939–1941*. Naftali Greenwood, trans. Philadelphia and Jerusalem: The Jewish Publication Society, 1995. Also see: Dov Levin. *Baltic Jews Under the Soviets, 1940–1946*. Jerusalem: Centre for Research and Documentation of East European Jewry, Avraham Harman Institute of Contemporary Jewry, Hebrew University of Jerusalem, 1994.

Added to these dubious examples based on kernels of reality, distorted and amplified as they were, the Nazis added totally bogus ‘evidence’ for their constant claims of the supposed Judeo-Bolshevik enemy as well. The Germans forced men easily identified as Jewish by their Orthodox garb to exhume the bodies of Soviet victims most famously in the capital but also, whenever practicable, in the larger provincial towns as well. The devious intent of these staged rituals was to demonstrate a linkage between Communist atrocities and the Jews. The trauma of the Latvians was diabolically instrumentalized to work in favor of Einsatzkommando 2 as the daughters, wives, and mothers of the dead were invited, on film and motion camera, to identify the mutilated and putrefied remains of the victims of the NKVD—victims that Jews had just laid out in fly-swarmed rows under the summer sun of 1941. The effects of this practice cannot be quantified, but the framing in a single image of a woman consumed by grief, a mutilated and rotten cadaver, and *a fearful Jew with filth and blood literally on his hands as he held a gravedigger’s shovel* was not difficult to read. It must have had a powerful effect upon a traumatized and now wrathful people. As a technique, it was demonstrably effective in recruiting young men for the Latvian Auxiliary Security Police:

In closing, I would like to add [“anführen”] why I went to the SD at the young age of 16. The Russians had deported my father. After the Germans showed up [“Nach dem Einrücken der Deutschen”] a mass grave was opened in the courtyard of the Central Prison in Rīga. According to the official tally, there were 800 in the mass grave who had been shot. I walked around between the corpses and looked for my father who might have likewise been shot, since my mother had collapsed during her search of the dead. Later it was established that the atrocities against my people had been carried out by the Russian NKVD-people who were predominantly Jewish men and women.<sup>64</sup>

While the claim that the majority of the NKVD’s personnel were Jewish is totally erroneous, it is also completely irrelevant for the purposes of establishing the motives of the men of the Arajs Kommando: that *they thought they were* is enough. Why they grasped and acted upon false

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<sup>64</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1329–1334. Egons Jansons. “Noch zur Person.” 10 August 1961.

beliefs about Jews, not the falsity of those beliefs as historians can demonstrate now, is crucial for explaining their behavior.

The view that “Communist” and “Jew” were the same was cemented by yet more deliberate misrepresentations. These other effective means of spuriously linking Communism to Jews were hardly more subtle. The rituals of humiliation and public violence against Jews visually reinforced the concept of the existence Judeo-Bolshevism. One prominent observer said that in the early days of the German occupation, he saw Jews being pushed [“*vorangetrieben*”] down the streets by Arajs Kommando men who were mockingly forcing them to sing Communist songs.<sup>65</sup>

The man who noted this was Dr. Julius Bračš, who had been a professor at the University of Latvia before the war. He was commissioned by the Propaganda section of General Commissar Otto-Heinrich Drechsler’s Civil Administration for the General District of Latvia to head up a project documenting Soviet crimes during the Baigais Gads.<sup>66</sup> This project was to serve the dual purposes of providing anti-Communist propaganda and contributing to internal security by identifying Latvians who worked with the Soviets. As such, Bračš was well-situated after the war to testify about these matters, although his words must be treated cautiously.

Completely in accord with high-level German wartime documentation, Bračš charged that “the first members of the Arajs Kommando were people whose relatives [“*Angehörige*”] had been carried off [“*verschleppt*”] by the Russians.”<sup>67</sup> This observation was quite correct. Walter Stahlecker himself, the commander of Einsatzgruppe A, specifically reported his success in recruiting his eager non-German gunmen from that large segment of the population who had had family members murdered or deported by the Soviets during the 1940–1941 occupation.<sup>68</sup> A testament to the efficacy of Nazi efforts to equate Communism with

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<sup>65</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 12, pp. 2355–2371. Dr. Julius Bračš. “Protokoll über die Vernehmung des Zeugen Bračš.” Hanover, 14 November 1975.

<sup>66</sup>Ibid.

<sup>67</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. “Arajs Verfahren.” Sonderband 4, pp. 861–868. Dr. Julius Bračš. “Fortsetzung der Hauptverhandlung.” 15 May 1970. He was testifying in the case of Erhard Grauel in West Germany.

<sup>68</sup>NARA II. Nuremberg Document L-180. “Einsatzgruppe A. Gesamtbericht bis zum 15. Oktober 1941.”

Jews, the apparently unreconstructed and unapologetic Bračs was still convinced of the formula as late as 1970, and was furthermore comfortable in revealing his conviction to prosecutors in West Germany. He recalled the first Soviet occupation, saying that in the Soviet Latvian government

[t]he Jews were especially prominent [“exponiert”]. For me, that was dismaying [bestürzend]. In the organized mass demonstrations, the Jews marched in the front ranks... There were native Jews and those who came from the Soviet Union. The names of the leading Jews were known to everyone. Not much was spoken about that, because most people were afraid of surveillance [“Bespitzelungen”].<sup>69</sup>

Unlike the members of the Arajs Kommando, however, Dr. Bračs claimed he never saw any of the real dirty work being done: “No, that I never did at any point. *Not even out of historical interest was I ever a spectator on a killing field* [“Exekutionsgelände”], at a mass shooting [emphasis added].”<sup>70</sup>

But those who were present and participated in mass shootings generally tended to agree with Bračs's position on the matter. On a series of mass shootings at Dreiliņi on Rīga's eastern outskirts in 1943, for example, in the course of the final liquidation of the Rīga Ghetto, one confessed Kommando member told prosecutors:

I would have also extraordinarily disgraced myself in the eyes of my comrades if I had refused [to perform] this service. We belonged to an elite troop. I saw the whole thing as an act of vengeance [“Vergeltungsaktion”] against the Jews for the Russian mass murders in Latvia, my homeland. The NKVD people who were responsible in that connection were mostly Jewish men and women... At the time I had such a feeling of revenge [emphasis added].<sup>71</sup>

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<sup>69</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. “Arajs Verfahren.” Sonderband 4, pp. 861–868. Dr. Julius Bračs. “Fortsetzung der Hauptverhandlung.” 15 May 1970.

<sup>70</sup>Ibid.

<sup>71</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1344–1346. Egons Jansons. “Der/die Beschuldigte befragt, ob er/sie etwas auf die Beschuldigung erwidern wolle, erklärte:” Undated.

One Kommando member who joined as late as April 1942 explained that he was looking for work and joined the Kommando at the suggestion of a friend. He knew what the Kommando was about before joining: “I knew that they were hunting and killing Communists and Jews who were devoted to Soviet power.”<sup>72</sup>

An unconfirmed story was told by a convicted member of the Kommando about a young man called Ustups who joined the unit and volunteered to be in the shooting teams “with deliberate conviction [“gewissen Überzeugung”].”<sup>73</sup> According to this testimony, the family of Ustups, including mother, father, and an unspecified number of siblings, had been killed during the Soviet occupation. He was easily identified because, although they killed his whole family, the NKVD had only “ripped the nails from [his] fingers.”<sup>74</sup> If this story is true, it may be that his life was spared because he had denounced his family under torture. Either way—and whether true or not—the anti-Communist profile of “Ustups” is almost archetypically that of the Arajs Kommando recruit of the summer of 1941.

The officially promulgated public consensus proposed by the pro-Nazi occupied Latvian press, the entirety of the military and civilian occupation authorities, and the SS and Police, was firstly, that not every Communist was a Jew, but that every Jew was a Communist and bore collective (and individually punishable) responsibility for the horrors of the Baigais Gads. Secondly, the German Army was the only force that could protect Latvia from a Judeo-Bolshevik return and that German goodwill toward Latvia had been sufficiently proven in the summer of 1941. Third and lastly, the permanent peacetime settlement with respect to Latvia after the conquest of the USSR would be contingent on the Latvians’ contribution to the German cause during the war.

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<sup>72</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 25, pp. 4427. Juris Schumskis. “Vernehmungsprotokoll,” Rīga, 10 April 1945.

<sup>73</sup>The name “Ustups” appears in Ezergailis’s compilation of the names of the members of the Latvian SD, although no first name is given. See: Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 390.

<sup>74</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 11. pp. 2090–2097. Kārlis Kencis. “Vernehmungsniederschrift.” Kaiserslautern, 22 October 1975.

Still, the Soviets were not wholly bereft of Latvian supporters. Some down-and-out segments of the urban proletariat whose fortunes rose during the 1940–1941 occupation were not hostile to the Soviets, to whom they owed their temporarily elevated station and prestige. Men from this category and conviction were not among the first muster of men who joined the Arājs Kommando, to say the least.<sup>75</sup> Instead, they either fled in the train of the Red Army or were, presumably, among the 1,843 non-Jewish Latvians listed by Stahlecker as shot (at least in part by the Kommando) in the first months of the German occupation under the category of Communist “traitors.”

The Soviets might have made much of bringing women out of the “traditional” sphere to which the Ulmanis regime had circumscribed them in propaganda and, to the extent possible, in reality. Working class women especially could have experienced something of a liberation with the establishment of the Communist system. They could perhaps have been a natural pro-Soviet constituency. However, the gigantic plunge in living standards, NKVD terror accompanied by what was widely regarded in Latvian society as a foreign takeover, and the accumulated sum of everyday intrusions into ordinary life and the family by the Communists seem to have effectively nullified any support the Soviets might have hoped for from women as a bloc.<sup>76</sup> Neither were women allowed in the Kommando, it should be superfluous to point out.

Ironically, if hatred of Communism was a motivating factor for those who joined the Kommando, so too was favorable past association with Communism. One Edgars Jurgitis, who joined the Kommando in the middle of July 1941, concluded his explanation to a Soviet Military Tribunal in 1946 by saying that “I did not desert the Red Army. I was forced to enter the police, because I possessed no other means of earning a living [“Lebensunterhalt”]. In addition, I feared that the Germans would persecute me since my wife’s brother had been a [Communist]

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<sup>75</sup>This part of Latvian society would, later, make its contribution to the ranks of the Kommando, however. See: Rūdite Viķsne. “The Arājs Commando Member as Seen in the KGB Trial Files: Social Standing, Education, Motives for Joining It, and Sentences Received,” in *Holokausta Izpētes Problēmas Latvijā: Latvijas Vēsturnieku Komisijas Raksti*. 2. Sējums. Rīga: Latvijas vēstures institūta apgāds, 2001.

<sup>76</sup>See the memoir of Irene Zarina White. *Fire Burn: World War II Diaries*. Self-published through Xlibris, 2006. Also see: Alma Rusley. Author’s interview with Alma Rusley. Garrett Park, Maryland, 10 November 2002.

Party member since 1917.”<sup>77</sup> This statement captures two motivating material factors, adducing at once a foolproof ward against the ill omen of associations with Communism, and an economic imperative.

### *The Material Advantages of Membership*

Mundane material reasons also provided a “push” factor towards the Kommando even as it competed with other nascent collaborationist formations for Latvian recruits in the early days of the German occupation. The Kommando could offer by far the greatest rewards at by far the least risk to life and limb to willing able-bodied males. The repugnancy of its duties notwithstanding, the Kommando was, from a totally amoral standpoint of pure selfishness and self-preservation, the best deal in town. Although the perks would change during the course of the war, members initially were even free to sleep in their own beds at home instead of barracks and could always count on receiving adequate supplies of food and liquor. Beyond the baseline necessity of the first and the comfort of the second, members could, besides their steady pay, also expect some amount of unofficial remuneration in the form of jewelry or clothing all the way up to whole furnished apartments. Finally, at least until around the middle of 1942, service in the Kommando guaranteed a post far from the front. All the while, members also enjoyed the confidence of the German power establishment—the value of which cannot be quantified in an occupied country.

Personal enrichment is always an obvious motive, but it still needs to be contextualized. Among other forms of insecurity that prevailed under the Soviet regime of 1940–1941 were those of wealth and income. After being subjected to various Communist nationalization, expropriation, and social leveling schemes, some Latvians were, in a literal sense, looking for payback in July 1941. Soviet policies had included the forfeiture of the contents of savings accounts above ludicrously small sums, the requisition of personal automobiles, the splitting up and communalization of apartments, the radical division and redistribution of farmland and livestock, and so on. A new nomenklatura of Soviet-imported civil officials

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<sup>77</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajs Verfahren.” Sonderband 24, pp. 4329–4333. Edgars Jurgitis. “Gerichtssitzungsprotokoll.” Rīga, 4 October 1946.

and military officers, along with their indigenous collaborators, supplanted the old elite and lived well. Meanwhile, the sudden vacuum of quality consumer goods led to the establishment of a black market that effectively priced the remnants of the middle class out of the comforts to which they were accustomed. Worse, these policies were implemented on a “shock” basis, with no time set aside for gradual adjustment or acclimatization. The aim of the policies was also nakedly to extract the wealth of the country and ship it eastward. Soviet soldiers paid for goods that had never been obtainable in the Soviet Union with worthless currency that the Latvians were forced to accept. Troop trains entered the main station in Rīga and most returned to Russia laden with high-quality consumer products unknown in the USSR. The rest returned with Latvian prisoners. Store windows quickly were stocked with cardboard pictures of food and plastered with brave slogans about Soviet productivity even as all valuable moveable goods were nakedly extracted.

This immediate background of scarcity could only have increased the allure of easy riches. The preceding state-directed impoverishment of the populace served to exacerbate a phenomenon well-attested to in other national case studies of the Holocaust: the frenzied rush for Jewish property.

Rīga's Jewish population—nearly half of the country's Jews—constituted approximately 11% of the city's total in 1935. It was approximately 43,000 strong.<sup>78</sup> The nature of the community had been that of a prosperous and relatively cosmopolitan northern European port city: generally middle and upper middle class and substantially assimilated. As such, Jewish families disproportionately fell victim to Soviet depredations as putative “class enemies” in 1940–1941. To choose one famous example: a Jewish banking family had previously owned the building that was to become the Arajs Kommando's first headquarters on Valdemārs Street. At least two Jewish witnesses later attested to the fact that “This was a villa-style [“villenartiges”] house. Before 1 July it housed [“Dort war... untergebracht”] the Banking House of Aron Schmuljan. Pērkonkrusts

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<sup>78</sup>For excellent statistical data about the Latvian Jewish population, see: Josifs Šteimanis. *History of Latvian Jews*. Edward Anders, rev.ed. Helena Belova, trans. Boulder: East European Monographs and New York: Columbia University Press, 2002, pp. 179–205.

requisitioned it. In any case, the bank was already nationalized in the Russian time [1940–1941].”<sup>79</sup>

To whatever degree they had managed to emerge from the Communist-engineered upheavals unscathed, Jewish families were specifically targeted that much more in the summer of 1941 and their remaining property again subject to summary theft. In other words: if the Soviets had not taken something, the Nazis and their henchmen did. Furthermore: if a Jewish family still inhabited a comfortable and semi-well-appointed apartment or house even after a year of the deliberate Communist-style pauperization of the country, this was easily seen as proof that the Soviet system favored Jews. From there it was no stretch to internalize an identity between the two. Thus, ironically, *even the act of stealing from Jews could, in such a context, reinforce in the minds of Kommando members the notion of an alliance between Jews and Communists.* At the very least, it was a convenient way for a man to justify his thievery to himself.

In conclusion, it can be said that the wartime-specific political and economic conditions in Latvia, on the heels of the year-long Soviet disruptions, were considered dangerous enough by a large enough section of the non-Jewish Latvian population to convince some of them that serving the Nazis away from the front lines by participating in volunteer paramilitary units like the Arajs Kommando was the surest route to securing their own personal comfort and safety. In short, seeming safety, regular pay, steady meals, abundant liquor, and occasional opportunities for officially-sanctioned theft were considered by many men to be adequate compensation for the job of mass murder.

### *The Initial Aura of Credibility*

Linked to the perverse Judeo-Bolshevik propaganda was the persistent portrayal of Hitler and Germany as the rescuers of Latvia. The fight was cast as Europe versus the combined monsters of Jewish Bolshevism and degenerate oriental barbarism. This claim naturally lost credibility over

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<sup>79</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. “Arajs Verfahren.” Sonderband 5, pp. 981–985. Efraim Janowski. “Vernehmungsniederschrift.” Hamburg, 18 August 1975. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajs Verfahren.” Sonderband 22, pp. 3959. “Zeugenvernehmungsprotokoll.” Matis Samuilowitsch Lutrinsh. Rīga, 4 January 1975.

the course of the war as it was undercut by exhaustive manpower levies; food, fuel, and property requisitions; high-handed Nazi behavior and occasional sneers at Latvians; the German authorities' mulish refusal to discuss post-war Latvian independence, autonomy, or even "Slovakia status"; and finally, increasingly ominous German military defeats at the front. Nevertheless, it would have appeared self-evident to most non-Jewish Latvians in the summer of 1941 that the Germans were their saviors. No army had ever been defeated and humiliated in Latvia as easily as the Germans had defeated and humiliated the hated Red Army—one week after the terrifying nationwide night-time sweep of 15,000 people for deportation to Siberia by the NKVD, no less. While the Nazis found eager collaborators everywhere their army marched, virtually no other country invaded by Germany received the Wehrmacht with as much broad-based public enthusiasm as did Soviet-trampled Latvia.

In a world turned upside down, in which the Germans were cast, for the first time in Latvian history, in the role of liberators, Viktors Arājs made his appeal. He specifically sought people who considered themselves patriots. He called for military officers, hypernationalist Pērkonkrusts members, police, students, and the old veterans who made up the Aizsargi to join his force. Even if he failed to entice many suitable volunteers from the Aizsargi, their inclusion in his call possessed a totemic significance to the public. And Arājs indeed succeeded in recruiting educated members of the university student body and especially from his prestigious fraternity, Lettonia. To boot, he also drew trained and vengeful men from the Latvian Army, the very symbol of cherished independence. These groups—on the page and on the street—lent their credibility to the Kommando and gave its operations a veneer of respectability in the early days, both to the public at large and to prospective recruits.

Under the Ulmanis regime, the Latvian public had been trained incessantly to revere the armed forces, old and young, in the forms of both the Aizsargi and the professional Army. The two holiest sites of the civil quasi-religion of Ulmanis's Latvia were the Freedom Monument and the Brothers' Cemetery—both firmly associated in Latvian history and ritual with the military. The former, the site of national holiday ceremonies commemorating Latvia's first independence declared on 18 November 1918, stood in the center of the capital, flanked by honor guards. The second was the resting place of Latvia's dead veterans from the War of Independence and also frequently had been the backdrop for

Ulmanis's speeches and solemn public rites and observances. The place is impressive: massive megalithic horsemen whose lowered flags touched the ground under which heroes were buried, blessed under the downcast eyes of the goddess of fortune (Christian imagery is conspicuously lacking at both sites).<sup>80</sup>

Youth, in true 1930s dictatorial style, was fetishized and worshipped under the Ulmanis regime as it was elsewhere in Europe, in both fascist and Communist systems. The inclusion of "students" might have evoked the pre-war cult image. Their presence symbolized Latvian vigor as well as a Latvian future.

The only possible 'black sheep' in the coalition desired by Arājs, as it was advertised, was Pērkonkrusts. Judging by its tiny pre-war membership, this long-banned organization did not enjoy much popular support. Yet in the minds of the public—or at least that of Viktors Arājs, assuming he actually authored the call personally—that organization might have ridden the Nazis' coattails. The New Right's seemingly undeniable ascendancy in the year 1941 might have given Pērkonkrusts some credibility. Also, its members had been singled out for special persecution during the Soviet occupation *as Latvian nationalists*. Their inclusion in the call could have been interpreted as an emphasized rejection of Soviet authority and of seeming German tolerance for Latvian nationalism.

These considerations were the most fleeting and help explain little beyond the motivation of the men of the Kommando for initially joining. In July 1941, scores of young Latvian men were tempted to associate themselves with men from groups of high pre-war social standing—something Arājs himself indeed desired. This imperative would only have been heightened by the context: the war of all wars was thundering all around them. Bloody revenge was in the air and a man who wore no uniform was barely a man at all.

### *The Pre-war Authoritarian Conditioning of the Ulmanis Regime*

Studies of mentalité are notoriously elusive and complex, leading to conclusions that are often difficult or impossible to verify with certainty.

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<sup>80</sup>Some of the world's finest Jugendstil and Art Nouveaux style architecture and monuments can be found in 1930s Latvia.

Yet, the years of dictatorship in Latvia that preceded the Second World War presumably had some impact on the minds of the men who joined the Kommando. The pre-war legacy of authoritarianism in Latvian society seems to have removed whole categories of behavioral options from the minds of at least some of those who engaged in the atrocities. This tendency towards obedience seems, logically, to have been strongest among the youngest members of the Kommando—the least experienced and most eager to impress and be validated. One confirmed Kommando member, seventeen years old at the time, explained that

The whole thing was presented like an execution [“Das Ganze war wie eine Exekution aufgezogen”] and it absolutely never entered my mind that I could possibly refuse to carry out the order... In all of our instructional hours, nothing was ever said to us to the effect that we could refuse orders in certain situations [“ist uns nichts darüber gesagt worden, daß wir in irgendwelchen Situationen Befehle verweigern konnten”].<sup>81</sup>

This statement might be more than simply a reformulated plea by the killer that he had only been following orders. He goes further, saying that refusal to obey orders had been, for him, literally inconceivable.

The imposition of military discipline and the attendant role adaptation that it implies may have been eased by the pre-war experiences of the recruits.<sup>82</sup> Most, aged between about 17 and 24 by 1941, had spent their formative teenage years under the authoritarian Ulmanis government. Their minds forged under dictatorship, even the civilian men who joined the Kommando did so already accustomed to living in strict hierarchies that demanded obedience to authority.<sup>83</sup> The seven years prior to the killing summer of 1941 were spent in a regimented society cultivating a nationalist outlook, which in turn was confounded and outraged by the Soviets.

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<sup>81</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1344–1346. Egons Jansons. “Der/die Beschuldigte befragt, ob er/sie etwas auf die Beschuldigung erwidern wolle, erklärte:” Undated.

<sup>82</sup>For an updated version of the urtext of the role-adaptation thesis, see: Philip Zimbardo. *The Lucifer Effect: Understanding How Good People Turn Evil*. New York: Random House, 2007.

<sup>83</sup>The famed scientific study of the psychological phenomenon of obedience to authority is: Stanley Milgram. *Obedience to Authority: An Experimental View*. New York: Harper, 1975. Also see: V. Lee Hamilton and Herbert Kelman. *Crimes of Obedience: Toward a Social Psychology of Authority and Responsibility*. New Haven: Yale University Press, 1989.

By the same token, press censorship and the other trappings common to dictatorial states robbed the men of the experience of living in a pluralistic society and, concomitantly, of the freedom to form, express, and defend their own views.

It would be in error to overemphasize this point—to do so would be to take from the men of the Arajs Kommando their historical agency and responsibility for their actions. Furthermore, it is virtually impossible to empirically demonstrate. Nevertheless, that the men's backgrounds were steeped in dictatorship is not a factor in explaining their actions that can be wholly discounted.

### *The Dynamic Ethno-Power Relationships Between Perpetrators*

The National Socialists' proclivity to establish racial hierarchies everywhere they cast their gaze is notorious. They did this not only with their enemies, but also with their allies and clients. Therefore, there were important limits to and inherent tensions in any partnership between Latvian and German perpetrators.

Nazi ideology variably placed the Latvian "race" on different levels of the racial hierarchy, depending on the Nazi espousing it. In general, Latvians occupied a middling rung, but one much higher than Russians owing to Latvia's proximity to Scandinavia and Latvians' seven century-long contact with Germans. Nevertheless, a radical racial culling of the population was envisioned for after the war, with the details to be decided later. To give an idea of the level of Nazi contempt for Latvians, the German civilian occupation authority forbade marriage between German military personnel and even Estonian women who, on the Nazi scale, were valued considerably more highly than Latvian women.<sup>84</sup> One Nazi report on the "The Biological Condition of the Latvian Race ["Volk"]" was so bold as to make statistical projections out to the year 2000. It hinted at the necessity of a liquidation of unworthy elements before their numerical preponderance became a threat to the racially pure inhabitants of the country whose birthrate, owing to selfish decadence and the pernicious influence of Marxist materialism,

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<sup>84</sup>LVVA. Fond R-69. Reel 2, Opis 1A, Folder 6, p. 313. Der Reichsminister für die besetzten Ostgebieten. "Betr.: Heirat von deutsche Wehrmatsangehörigen mit Estinnen." Berlin, 13 April 1943.

was declining.<sup>85</sup> Other Nazis toyed with the idea of “Germanizing” and assimilating the supposed racially worthy segment of the Latvian population and using the remainder for labor until they eventually vanished through attrition.<sup>86</sup> Many additional examples of Nazi proposals for a post-war demographic revolution in the Baltic could be noted here. Put in bald terms, population decimation and even a partial genocide were being casually contemplated against the Latvian nation among some of those persons at the apex of power in the Third Reich.

Hints of the beginnings of a “demographic revolution” were already very arguably emerging during the war. The first stages of such a plan were even implemented in 1939–1940 under the auspices of Reichsführer-SS Heinrich Himmler in the form of the resettlement of the Baltic Germans and some claiming German ancestry.<sup>87</sup> “Wiedereindeutschung [“re-Germanization”]” processes to be applied to those judged worthy were established: resettlement in the Reich, education in German culture and Nazi ideology, training in the German language, and so on. Not only Baltic Germans but also ethnic Latvians seeking to escape Soviet power during the Baigais Gads were included. The other side of this coin—the selective thinning out of the Latvian population—was also begun during the war. For example, Latvian “work-shy,” dubbed “asocials,” formed a major part of the non-Jewish population of the Salaspils concentration camp. More notably, a squad of Arajs Kommando men “liquidated” hundreds of Latvian psychiatric patients—regarded as “useless mouths” and “life unworthy of life”—in April 1942.<sup>88</sup>

An aside should be made. In one sense, the Red Army did save the Latvians who fought on the side of Germany from themselves—the ones whom they did not kill, anyway. Whatever the perils of immediate

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<sup>85</sup>LVVA. Fond R-70. Reel 5, Opis 5, Folder 35, pp. 62–65. Provenance unknown. “Die biologische Lage des Lettischen Volkes.” Undated.

<sup>86</sup>LVVA. Fond R-69. Reel 2, Opis 1A Folder 6, pp. 156–159. Regierungsrat Trampedach. An den Herrn Reichskommissar für das Ostland. “Betr.: Eindeutschung der Letten.” 24 November 1941.

<sup>87</sup>For more on the subject, see: Richards Plavnieks. *“Wall of Blood”: The Baltic German Case Study in National Socialist Wartime Population Policy, 1939–1945*. Master’s Thesis. The University of North Carolina at Chapel Hill, 2008.

<sup>88</sup>See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, pp. 411–418. Käthe Eckstädt. “Protokoll.” Mülheim, 23 March 1974.

reabsorption into the Soviet Union, which are not to be minimized, the long-term plans of the Nazis promised much worse. As radical and extreme as the Nazis' various schemes were, they have to be taken seriously. The Nazis have proven what they were capable of.

It is firmly established in the literature that no mass shootings took place solely on Latvian initiative, but only under German authority.<sup>89</sup> This proposition rings true in light of the common sense assumption that the Germans were committed to controlling every last weapon on the territory they occupied, particularly as they were well aware of historical Latvian animosity towards the Germans.<sup>90</sup> The presence of armed natives beyond the gaze of German supervision was anathema to the goal of securing total power. German personnel were always present at the shootings and gave oversight and direction when not, as they quite often did, participating directly, weapon in hand.

Under such circumstances, the Latvians could always tell themselves that the Germans were making them do it, designating the targets, providing the logistics, and giving the orders. For their part, the Germans could make themselves believe that it was really the Latvians

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<sup>89</sup>Even authors criticized by Ezergailis for imputing too much agency to the Latvians themselves such as the following all variously admit the necessity of German command input—even if only pushing on an open door. See: Peter Klein. “Dr. Rudolf Lange als Kommandeur der Sicherheitspolizei und des SD in Lettland: Aspekte seines Dienstalltages,” in *Taeter im Vernichtungskrieg: Der Überfall auf die Sowjetunion und der Völkermord an den Juden*. Wolf Kaiser, ed. Berlin: Propylaeen, 2002. Also see: Andrej Angrick and Peter Klein. *The ‘Final Solution’ in Riga: Exploitation and Annihilation, 1941–1944*. Ray Brandon, trans. New York and Oxford: Berghahn Books, 2009. Also see: Wolfgang Curilla. *Schutzpolizei und Judenmord: Die Dienststelle des Kommandeurs der Schutzpolizei in Riga*. Berlin: Edition Hentrich, 2005.

<sup>90</sup>Among the members of the Nazis' leadership caste, paranoia of partisans and franc-tireurs is well known. Much has been written, also, about the apparent contradiction contained in the orders of the Einsatzgruppen: the natives were to be disarmed, but simultaneously to be enlisted as auxiliaries in the killing of Communists and Jews. The solution was to arm the necessary numbers but discipline and order their actions—another contradiction, since the mission of the Einsatzgruppen was also to foment and document pogroms proving that the natives rose of their own accord against their erstwhile oppressors of Judeo-Bolshevik persuasion. In Latvia, in the event, at least after the first week or so of July 1941, generally all that could be done was to create the *impression* that this was the case. For information regarding the engrained institutional fear of partisans in the German command hierarchy, see: Isabel Hull. *Absolute Destruction: Military Culture and the Practices of War in Imperial Germany*. Ithaca, New York: Cornell University Press, 2005.

who were the inhuman (or perhaps *subhuman*?) killers, while they distanced themselves both physically and via this psychological abstraction. These respective attitudes and division of labor might well have made it easier for both the Latvians and the Germans to keep doing what they were doing in the task of killing. It can well be imagined that the existence of two distinct groups of perpetrators operating at opposite ends of the command hierarchy made it easier for both to 'get on with it.' It was a self-reinforcing dynamic, undergirded by the two parties' objective power disparity and supported, for the Germans at least, by ideological assumptions of racial difference. This mechanism may have functioned within individuals of both groups to diminish or even shed the psychological burden of responsibility for the deaths—objective reality aside, of course.

Perversely, both Latvians and Germans invoked this division of labor as an alibi or at least a mitigating factor after the war as the accused attempted to absolve themselves. Latvians could tell themselves as well as interrogators, judges, and courtroom audiences that nothing happened except under German control and direction. Viktors Arājs himself claimed as much at his trial. Meanwhile, the former German overseers could tell themselves and the same post-war interrogators, judges, and courtroom audiences that it had been the Latvians who were the depraved butchers and, if anything, German participation had functioned to bring order to the slaughter and thereby lessen, in some measure, the suffering of the Latvians' victims.

For example, the shotgun marriage of psychological convenience during wartime bore post-war offspring such as the following grotesque reframing of the events. SS-Obersturmführer Arno Besekow was attached to Einsatzkommando 2 and is one of the figures who most frequently appears in later testimonies at the side of the pits.<sup>91</sup> He would, after the war, blame Latvians he identified as,

the Pērkonkrusts people who were known by their brownish, earth-colored uniforms [sic. the Pērkonkrusts uniform was grey and black]. They wore blouses, riding pants, and high boots. The Pērkonkrusts people separated themselves into two sections of which one would rest while the other

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<sup>91</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 190.

conducted executions... I also know that [Obersturmbannführer Rudolf] Batz [who first commanded Einsatzkommando 2 and, thus, was Besekow's superior] established connections with the Pērkonkrusts people and often sought them out... The members of the Waffen-SS [some members of his details at Biķernieki were actually Waffen-SS] gave the mercy shots, since the Pērkonkrusts people did not do so. One can only describe the conduct of the members of the Waffen-SS like they were administering the last rites to the victims ["dass sie den Opfern den letzten Dienst erwiesen"].<sup>92</sup>

Also according to Besekow, the members of the Waffen-SS whom he described at the sites did not like shooting. Besekow explained that "sometimes they let curses flow [“teilweise stiessen sie wüste Flüche aus”] and sometimes tears ran down their faces." No matter the self-exculpating lies told by Besekow, in reality, among other things, he was responsible for instructing inexperienced Latvian shooters as to the distance they should stand from their targets to avoid mussing their uniforms with the blood, potentially dangerous bone fragments, and sundry tissue that would burst from their mutual victims' wounds.<sup>93</sup>

### *The Nebulous Phenomenon of Latvian Anti-Semitism*

The question of Latvian anti-Semitism is particularly interesting because, prior to the Second World War, Latvia had not been known as a home of anti-Semitism. In the context of Eastern Europe, together with Estonia and in sharp contrast to Lithuania and Poland, Latvia was almost singularly devoid of anti-Semitism. In fact, even more strangely, if Latvians did harbor historical animosity towards a specific ethnic minority in their country, it was towards the Germans. The historical context explained at the beginning of this chapter underscores the poverty of Daniel

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<sup>92</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. "Arajs Verfahren." Sonderband 4, pp. 772–784. Arno Besekow. "Protokoll." Hamburg, 19 February 1965. For more on Besekow and the makeup of the death squads at Biķernieki, see: Ezergailis, Andrew. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, pp. 222–225.

<sup>93</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. "Arajs Verfahren." Sonderband 10, pp. 1964–1977. Leonīds Jansons. "Protokoll über eine Zeugenvernehmung." Rīga, 12 May 1971.

Goldhagen's reductionist thesis when he dismissively assumes that Latvian culture was "profoundly anti-Semitic."<sup>94</sup>

This is not at all to say that Latvia was without anti-Semitic extremists. Pērkonkrusts was the largest bloc in interwar Latvian society that affirmed anti-Semitism as part of some sort of "philosophical" worldview or political platform. However, the membership of this organization comprised less than half of 1% (6,000 out of around 1,500,000 people, or 0.4%, in 1935) of the ethnic Latvian population before the Second World War. History can rightly discount their importance, even if their claims of twice the number of members cited here were true. After the installation of Ulmanis as dictator, furthermore, this pitiful "movement" was banned. During the war, the highest Latvian official of the pre-1940 government living abroad, the ambassador to the United States and longtime friend of Kārlis Ulmanis, Dr. Alfreds Bilmanis, made explicit guarantees to the World Jewish Congress that after the war, the rights of Latvian Jews in the restored independent state would again be respected.<sup>95</sup> His repudiation of anti-Semitism during the war touched upon a topic about which even the Western Allies are well known to have equivocated while combat operations were ongoing.

Understandably, after the Holocaust and the undeniable participation in it by so many Latvians against their neighbors, the huge majority of Jewish accounts of this relationship—from the earliest post-war iterations by, for example, Max Kaufmann in 1947 to the volumes of witness memoirs compiled more recently by Gertrude Schneider in the 1980s and 1990s—cast it in very blackened terms.<sup>96</sup> These depictions often refer to Jewish shock at Latvian anti-Semitic attitudes, speech, and behavior, *but almost universally only after the arrival of the Germans.*

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<sup>94</sup>Daniel Jonah Goldhagen. *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. New York: Vintage Books, 1996, p. 406.

<sup>95</sup>See, for example: "Nazi Victims Give Freedom Pledge: Representatives of 9 Nations Ravaged by the Nazis Also Promise Aid to Minorities," in *The New York Times*. 7 June 1942, p. 43.

<sup>96</sup>For generally unfavorable interpretations of the relationship between Latvians and Jews, see: Max Kaufmann. *Churban Lettland: Die Vernichtung der Juden Lettlands*. Munich: 1947. Also see: *The Unfinished Road: Jewish Survivors of Latvia Look Back*. Gertrude Schneider, ed. New York: Praeger, 1991. Also see: Bernhard Press. *The Murder of the Jews in Latvia: 1941–1945*. Evanston, Illinois: Northwestern University Press, 200. The original was published in German in 1992: Bernhard Press. *Judenmord in Lettland, 1941–1945*. Berlin: Metropol-Verlag, 1992.

They were quite right to do so. But even an account that notes “the pervasive anti-Semitism endemic to Latvia” also admits that before the war “the Latvian Jewish community pulsated with vitality.” It boasts of Jewish educational institutions and “seats of higher learning,” and “a splendid Jewish press, libraries, publishing houses,” theaters, and museums, and notes that Austrian Jewish refugees had “found a haven in Riga.”<sup>97</sup> The “Latvian hordes” that appear in account after account always seem to have suddenly arrived along with the Germans “with a brutality unmatched by any other European country.”<sup>98</sup>

In fact, the mirror image of this attitude also prevailed. Latvians’ attitude toward Latvian Jews—however scant and distorted its justification—was also that of shock and a sense of betrayal. As argued above, the Latvians who shot Jews did so at least in large part because they saw them as traitors to Latvia and collaborators with the Communists. The court that convicted Viktors Arājs himself concluded that there was no evidence suggesting that even he had harbored anti-Semitic attitudes before the war.<sup>99</sup>

The book most frequently adduced by Latvian apologists to explain the historically harmonious coexistence of Jews and Latvians before the Second World War is Frank Gordon’s *Latvians and Jews Between Germany and Russia*.<sup>100</sup> Gordon deliberately produced his account, in fact, as pushback against the negative view shared by most other Latvian Jews and German Jews sent to die in Latvia. In it, he encouraged them not to “blame ‘the Latvians’” and noted that “[t]he brown fascists were masters at setting peoples against each other.”<sup>101</sup> To the extent that real anti-Semitism emerged during the war, it did so at the instigation of the Nazis through their propaganda. Also, the repeated acts of killing and the observation

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<sup>97</sup>Steven Springfield. “A Life Saved by a Beating,” in *The Unfinished Road: Jewish Survivors of Latvia Look Back*. Gertrude Schneider, ed. New York: Praeger, 1991, pp. 121, 122, 128.

<sup>98</sup>Ibid., p. 123.

<sup>99</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arajs Verfahren.” Sonderband 49, pp. 7987–8168. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979, pp. 143–148. “Grundlagen der Feststellungen zur subjektiven Tatseite.”

<sup>100</sup>Frank Gordon. *Latvians and Jews Between Germany and Russia*. Revised Edition. Stockholm, Riga, and Toronto: Memento and Daugavas Vanagi, 2001.

<sup>101</sup>Ibid., pp. 83, 126.

of Jews who had been subjected to every conceivable method of mockery, robbery, and dehumanization probably functioned to actually instill a previously absent anti-Semitism in the perpetrators.

Finally, none of this is to say that the Jews who were killed were not ultimately killed simply because they were Jews. Indeed they were. However, given the long-term context of the relationship between Jewish and non-Jewish Latvians, it appears very probable that the anti-Semitism evident in 1941, 1942, and 1943 was almost solely a product of Nazi instigation, exploiting a volatile local situation, rather than an autonomous local product emerging free of outside influence. The Nazis, by claiming that *their* Jewish “enemy” was identical to the Latvians’ perceived enemy—the Soviets—gave those men who were willing to kill an outlet to see their wishes of revenge fulfilled in a way that did not jeopardize their own personal safety (in fact, it was enhanced), promised some lucre, and even allowed them to posture as patriots in a land not only saturated by Nazi propaganda, but where any semblance of a free civil society had long been dead.

#### SUMMARY

The Second World War in Latvia can be regarded as yet another in a near millennium-long string of perennial conflicts fought in Eastern Europe. The “Bloodlands,” as Timothy Snyder has so memorably described these territories combined, have historically been engulfed in the struggles between various iterations of West and East.<sup>102</sup> While massive bloodshed and atrocity have doubtless attended every one of these struggles, that between the Nazis and the Soviets distinguishes itself from the rest not only by its staggering enormity, but also by the Holocaust. The question of Latvian participation in it requires an answer.

The Holocaust could and would never have occurred in Latvia without the policy of the Nazis who commanded and orchestrated it. Without the Soviet occupation and the trauma of the Year of Horror, 1940–1941, the Holocaust would still have undoubtedly taken place there so long as the occupying Nazis had demanded it, but it very likely would not have had the benefit of the participation of nearly as many

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<sup>102</sup>Timothy Snyder. *Bloodlands: Europe Between Hitler and Stalin*. New York: Basic Books, 2010.

willing Latvian executioners as it did in the actual event. Yet, the Soviet occupation that preceded the German one can only go so far in making explicable the decisions taken by the men of the Latvian Auxiliary Security Police to take up their posts in that organization and discharge their hideous, Nazi-appointed duties. Other factors intervened, including crass, material appeals; the electrifying sensation of being on the winning side of an apocalyptic war; the pre-formed authoritarian mindset with which most of the men entered that war; the warped and unequal interracial relationship between the Nazi German overlords and their subservient Latvian collaborators, who found common ground in hunting their mutual Jewish quarry; and the interbreeding of the foreign incarnations of anti-Semitism with whatever pre-existing domestic anti-Semitism as may have been found.

That there were no non-Jewish voices to publically oppose the Kommando's doings is a testament to the level of oppression imposed by the Nazi occupation as well as the methodical determination with which the Soviets before them had decapitated Latvian leadership cadres. But it also suggests a more thoroughgoing and deeper societal decay among the everyday people—ordinary people who had long lived in a political culture saturated with propaganda; who might not have even remembered enjoying real freedom of speech; and who were afraid, mourning, outraged, and in search of scapegoats. Proof that society was a shambles is that someone like Viktors Arājs could succeed in stepping in as a leader and find people willing to join with him to plow the furrows of Hell.

### *The Sole Exception*

In Düsseldorf, West Germany, in May 1961, Egons Jansons (no relation to Leonīds Jansons), a Latvian immigrant born in Rīga in 1925, was arrested at ten-thirty at night for threatening random passers-by with a pistol. The police who disarmed him found a second pistol on his person and a total of fifteen rounds of ammunition. At the station, it was discovered that Jansons had been in and out of jail ever since the end of the war, earning a rap sheet that included numerous counts of fraud, attempted fraud, and petty larceny across the entire breadth of the Federal Republic of Germany. When averaged out, Jansons had

been arrested once nearly every year since 1945.<sup>103</sup> To this record, he seemed determined to see a new charge added: murder in connection with National Socialist violent crimes. In August, while still in remand awaiting trial for his alarming public gunplay, Jansons spoke with a priest named Kauffenstein and thereafter penned a confusing and ungrammatical but very passionate letter to the State Prosecutor in Düsseldorf, Mr. Abramowski, *entirely unique in all the annals of the Arajs Kommando*:

This conversation was [inspirationally] decisive to my letter to you today. In my heart [I have been] decided for days – yet I have lacked the courage to confess myself before worldly judges. Freely [“Unbeeinflusst”], in full realization of the gravity of my plea of guilt and the consequences to be expected – in order to be rid of the weight on my conscience [“Gewissenlast”] that I have borne for nearly twenty years and which, especially in recent months, has allowed me no peace. To obtain God’s irrevocable and permanent reconciliation [“Verbindung”] and forgiveness, I declare: as a member of the Latvian Security Kommando [“Sicherungskommando,” sic.] of the Commander of the Security Police and SD in Latvia, did I in two cases in the year 1943, personally shoot two members of the Jewish and Russian people, respectively. Additionally, on multiple occasions I took part in Ghetto-to-Salaspils [escort] actions. Today I would relinquish all that is dear and precious to me if I could undo this [“wenn ich das ungeschehen machen könnte”] – I repent of it deeply and am ashamed of myself. And I am prepared to accept the punishment I am due without objection or complaint and lay in abjection!<sup>104</sup>

Every detail offered by Jansons in subsequent statements corresponds exactly to what is known today, from the dates of the Fürstenberg police training to uniform descriptions to the demographic composition of the inmate population at the Salaspils concentration camp by gender, national origin, approximate average age, and total number. Nothing he said is at odds with the known reality as proven in courtrooms either before or since, and accurately maps onto the known timeline of the

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<sup>103</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1335–1236. Der Polizeipräsident in Düsseldorf. “Bericht.” 11 August 1961.

<sup>104</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1329–1334. Egons Jansons. “Noch zur Person.” 10 August 1961.

Kommando's development. He was certainly telling the truth or, at least, was telling some of it.

In the late summer of 1942, Egons Jansons was stationed in the area of the Salaspils concentration camp and regularly had the duty of escorting and guarding labor columns between the camp and various work sites. The killing of his first innocent, Jansons describes as follows:

Alerted by the alarm siren, we assembled with about twenty men in front of the guardhouse. A ranking fellow countryman ["vorgesetzter Landsmann;" the meaning of Landsmann is ambiguous here, but seems to refer to a Latvian superior] then led us into the camp, where the Jewish labor groups were assembled. The Communists and work-shy were not assembled. One Jew stood slightly apart from his group. After a while, a German Sergeant ["Oberscharführer"] from the Headquarters ["Kommandantur"] came. He affirmed that the Jew standing apart there was supposed to be shot. He also gave the reason for it, *but I no longer know what was mentioned*. I stood in the first rank of the three columns as the left wingman. The Sergeant designated me and both of the two comrades standing behind me in the second and third ranks for the shooting. The Jew who was to be shot was led to the vicinity of a concrete wall... The man continued to pray and called to Jehovah. He stood with his face to us. From a distance of about ten paces, the three of us in the detail fired a salvo at the man from our Czech rifles... The man fell and was immediately dead. After a little while, we were then marched back out of the camp. The one who was shot remained where he lay while we departed... That evening, *I heard that the Jew was supposed to have stolen something*. At the time, I was 17 years old. The shooting of this unarmed man had agitated me exceptionally. I got drunk the evening after the shooting. I had had the intention to travel to my mother in Rīga that evening. Rīga was only 17 kilometers distant from the camp. Because of this experience, I did not go to Rīga... How old the one who was shot was, or what he was called, I do not know. Like all of the Jews, he wore civilian clothing. I only remember that he shouted "Jehovah" before he was shot. What language he spoke, I do not know [emphasis added].<sup>105</sup>

The fact that the victim was alleged to have committed the offense of theft—whatever that could possibly have meant in his context—invites the suggestion of a connection with Jansons's own post-war serial

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<sup>105</sup>Ibid.

misdemeanors on the same charge. It is especially curious that early in the confession he claimed to have forgotten the alleged charge, but later admitted that the Jew had been accused of stealing. The apparent ineptitude that led Jansons to the interior of so many West German jail cells may have been, if not intentional, then perhaps unconsciously symptomatic of guilt, a wish to perhaps identify more somehow with his victim, and the need to feel himself redeemed in some measure through experiencing some form of punishment.

In his second story, Egons Jansons related how he was ordered, fairly fresh from his SD police training, to execute a Russian male during the gigantic “Winter Magic” anti-partisan operation in Belarus in early 1943. Suddenly coming under machine gun fire, the German supervisor of his column of the Kommando believed that the Russian, who had been attached to the platoon as a guide [“Wegführer”] and interpreter, had attempted to lead them into an ambush. This was later proven not to have been the case, and the column eventually arrived safely at its destination by following the then-dead Russian’s instructions. Nevertheless, upon a direct order, Egons Jansons shot the man in the head with a non-government issue Walther PPK handgun that he privately owned. With German forces, it was quite common for troops to bring their own sidearms with them to combat areas as backup weapons.<sup>106</sup> Jansons was one of the few who would, however, continue the practice of carrying a weapon into peacetime civilian life.<sup>107</sup>

After Operation Winter Magic, Egons Jansons returned to Rīga, where he twice attended mass shootings of 100–200 Jews from the Rīga Ghetto in April or May of 1943. This is plausible in that it was the period that immediately preceded the relocation of the ghetto’s last remnant of Jews to labor camps across the country that began in July 1943 and ended with the closing of the ghetto in November of that year. The two executions he attended may have been the killing of those inmates no longer considered fit for work. Jansons said that he personally drove groups of victims to the Dreiliņi suburb of Rīga and waited about 100 meters away for them to be shot. He described “the

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<sup>106</sup>The practice was not discouraged, although those who engaged in it were not issued ammunition for their extra gun because of the logistical hassle necessitated by maintaining inventories of various and sundry, rather than standardized, calibers.

<sup>107</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1329–1334. Egons Jansons. “Noch zur Person.” 10 August 1961.

wailing [“jammern”] of the people” as “simply terrible.”<sup>108</sup> By 1944, Jansons had been transferred to the Latvian Legion. Fighting on the Eastern Front against the Red Army for the remainder of the war, he was wounded three times. In March 1945, the hospital where he was convalescing in western Germany was captured by advancing US forces. His entire family had stayed behind in Latvia. With his family, therefore, he had had no post-war contact. And by the time of his confession, he had been living separated from his West German wife for a year and a half.<sup>109</sup>

After months of further investigation in the fall of 1961, it was eventually decided by the State Prosecutor not to pursue any charges against Egons Jansons except those related to his recent episode in Düsseldorf where he had publically brandished his pistol. Several reasons were given, including that Jansons had been a minor at the time of the events and additionally, that as such, he would have been particularly vulnerable to the maleficent Nazi indoctrination he had been given. As importantly, it was observed that both of the shootings had occurred upon direct orders with no sign of personal malice or base motives. The Jew was shot as an offending prisoner, rather than as a Jew, it was decided. And the shooting of the Russian might have been partly justifiable in context, since Jansons could plausibly have believed himself to be protecting the safety of his unit. Also, the latter incident having taken place in an area of active military operations, refusal to carry out the order could have been met with summary justice for Jansons himself, reasoned Düsseldorf’s senior public prosecutor. Although all of this information came purely from Jansons’s own accounts, investigation was halted. The prosecutors concluded that “It is therefore, on the grounds of a lack of suitable evidence to the contrary, to be assumed that these killings should be seen not as murder but as manslaughter [“Totschlag”].”<sup>110</sup> Unlike murder, the statute of limitations had run out for the crime of manslaughter. Under West German law, Jansons could not be tried for the crimes to which

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<sup>108</sup>Ibid.

<sup>109</sup>Ibid.

<sup>110</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1337–1338. Kepper. “Vfg. Der Leitende Oberstaatsanwalt bei dem Landesgericht Düsseldorf.” 16 August 1961. Also see: StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1347–1351. Kepper. “Der Leitende Oberstaatsanwalt bei dem Landesgericht Düsseldorf.” 27 October 1961.

he himself had voluntarily confessed once they were defined as just manslaughter.

Having been so informed, Jansons later wrote back to Abramowski at the prosecutor's office that the notice "was my most beautiful Christmas present. It has already pained me a thousand times to have taken part in the shooting actions as a young man... I thank you again for the great understanding that you have shown me. Devotedly Yours, Egons Jansons."<sup>111</sup> For his role in the atrocities, Egons Jansons, like the absolute majority of the other members of the Latvian Auxiliary Security Police, was never punished by any court. He was, however, exceptional insofar as *he is the only member of the Arajs Kommando to ever have volunteered himself to justice unsolicited and uncoerced.*

In the following chapters, such post-war fates as are known of his less candid and forthcoming officers and comrades from the Kommando will be explored. While Egons Jansons confessed of his own accord and was spared by a lenient prosecutor using the technicalities of West German law, his former friends never ceased in their efforts to evade the law and defeat the course of justice.

Long before Jansons spoke up in West Germany—indeed before the war was even over—Soviet authorities were not making for themselves a reputation for leniency, nor would they require any such voluntary admissions as his.

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<sup>111</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. "Arajs Verfahren." Sonderband 7, pp. 1352–1353. Egons Jansons. "An die Staatsanwaltschaft beim LG-Düsseldorf, Herrn StA Abramowski." Düsseldorf, 7 January 1963.

## The Union of Soviet Socialist Republics: Justice Behind Propaganda

### OVERVIEW

Both in terms of chronology and number of convictions, the Soviet Union was the leading post-war prosecutor of Arajs Kommando members.<sup>1</sup> A total of 356 former members of the Latvian Auxiliary Security Police are known to have been captured, tried, and convicted by the Soviets. Almost all of them were apprehended between 1944 and 1950. After peaking in 1947 with 87 convictions, the number of suspects dwindled to a trickle in the 1950s and 1960s, with individual years seeing one, two, three, or sometimes no arrests at all. In 1967, the Soviet Union captured its final former Kommando member.<sup>2</sup>

But Soviet justice, as pertained specifically to the men of the Arajs Kommando, should actually be considered as arriving in three unique waves. These three waves were motivated by different imperatives ranging from security during and in the direct aftermath of the Second World War and the maintenance of domestic cohesion and the dominance of the Communist Party in reannexed Latvia in the first; through the promotion

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<sup>1</sup>A version of a portion of this chapter has previously been published as “Justice Behind Propaganda: Soviet Prosecutions of the Men of the Arajs Kommando,” in *Latvijas Vēstures Institūta Žurnāls*. 2015: Issue 4 (97). December 2015.

<sup>2</sup>Rūdite Viksne. “The Arājs Commando Member as Seen in the KGB Trial Files: Social Standing, Education, Motives for Joining It, and Sentences Received,” in *Holokausta Izpētes Problēmas Latvijā: Latvijas Vēsturnieku Komisijas Raksti*. 2. Sējums. Rīga: Latvijas vēstures institūta apgāds, 2001, p. 352.

of the Soviet image abroad and the discrediting of the anti-Communist Latvian exiles in the second; to the real service of justice and a desire for a normalization of relations with the West in the third. In other words, Soviet efforts followed first a wartime and immediate post-war track; followed by a classical Cold War track; and finally, an “Ostpolitik” track reflective of détente. Prosecution of Arajs Kommando members on Soviet territory brought to an end the “first wave” of Soviet justice. But Soviet impact continued to be felt in the two other slightly overlapping waves, both in a propaganda-heavy effort to internationally demonstrate the superiority of Soviet justice and the USSR’s commitment to punishing fascist criminals and later in serious and reasonable legal assistance to Western prosecutors, first in West Germany and later in the United States.

The first wave began during the Second World War as the Red Army returned to Latvia. As it battled its way westward, recapturing Rīga in October 1944 and accepting the surrender of all remaining German and Latvian forces allied to the Germans in May 1945, many suspected fascist criminals fell into the hands of the Red Army and the NKVD (Narodniy Komissariat Vnutrenneekh Dyel, or “People’s Ministry of Internal Affairs.”). This first wave crested late in that decade as Soviet control in Latvia was consolidated and the adjudication of fascist crimes there was systematized. The initial efforts to deliver justice to Viktors Arājs’s men tapered quickly through the 1950s and into the 1960s as fewer and fewer suspects remained to be identified and captured. There are three key things to be examined in connection with this wave. The first are the reports generated by the Extraordinary State Commission on Crimes in Latvia, the Soviets Union’s official comprehensive assessment of the crimes of the German fascists in the Latvian Soviet Socialist Republic from 1941 to 1945. The second is the trial and execution of Höhere SS- und Polizeiführer Lettland (HSSPF) or “Higher SS and Police Leader” Friedrich Jeckeln in early 1946, which neatly encapsulated this phase’s most important features. Finally, there are the actual interrogations and verdicts against the captured men of the Kommando. Interestingly, in contrast to the prominently-staged trials of their criminal German counterparts, the prosecutions of Latvian perpetrators were handled quietly and without public spectacle. While the political interests of the Soviet Union played a large role in the inspiration and implementation of this phase of its post-war justice *when it came to the question of public consumption*, on the level of the individual perpetrator, this phase was marked by a desire to know the real truth—by any means necessary

and with no regard for liberal-democratic conceptions of due process. In effect, the Soviet system was two-tiered: while dispensing harsh but deserved justice to individuals by the lowest rungs of the Soviet state apparatus, the picture projected for the public was determined according to the Communist Party's political needs.

The second wave of Soviet efforts at justice for Latvian Nazi collaborators (only indirectly affecting the men formerly of the Arajs Kommando, it should be said), was more blatantly a political exercise and therefore the most dubious from the standpoint of the historical data it may have uncovered for posterity. It began in the mid-1960s—just as the final Kommando members who would face Soviet justice were apprehended—and lasted into the early 1970s. Its most outstanding feature came in the form of a series of what the Latvian exiles in the West uniformly termed “show trials.” Many of the defendants did not even live in the Soviet Union, but rather were being tried in absentia while living in West Germany, Canada, and the United States as immigrant citizens in good standing. Western public and government response is a complicated issue to be dealt with in subsequent chapters, however. No defendant swept up in this wave was actually accused of membership in the Arajs Kommando. Yet, a major change had occurred regarding the Soviet line towards local collaborators that did affect the men of the former Kommando. A part of this change, illustrated by the bevy of propaganda materials that accompanied the cases, was a new Soviet willingness to *publically* point the finger at people who had been technically considered Soviet citizens for willing participation in the crimes of the Nazis—former Kommando members included. Previously, the preferred term for the wartime enemy in official Soviet-speak had generically been “fascists” or “German fascists.” It was only in the 1960s that Latvian perpetrators entered the Soviet official consciousness on a meaningful and systematic scale. In the end, while this was a major step in the direction of the truth about the participation of Latvian collaborators in the Holocaust, it was nevertheless again marred by considerable unnecessary propagandizing and political interference that clouded or scrambled as much new knowledge as it revealed. Perhaps its most significant contribution is the pressure it may have placed on Western governments to revisit the issue of Nazi crimes in Latvia.<sup>3</sup>

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<sup>3</sup>Simultaneously, the USSR and many Warsaw Pact countries were loudly petitioning for West Germany to revise its laws regarding statutes of limitations.

The third and final wave of Soviet justice for the men of the Arajs Kommando came in the form of legal aid rendered to prosecutors beyond the borders of the Soviet Union—chiefly in the West, but also, in at least one known case, inside the Warsaw Pact as well.<sup>4</sup> It was, in fact, a parallel process that slightly overlapped temporally with the USSR’s domestic and international propaganda offensive described above. This phase began in the 1960s when German trials of Nazi crimes sharply intensified and continued through the 1980s when the United States finally renewed its own prosecutions of suspected Nazi criminals within its jurisdiction. Soviet assistance to the West would in fact continue as long as the Soviet Union still existed. No Western prosecutor’s office was fully equipped to gather the evidence necessary to confidently convict a man suspected of membership in the Arajs Kommando without at least some Soviet help. They possessed the basic documentation concerning upper echelon decision-making and reporting but not the low-level documents and testimonies required for the conviction of an obscure, individual man. Also, the bulk of the witnesses, not only those among the few survivors but also quite large numbers of convicted perpetrators, could only be identified, made accessible to Western investigators, and deposed with the cooperation of the Soviet state. By virtue of controlling the territory on which the crimes took place, the Soviets could also offer certain pieces of forensic evidence. Prosecutors in both of these Cold War adversaries of the Soviets benefitted substantially—at least in some cases even decisively—from the legal assistance of their Communist counterparts. By and large, the Soviet authorities appear always to have behaved assiduously and correctly with the West in an honest pursuit of justice. Not one of the manifold witnesses or pieces of evidence supplied by the Soviets to Western prosecutors, unlike the USSR’s array of propaganda intended for public dissemination, was ever exposed as false or fabricated when subjected to careful historical or forensic examination.

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<sup>4</sup>For an interesting piece on the interrelationship between the Federal Republic of Germany and the German Democratic Republic, see: Annette Weinke. “The German-German Rivalry and the Prosecution of Nazi War Criminals During the Cold War, 1958–1965,” in *Nazi Crimes and the Law*. Nathan Stoltzfus and Henry Friedlander, eds. German Historical Institute and Cambridge University Press: Washington, DC, and Cambridge, 2008. For a larger study, also see: Annette Weinke. *Die Verfolgung von NS-Tätern im geteilten Deutschland: Vergangenheitsbewältigungen 1949–1969 oder eine deutsch-deutsche Beziehungsgeschichte im Kalten Krieg*. Paderborn: Schöningh, 2002.

However, such participation in Western processes also conveniently aided the propaganda objective of claiming, to use a cliché, the “moral high ground.” In their aid, then, the Soviets were serious and unstinting if smug and self-righteous.

Hence, every aspect necessary to consider when evaluating the post-war legal reckoning with the crimes of the Latvian Auxiliary Security Police anywhere in the world invariably relates back directly to the Soviet Union. Overall, compared to prosecutors and courts in liberal democracies such as West Germany and the United States, the Soviets were far more aggressive in their pursuit of suspects and far harsher in their sentencing of the convicted. West Germany’s maximum penalty was life imprisonment, and that of the United States was denaturalization and deportation. It should also be noted that the severity of the Soviet sentences generally lessened with time as the more draconian code decreed during the war was phased out—a measure that included the abolition of the death penalty between 1947 and 1950.

The first two waves of Soviet justice will be summarized in the current chapter; the Soviet role in foreign trials will be discussed in subsequent chapters.

### THE EXTRAORDINARY STATE COMMISSION AND THE EARLY TRIALS

Immediately upon their re-entry into Latvian territory, the Soviets began assembling evidence about Nazi crimes on the territory of the Latvian Soviet Socialist Republic. This evidence took many forms, including physical and documentary evidence, as well as voluminous interviews with the general populace, the surviving victims of Nazi terror, and German and collaborationist prisoners. The entity dedicated to formally establishing what had gone on during the occupation was called the Extraordinary State Commission on Crimes in Latvia.<sup>5</sup> The Commission’s findings were very seldom cited during the actual proceedings of the International Military Tribunal at Nuremberg, nor were

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<sup>5</sup>The complete final report can be found here: Central State Archive of the Russian Federation, Fond 7021, Opus 93. It is also listed among the Nuremberg documents as “USSR-41: Report of the Extraordinary State Commission on Crimes in Latvia.”

they substantively used in other Western courts subsequently.<sup>6</sup> Thus, whether or not it had been the intention from the start, in fact the published and publically-accessible reports were used almost exclusively for public consumption, both inside and outside the Soviet Union.<sup>7</sup>

The points on which the conclusions of the Extraordinary State Commission are at odds with our current state of historical knowledge can be illuminating. These variances bear the stamp of political interference emanating from the Communist Party leadership and perhaps from ambient ideological presuppositions and expectations at the lower levels as well. Predictably, they reflect the Soviets' well-known attitude towards the Holocaust: Jewish victimhood is not denied in the narrative, but neither is it given proportionate consideration or emphasis. However, four additional peculiarities of the Soviet reports are worth pointing out. Firstly, the reports show that the obverse of the effacement of the Jewish identity of the victims was also true: the identity of many of the perpetrators as Latvians was veiled, not to say completely hidden. Secondly, the Latvians were characterized as victims and their specific national tragedy under Nazi misrule was highlighted. Thirdly, the reports needlessly exaggerated horrific crimes by inflating the already staggering numbers of victims. The given number of total victims is typically tripled, not only putting it (and the derivative numbers at individual sites or of individual operations) at odds with Western estimates, but also leading to internal inconsistencies. Fourthly and lastly, some specific Soviet claims regarding Nazi crimes are unsupported by the evidence, leading to the conclusion that some allegations were propaganda fabrications. Thus, the official story contained serious misrepresentations of reality.

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<sup>6</sup>Specifically, the report only received a half-dozen mentions by the IMT: Volume VII, pp. 380, 510; Volume VII, p. 97; Volume XI, pp. 492, 591; and Volume XVIII, p. 92. *Trial of the Major War Criminals Before the International Military Tribunal*. International Military Tribunal: Nuremberg, 1949, p. 171.

<sup>7</sup>Good work has been done on the question of the role of the Extraordinary Commissions' reports as academically cloaked propaganda devices to hoodwink Western scholars and specialists. See: Marina Sorokina. "People and Procedures: Toward a History of the Investigation of Nazi Crimes in the USSR," in *Kritika: Explorations in Russian and Eurasian History*. Vol. 6, Nr. 4, Fall 2005, pp. 797–831.

### *The Question of Latvian Participation*

Some illumination of the question of the Soviet attempt—until the 1960s—to efface the Latvian identity of some of the perpetrators comes from a Russian-language document collection edited by Aleksandr Diukov and Vladimir Simindei, published in 2009. Given permission by the post-Soviet Russian government to peruse otherwise tightly controlled archives, they have assembled a useful collection of documents detailing atrocities committed by Latvian formations, including the Arajs Kommando. This collection exists in English translation as *“Destroy as Much as Possible...”: Latvian Collaborationist Formations on the Territory of Belarus, 1942–1944*.<sup>8</sup>

It is in the “Editor’s Note” that opens the collection that an ingenious explanation for the initial Soviet suppression of the fact of Latvian collaboration with the Nazis is posited:

The atrocities shock shock [sic.] by their scope. So, how did the Nazis succeed in realization [sic.] of their misanthropic genocide plans? In the Soviet epoque [sic.] *this question was suppressed since a blunt reply could disturb international peace in the country*. The main cause is that collaborationist unions formed by the invaders from among the Soviets [sic.] citizens figured prominently in realization [sic.] of the Nazis’ genocide plans. The Russians, the Byelorussians, the Ukrainians, the Lithuanians, the Estonians and the Letts [i.e. Latvians] took part in such unions [emphasis added].<sup>9</sup>

The odd phrase “a blunt reply could disturb international peace in the country” is probably best interpreted to mean that interethnic comity

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<sup>8</sup> *“Destroy as Much as Possible...”: Latvian Collaborationist Formations on the Territory of Belarus, 1942–1944*. Document Compendium. Johan Bäckman, ed. Irina Zhila, trans. Helsinki: Johan Beckmnn Institute, 2010, pp. 25–26. This is an English-language translation of a Russian-language document collection: *‘Unichtozhit’ kak možno bol’she...? : Latviiskie kollaboratsionistskie formirovaniia no territorii Belorussii, 1942–1944 gg. Sbornik dokumentov*. Aleksandr R. Diukov and Vladimir Simindei, eds. Moscow: Historical Memory Foundation, 2009. Since the translated version was consulted for this chapter, it will be cited rather than the Russian-language original.

<sup>9</sup> *“Destroy as Much as Possible...”: Latvian Collaborationist Formations on the Territory of Belarus, 1942–1944*. Document Compendium. Johan Bäckman, ed. Irina Zhila, trans. Helsinki: Johan Beckmnn Institute, 2010, pp. 25–26.

within the USSR might have been threatened if the ethnic identity of the Nazis' accomplices was overtly and publically noted. This is the fascinating but also intuitive complement to the universally attested propensity of the Soviets to downplay the ethnicity of the Jewish victims. It also goes well beyond the simple ideological wish to live among a de-nationalized world-brotherhood of workers and peasants, no matter whom the Nazis had wished to either kill or employ.

This illustrates that the first impulse of the Soviet leadership was to control and define the realities of the Nazi occupation in such a way as to *politically benefit* the USSR. Most basically, it functioned to defuse potential ethnic strife. In this calculation, the Soviet leadership may well have acted shrewdly, even presciently, for with hindsight the example of Yugoslavia in the 1990s comes to mind. It was also central to the justification of Stalin's re-establishment of control over territory in the new post-war order that he had first gained through the Molotov-Ribbentrop Pact with Nazi Germany in 1939. And the imperative to officially homogenize the populations of a multinational bloc and unite everyone under the same banner—the victims of and victors over fascism—must have been powerful.

Of course, this language of brotherhood was extremely cynical. Fresh deportations from Latvia to the Soviet interior resumed with the return of the Red Army and culminated in the massive deportation of more than 42,000 Latvians between 25 and 28 March 1949—a three-day period comparable to the entire Baigais Gads in terms of the number of victims.<sup>10</sup> It should also be noted that the desire to keep the ethnicity of the perpetrators out of sight did not prevent the pursuit and punishment of the Latvian perpetrators—only that publically “this question was suppressed,” in the words of the Editor's Note. That is to say that the reality was known to the authorities but not proclaimed to the public because it was politically inconvenient.

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<sup>10</sup>Valters Nollendorfs. *Latvia Under the Rule of the Soviet Union and National Socialist Germany, 1940–1991*. Valters Nollendorfs Matthew Kott, Richards Pētersons, and Heinrihs Strods, eds. Ksenija Broka and Valters Nollendorfs, trans. Rīga: Museum of the Occupation of Latvia, 2002, p. 106. Also see: Heinrihs Strods and Matthew Kott. “The File on Operation ‘Priboi’: A Re-Assessment of the Mass Deportations of 1949,” in *The Journal of Baltic Studies*. Vol. 33, Issue 1, 2002.

### *Pro-Latvian Soviet Propaganda*

One part of the report specifically concerned the crimes committed by the Nazis and their collaborators in Rīga. It can be read as a late example of Soviet propaganda attempts during the war to convince Latvians that the USSR was not hostile to Latvian national pride and distinctiveness and was actually the true guardian of Latvian culture against the Nazis.<sup>11</sup> This commission was headed by a Soviet Latvian, Jānis Kalnberziņš, who was also the First Secretary of the Latvian Communist Party, and many of the other high-level commissioners were also Latvians.<sup>12</sup> In effect, they were the Soviet Union's ambassadors to reconquered Latvia—'Communism with a Latvian face,' as it were. In its comprehensive indictment of the German occupation, the report seems consciously designed to sooth local feelings and smooth the permanent reintegration of Latvia into the USSR.

The first charges against the German occupation listed in the report were all things that any vaguely patriotic Latvian could identify with. "The henchmen of Hitler mocked the city of Rīga—the shrine of the Latvian people. They attempted to destroy everything that was bound up with the national traditions of the people."<sup>13</sup> It was noted that Brīvības

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<sup>11</sup>The Nazis were long aware of the Soviet attempt to outflank them, as it were, to the political right in terms of guaranteeing respect for the Latvian nationality. See, for example: Bundesarchiv-Militärarchiv. RH 2/2129, p. 152. "Lagebericht." 5 December 1945. "The Soviet leadership understands this opportunity and skillfully *uses ultra-nationally camouflaged whisper-propaganda* to exert a heavy influence on public opinion [emphasis added]." In a personal address, Stalin himself said to the Latvians under German occupation the following:

In the ranks of the Red Army battle the heroic and best sons of the Latvian people—the guards of Latvia... Soon the Latvian guards, together with the other divisions of the Red Army will sweep back into Latvia. They will ask everyone the question: What did you do to free our homeland from the invaders? Prove by fighting against the Germans that you love your homeland... Every fighter in the Red Army can say with pride that he wages a war of liberation, a war for the freedom and independence of his fatherland. J. Stalin.

Bundesarchiv-Berlin. R 90/33, p. 1280. "Pressechef. Tgb. Nr. 202/43."

<sup>12</sup>Like so many other native Communists who returned to their countries with the Red Army and helped reimpose Communist rule, Kalnberziņš was subsequently purged from leadership in 1959 for his nationalist tendencies.

<sup>13</sup>Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutsche Demokratische Republik, Zentraler Untersuchungsvorgang zur Untersuchung von NS- und Kriegsverbrechen 63 Bd. 26, p. 120. "Akt über die in der Stadt Riga begangenen Verbrechen und Zerstörungen durch die deutsch-faschistischen Eindringlinge und ihrer Helfershelfer." Rīga, 15 December 1944.

(“Freedom”) Street was renamed after Adolf Hitler, while streets named for the greatest figures in Latvian culture were renamed after other “criminals of the Hitler clique.” It noted that a large part of the cultural center of Latvia, Rīga’s Old Town, was destroyed by the Germans. The closure of schools and universities, and the destruction or removal to Germany of the contents of Latvia’s libraries, archives, conservatories, and museums was particularly deplored in terms of the violence this did to Latvian culture. In other words, the language of the report was so framed as to appeal to the nationally-inclined feelings of the people in the country, which the Soviets recognized.

Another striking feature of the Extraordinary State Commission’s reports comes in the form of what they did not say. The Commission went to extremes to soft-pedal such collaboration as did occur and baldly omitted mention of any active, voluntary, or autonomous Latvian participation in Nazi criminality. It seems almost certain that this was an attempt to propagate the perception that Latvians had stood in solidarity with the rest of the Soviet Union and to promote the internal post-war cohesion of the USSR. This line would give the citizens of the resurrected Latvian Soviet Socialist Republic a victim narrative of their own and put them, as part of the Soviet Union, on the winning side of history. In exchange, this construction would also require that the inhabitants of the restored Latvian SSR accept the notion that Latvia had, in fact, been liberated rather than reoccupied by the Red Army in 1944 and 1945.

The political objective behind this minimalist view of Latvian complicity extended at least as far as the claim that the men of the Latvian Legion were press-ganged into the formation against their will by SS recruiters:

The German aggressors tried to force the Latvians to fight for the interests of predatory [“räuberischen”] Hitler-imperialism. They carried out a violent mobilization of the so-called ‘Latvian Legion.’ Those who refused were sent to a concentration camp and shot. Those invited to the recruitment stations [“Einberufungsstellen”] were compelled to sign a statement attesting to their ‘voluntary’ entry into the Legion.<sup>14</sup>

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<sup>14</sup>BSStU ZUV 63 Bd. 26, p. 125. “Akt über die in der Stadt Riga begangenen Verbrechen und Zerstörungen durch die deutsch-faschistischen Eindringlinge und ihrer Helfershelfer.” Rīga, 15 December 1944.

Unlike claims that the Legionnaires had deserted in droves to join the ranks of the Red Army, the notion that they were in many cases conscripts is actually in accord with reality. Again, however, this assertion was only intended for public consumption. Actual Legionnaires who were captured by the Red Army experienced a decisively less sympathetic attitude on the part of the Soviets than this official publication suggested. Many were executed as traitors and members of the SS.

Other German-controlled formations such as the Arajs Kommando and the Schutzmannschaft units received fairly scant attention in the published reports of the Commission. Latvian complicity with the “German Fascists” is minimized almost to the point of exclusion.

When admission of the existence of Latvian collaborators was totally unavoidable, the Commission used a bizarre formulation to describe them: “The accomplices and participants in the abuses of the German hangmen were *Latvian-German nationalists* who unmasked themselves completely as henchmen of German fascism [emphasis added].”<sup>15</sup> The identity of the perpetrators as Germans and fascists was emphasized, while their Latvian identity was downplayed to appear merely incidental.

Many of the names, positions, and deeds of the principal German figures involved in the conquest, administration, and policing of the territory were accurately presented. Listed were, for example: Generals Walter Model and Ferdinand Schörner, serially the commanders of Army Group North in 1944; SS General Schröder and Higher SS and Police Leader in Latvia Friedrich Jeckeln; Ostland’s Reichskommissar Hinrich Lohse; Generalkommissar of Latvia Otto-Heinrich Drechsler; Viktors Arājs’s direct superior, Rudolph Lange; and another half dozen major police officials in charge of ghettos, camps, and prisons. No Latvian names appeared among the principle criminals. Roberts Štiglics [“Stieglitz,” sic.], Police Prefect in Rīga in charge of the Central Prison, was a Latvian, but his ethnic identity was hidden behind a German-sounding name.<sup>16</sup> The consistency with which Latvian criminals were excluded from the publically released reports of the Commission—while behind the scenes they were being swiftly captured and punished—can safely be interpreted as the result of a centrally dictated policy.

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<sup>15</sup>Ibid., p. 122.

<sup>16</sup>Ibid., p. 133.

*The Estimated Number of Victims*

Diukov and Simindei's collection contains a very valuable and rare war-time document that offers a glimpse into what the Soviets knew about the Arajs Kommando and its mission even before the war ended—it is dated 10 March 1945. It was possibly generated by the special SMERSH unit that is believed to have been dedicated solely to the quiet investigation of the Kommando.<sup>17</sup> It is included here in its entirety because it offers a glimpse into what the Soviets knew about the Arajs Kommando, its commanding officer, and its mission even before the war ended.

Special message on completed investigatory case for the group of punishers from the detached unit under command of the German Army [sic.] Major Arajs coordinated by SD

COUNTERINTELLIGENCE SERVICE "SMERSH"  
OF THE 3RD BALTIC FRONT LINE.

March the 10th, 1945

No 4/1727

Top secret

TO THE HEAD OF COUNTERINTELLIGENCE  
HEADQUARTERS "SMERSH"—  
STATE SECURITY COMMISSIONER  
OF THE 2ND RANK  
com. ABAKUMOV

In January—February 1945 the Counterintelligence Service "SMERSH" of the 3rd Baltic Front Line detained the group of officers of the punitive detached unit under so called "Latvian security police—SD" headed by the German Army [sic.] Major ARAJS:

Mirvald Andreevich LAVINISH [sic.],  
Alexander Albertovich VANAGS,  
Peter Ivanovich STANKEVICH,  
Imants Teodorovich GAILIS,  
Visvaldis Gerbertovich GRINTZEVICH,  
Peter Frantzovich BUTLERS,

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<sup>17</sup>Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: 'Daugavas Vanagi—Who Are They?' Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005, p. 19.

Khariton Теодорович [sic. Cyrillic characters appear in the translation]  
 LOCKMANIS,  
 Vladislav Stanislavovich BALALAIKA,  
 Zigfrid Ivanovich VICKELIS

The carried out case investigation has revealed that:

since the first days of occupation of the Latvian SSR capital by the fascist troops the German punitive forces started killing the Soviet Union citizens in great numbers. At the beginning of July 1941 the concentration camp and ghettos were set up, which were the places for blood purging of the innocent soviet citizens.

Over three year's realization of such a fascist punitive policy, the German aggressors and their supporters among the anti-soviet elements only in the district of Riga killed *more than 300 hundred* [sic.] *thousand Soviet people* [emphasis added].

Especially for making arrests and executions the occupation authorities set up a punitive detached unit under so called Latvian security police "SD", this detached unit was under command of the German Army [sic.] Major ARAJS, who was well known of [sic.] his cruelty in bloodpurging the soviet citizens:

The ARAJS's detached unit created on the voluntary basis amounted up to 3000 men [sic.]. This detached unit was divided into squadrons and carried out the following punitive actions:

- Arresting of the anti-fascist activists all over the territory of the Latvian SSR;
- Mass executions of the soviet citizens;
- Punitive raids against the partisans;
- Guarding of the concentration camps and ghettos.

ARAJS's detached unit was also the base for formation of the enemy's counterintelligence forces [quite what this means is uncertain].

Most of the persons who served in this detached unit had been sent to the Furstenberg SD school (Germany). After completion of this school they carried out the punitive actions as the official SD officers.

... [the findings related to each of the listed individuals are reported]...

HEAD OF COUNTERINTELLIGENCE  
 SERVICE "SMERSH" OF THE 3RD BALTIC FRONT  
 LINE- LIEUTENANT GENERAL  
 (BELKIN)

FSB of Russia, Central Archive,  
F. 100, Inv. 11, Doc. 1, Sheets 219–224  
An authenticated copy.<sup>18</sup>

The document shows that the number of Arajs Kommando members as estimated by the Soviets was almost triple the likely actual figure: 1,200 became 3,000. The Jewish identity of the bulk of victims is almost totally elided, surviving only in a single offhand mention of ghettos. The document also reveals that the number of Nazi victims in Latvia—in Western scholarship by far the largest group being approximately 85–90,000 Latvian and foreign Jews deported to Latvia—according to the Soviets was *predetermined* at “more than 300 hundred [sic.] thousand.”<sup>19</sup> The document is dated *two months before the war ended*. In the meantime, “Fortress Kurland” remained in the fight until 8 May, holding considerable tracts of Latvia’s westernmost territory and the major port city of Ventspils, among other population centers. True, Rīga was recaptured as early as October 1944 and eastern Latvia even earlier, but less than six months could not have been sufficient time in which to reach a complete estimate: much of the territory remained unconquered and other areas were still subject to local German counterattacks. Even once the remaining German and Latvian Legion forces surrendered and the Red Army gained full control of all of Latvia’s territory, it would still necessarily take time to conduct credible investigations involving thousands of interviews and interrogations, the methodical collection and analysis of captured documents, and the sifting of forensic evidence from the concentration camps and the opened mass graves.

The document shows that this figure of more than 300,000 victims was already known to high-level officials ostensibly charged with actually determining the number of victims of fascism in Latvia *even while their investigations were yet ongoing*. The obvious conclusion is that this number was centrally dictated, and ranking investigators were made aware

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<sup>18</sup> “*Destroy as Much as Possible...*”: *Latvian Collaborationist Formations on the Territory of Belarus, 1942–1944*. Document Compendium. Johan Bäckman, ed. Irina Zhila, trans. Helsinki: Johan Beckmann Institute, 2010, pp. 342–343, 347.

<sup>19</sup> *Ibid.*, pp. 342–343, 347.

of the expected tally long before their investigations were complete. *In fact, as will be shown below, the reports upon which the Extraordinary Commission's findings were based prove that the figure of "more than 300,000" was pre-set at least as early as December 1944.*

A separate document, authored by high-level Commission functionaries, made the incorrect claim that 240,000 Jews from almost everywhere else in Europe, including Romania, Hungary, and Norway were brought to the Rīga Ghetto in the middle of December 1941 following the Rumbula massacre.<sup>20</sup> The total number of deaths in the metropolitan area of Rīga alone was set by this official report at more than 170,000—44% of the city's total pre-war population of 385,000. Apparently in addition to this figure, it was further claimed that 140,000 Soviet prisoners of war were also murdered in Rīga and its vicinity.<sup>21</sup> Why the Soviets decided that the Nazis' crimes required gross exaggeration is difficult to understand. The figure of "more than 300,000" here again appeared, qualified as "civilian persons—children, women, and the elderly and Soviet prisoners of war." Adding together the Soviet estimate of dead Rīga civilians, which presumably was meant to include Jews, and Red Army POWs who are said to have died in and around Rīga, produces the figure of 310,000—close to the impossibly precise 313,798 "victims of fascism" in Latvia ultimately given as the official final tally by the Commission. To this must presumably be added, however, the dead from the rest of the country—geographically between a quarter and a third of which, at the time these reports were produced, was still unconquered. The Soviet numbers were predetermined, transparently inflated, and internally inconsistent.

Yet the actual evidence gathered in the course of producing the findings of the Extraordinary Commission is valuable. For example, medical experts correctly concluded that attempts to conceal mass graves had been episodically undertaken.<sup>22</sup> Another finding was that a large-scale

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<sup>20</sup>BStU ZUV 63 Bd. 26, p. 127. "Akt über die in der Stadt Riga begangenen Verbrechen und Zerstörungen durch die deutsch-faschistischen Eindringlinge und ihrer Helfershelfer." Rīga, 15 December 1944.

<sup>21</sup>Ibid., p. 131.

<sup>22</sup>BStU ZUV 63 Bd. 26, pp. 151–152. "Bericht der gerichtsmedizinische Expertenkommission zu den von den faschistischen deutschen Eindringlingen im Rayon Riga/Lett. SSR begangenen Verbrechen." Rīga, 12 December 1944.

but mostly unsuccessful attempt had been made to exhume and burn the bodies at some sites, as quantities of charred bones were discovered. Also, it was found that the bodies had been placed in the graves “chaotically.” In some graves, the bodies were naked; in others, they were clothed—sometimes in uniforms, sometimes in civilian apparel. Some graves contained victims with their hands bound behind their backs. Autopsies of bodies sampled from among the victims revealed the likely cause of death to be gunshot wounds to the head or thorax. Other bodies indicated deaths possibly caused by starvation or disease. The discrepant levels of the deterioration of the corpses in the various graves led to the conclusion that they had been killed at different times between 1941 and 1944, amounting to “a systematic annihilation of prisoners of war and Soviet citizens in the course of three years.”<sup>23</sup>

All of this information is consistent with the historical record as established by subsequent Western legal and academic findings. Low-level investigations then, before they were processed by higher levels and prepared for public consumption, did produce excellent facts and data. As it was passed up the chain, however, the task seems to have had less to do with establishing what really happened under the German occupation and more to do with reaching the number imposed by those farthest away from the rows of exhumed corpses. The findings would also be embellished.

### *Gratuitous Sensationalist Claims*

Unwarranted and needlessly sensationalist Soviet misrepresentations also filled the reports on Crimes in Latvia: “Ten thousand people” were killed “in the first days of the occupation,” for instance. In addition, children were given poisoned milk to drink; multiple full-blown death camps were operating in the territory and gassings were taking place; prisoners were commonly trampled upon until they defecated, upon which, they were forced to eat their own excrement; ingeniously devised portable gallows travelled the land; everyone recognized the “isolation wagon” called “Black Bertha” that would suddenly appear and gas Soviet patriots; psychotic medical doctors performed their gruesome art by vivisectioning conscious

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<sup>23</sup>Ibid., pp. 149–154.

victims while humming the *Marseillaise*; other victims were forced into the boilers of a navy cruiser in Rīga harbor and pressure-cooked alive.<sup>24</sup>

The agents of the Extraordinary State Commission, among other reports, prepared a finding on the deaths of 35,000 Soviet children.<sup>25</sup> Perhaps its most ghoulish allegation was that the Nazis established an industrial-scale “factory for child blood” at Salaspils that operated to constantly pump a supply of fresh blood plasma to slake the thirst of a ravenous vampire Wehrmacht. Executed in a “cannibalistic manner,” this program was reported to have eventually resulted in the death from blood loss of almost every one of the estimated 12,000 ‘donor’ children involved. It was calculated that approximately 3,500 liters of blood were rendered to the German armed forces via this rich vein.<sup>26</sup> In addition to this grisly effort, 150 children were also supposed to have been killed every day at Salaspils in medical experiments.<sup>27</sup>

Further complicating the endeavor of using the Extraordinary Commission’s reports to ground historical knowledge is the fact that these erroneous claims appear together with completely accurate ones. For example: in the midst of some of the false atrocity propaganda is a finding on the murder of Latvian psychiatric patients—a claim that may *seem* similarly incredible but is documented, follows well-established patterns of Nazi criminality, and is in accord with the ‘logic’ of the ideology of the Third Reich.<sup>28</sup>

The reality of the Holocaust in Latvia requires no embellishment. By unnecessarily appending various hideous but untrue outrages to the already horrific bill of actual crimes committed by the Nazis and their

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<sup>24</sup>BStU ZUV 63 Bd. 26, pp. 119-134. “Akt über die in der Stadt Riga begangenen Verbrechen und Zerstörungen durch die deutsch-faschistischen Eindringlinge und ihrer Helfershelfer.” Rīga, 15 December 1944. A separate commission reported that the children were given poisoned porridge and coffee: BStU ZUV 63 Bd. 26 p. 169. “Akt über die Erschießung von 35 000 sowjetischen Kindern durch deutsch-faschistische Aggressoren auf dem Territorium der Lettischen SSR.” Rīga, 5 May 1945.

<sup>25</sup>Ibid., pp. 164–188.

<sup>26</sup>Ibid., pp. 164, 170–172.

<sup>27</sup>Ibid., p. 169.

<sup>28</sup>Very valuable, detailed, and quantitative investigation of the murder of psychiatric patients across Latvia has been done by Rudīte Vīksne. Rudīte Vīksne. “The Killing of the Mentally Ill During the German Occupation, 1941–1942,” in *Holocausta Izpētes Jautājumi Latvijā: Latvijas Vēsturnieku Komisijas Raksti. 8. Sējums*. Rīga: Latvijas vēstures institūta apgāds, 2003, pp. 324–349.

collaborators like the men of the Arajs Kommando, Soviet authorities misinformed their public and the international audience for perceived political gain even as, behind the scenes, they sought to bring the perpetrators of real crimes to justice.

### *The First to Be Tried*

Although the captures, investigations, trials, and sentencing of the perpetrators of the Holocaust in Latvia would quietly continue for years, the trial and execution of HSSPF Lettland, Friedrich Jeckeln, can be regarded as the official capstone of this initial wave of Soviet justice. *It at once combined the real work of justice occurring for individual perpetrators with its public transmutation in service of the political and didactic goals of the state.*

Jeckeln was the highest-ranking Nazi criminal to face justice in Latvia. He was captured by the Red Army at the end of the war in Czechoslovakia where he had been leading a Waffen-SS combat unit and transported back to Rīga to publically stand trial. Why he was not tried in Kiev, for example, where he had orchestrated the Babi Yar massacre in September of 1941, is unclear. Perhaps this was because the shootings at Babi Yar targeted solely Jews, while in Latvia some of Jeckeln's victims were also non-Jewish. In any case, the proceedings were conducted in Rīga very expeditiously by a Soviet military court and lasted only one week. It was attended by an applauding audience and trumpeted in print and on the radio. The case, while occurring simultaneously with the International Tribunal at Nuremberg which tried the highest-ranking Nazi defendants accused of truly pan-European crimes, was handled exclusively by the Soviets. It was concluded on 3 February 1946. Jeckeln, together with his several German co-defendants, was found guilty and hanged the same day before an expectant crowd.<sup>29</sup>

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<sup>29</sup>It should be mentioned that Jeckeln, as far as can be ascertained, testified truthfully and even defiantly at his trial. His attempts to implicate Latvians in the crimes that he admitted to organizing and carrying out were not welcomed by the tribunal. He also pushed back against untrue sensationalist claims leveled at him before the public. See: StaH. 213–12 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, pp. 1299–1312. “Auszug aus einem Protokoll einer Gerichtsverhandlung gegen Jeckeln, Friedrich u.a.” Rīga, 3 February 1946. Speaking about the Rumbula massacres, for example, Jeckeln said to his accusers: “The Jews of the ghetto were all shot. It is possible that young children were gotten rid of [“beseitigt”] by injections. In any case, I don’t know anything about that.”

Justice was swift. The accused was indeed guilty as charged and was not afforded any opportunity to delay the process or to play games with technicalities. Justice also carried the ultimate penalty. His public hanging by the Soviets represented a symbolic act of official closure regarding the German fascist occupation and a validation of the Soviet cause. However, the investigations and trials of the men of the Latvian Auxiliary Security Police would continue discreetly, without public fanfare.

Thus, substantively, the Soviet Union's internal (as opposed to public propaganda) picture of the Kommando and its activities was established in the 1940s. Strong is the temptation, given the proven record of Soviet dissembling and fabrication and the massive edifice of propaganda constructed during and after the war to reflexively distrust all Soviet claims. This reflex is healthy for all critical historians to exercise, but even here, it is possible to go too far in one direction.<sup>30</sup> Doing so carries the danger of verging on apologetics. Certainly, defense attorneys in the West used the Soviet Union's record of substituting propaganda for reality to cast a pall over all information of Soviet provenance.

The depositions cited in this chapter were generated in the 1940s. In other words, they come from the large body of statements that formed the original basis for understanding the Kommando and its activities. They also admittedly belong to a special subset of testimonies that were subsequently selected by Soviet authorities for sharing with Western

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<sup>30</sup>Andrew Ezergailis once concluded that the Soviet investigations—the results of which were never disclosed to the public, but only tendered piecemeal to prosecutors abroad—were undertaken very seriously. Andrew Ezergailis. “The Holocaust’s Soviet Legacies in Latvia,” in *Lessons and Legacies, Volume V: The Holocaust and Justice*. Northwestern University Press: Evanston, Illinois, 2002, pp. 268–276. This source represents the last time that Ezergailis would make such a characterization. Later in his career, Ezergailis became increasingly less sanguine about the truth value of Soviet representations of the Holocaust in Latvia, including those claims ostensibly rooted in the legal and academic professions. For his comprehensive polemic against the naïve use of Soviet sources, see: Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: ‘Daugavas Vanagi—Who Are They?’ Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005. He argues that, in effect, Nazi and Soviet propaganda have historically complemented one another at the expense of the peoples of Eastern Europe, like the Latvians, who were caught between the two totalitarian juggernauts and that many in the West continue to unjustifiably credit them. It is not the mission of this chapter to dispute this claim (nor does this author wish to), but only to try to show that the findings of Soviet criminal processes at the individual level in the 1940s cannot all be thrown out and that Ezergailis's original position is the more defensible.

prosecutors. The fact that these examples were shared with prosecutors abroad rightly raises the question of their value as representative of the larger set. But even if it is true that these files were chosen because they displayed exceptionally good Soviet prosecutorial conduct and acumen, they nevertheless still show that the Soviets were doing real police work and engaging reality fully at the lowest, most fundamental, level.

Just because coercion was likely often involved in the Soviet investigators' collection of their evidence about the Kommando does not ipso facto mean that fabrication was taking place on this level. Examination of this set of depositions reveals three features that suggest that the low-level Soviet investigators really did want to know what happened during the German occupation of Latvia. First, some testimonies contradicted themselves and other testimonies. If the interrogators' mission was to railroad the former Kommando members and coordinate their testimonies to reach pre-set conclusions, this would not have been the case. Second, if the interrogators were putting words in the mouths of their prisoners, it is curious that the testimonies did not resemble the sensationalized accounts that formed the official story, but rather more closely fitted the details and patterns subsequently established by Western jurists and scholars. Third, prisoners were rewarded with reduced sentences in return for cooperation—a totally unnecessary step if the results of the investigation of the crimes of the Arajs Kommando had been determined in advance. It may be objected that leniency was shown to prisoners willing to comport their stories to an official narrative desired by their captors, but again, since the stories neither always matched each other nor ever matched the overstated Party line on the atrociousness of Nazi criminality (although many testimonies were allowed to stand that reflected the pre-1960s Soviet line minimizing Latvian collaboration), this does not seem to have been the case.

The nature and deeds of the Latvian Auxiliary Security Police gradually came into focus in the course of the interrogations of hundreds of its former members by the Soviet authorities. The various key dates in the unit's history such as its first muster, its brief initial phase of running amok in Rīga, the Biķernieki shootings and their frequency, the cordon duty at Rumbula, the change of headquarters, the training program in Germany, and so on were established, as were the unit's changing armament, attire, and personnel complement (which, admittedly, was sometimes still inflated even in the internal Soviet documents) as well as the identities of its leaders. Voluminous quantities of information were

cross-checked with captured German documentation, examination of the crime scenes, and the testimonies of other captured Kommando members and either discarded or considered corroborated. In the gradual establishment of the main facts and the sifting and refining of inconsistencies, the Soviet process resembled its Western counterparts.

It should be stressed that the interrogations do not contain the type of outlandish claims typically found in the publically circulated materials. Outrageous acts of individual sadism and peculiar depravity do not appear in the statements or confessions of the accused. The absence of such underscores the dual nature of the Soviet inquiry. The very fact that the testimonies obtained by Soviet investigators did not conform to the sensationalized public story strongly suggests that the prisoners were not being told what to say. This holds even in the case of one Kommando member who unabashedly referred to “the Führer” in front of his interrogators. Arturs Abols almost wistfully recalled a speech given before his detachment was deployed on an anti-partisan mission: Arājs himself exhorted the men “not to let our swords rust,” according to Abols’s account.<sup>31</sup> But even in this exceptionally unashamed example, no lurid details of implausibly bizarre atrocity were wrested from the prisoner’s mouth.

The Soviets were not above rewarding helpful prisoners. The most extreme example is that of Captain Arnolds Laukers, one of the Kommando’s top officers. After supplying valuable information not only about himself but also about specific crimes and the identities of other Kommando members, he was offered a reduced sentence. Even though convicted of treason against the Soviet Union, he received a relatively light penalty from his Red Army tribunal: the loss of his rights as a citizen of the USSR, the confiscation of his property, and ten years’ labor.<sup>32</sup> He did, admittedly, die while serving his sentence. Still, the example suggests that detainees were encouraged to cooperate with the

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<sup>31</sup>Staatarchiv Hamburg. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 25, p. 4401. Arturs Abols. “Vernehmungsprotokoll,” Rīga, 16 October 1947, p. 4429.

<sup>32</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-11. “Arajs Verfahren.” Sonderband 35, pp. 6027–6028. “Urteil im Namen der Union der sozialistischen Sowjetrepubliken.” 1946. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajs Verfahren.” Sonderband 23, pp. 4187–4194. Arnolds Laukers. “Vernehmungsprotokoll.” 12 and 28 March 1946.

Soviet investigation with the promise of reduced penalties, particularly in return for naming names and providing evidence against others. If the guilt of all suspects was already presumed, the content of their testimonies scripted, and the verdicts predetermined regardless of the facts, making concessions to some to obtain further evidence against others would have scarcely been necessary.<sup>33</sup>

In another illustrative case, Roberts Gulbis blatantly lied about how he came to be in the Arajs Kommando: “Formally, the filling up of the ranks of the ‘Security Police’ had a voluntary foundation; in reality, young people were forced into it through methods of blackmail and deception.”<sup>34</sup> So set against the Kommando was he, he claimed, that “In October 1943 I fled the Security Police and hid myself in Bulduri with my mother-in-law, Alma Eglīte, but was arrested at the end of October that same year.”<sup>35</sup> While his attempt to portray himself as an opponent of the very paramilitary band in which he served for years comported with the official line regarding the coerced collaboration of Latvians with the Nazis, his questioners probably knew better. Yet he was apparently allowed to get away with these self-exculpating fictions by the investigators in exchange for the excellent information he provided about the Kommando’s Blue Bus rampages in Salda and Jelgava, as well as detailed and accurate descriptions of the routine shootings in Biķernieki and the clearing of the ghetto in Daugavpils. These were useful pieces in the mosaic being constructed of the Kommando’s activities by the testimonies of hundreds of captured Kommando members.<sup>36</sup>

Another man from the Arajs Kommando who was swept up by the Soviets late in the war, Ričards Ligotnis, was permitted by his interrogators to claim that his “comrades” fled the German invasion with the Red

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<sup>33</sup>There are numerous examples. See: StaH. 213–12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 25, p. 4401. Arturs Abols. “Vernehmungsprotokoll,” Rīga, 16 October 1947, p. 4429. “I tried to conceal my participation in the escort of Soviet citizens to the shooting because I feared a very harsh penalty.”

<sup>34</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 25, pp. 4458–4459. Roberts Gulbis. “Vernehmungsprotokoll,” Rīga, 28 October 1944.

<sup>35</sup>Ibid., p. 4462.

<sup>36</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 1, pp. 132–136. Roberts Gulbis. “Auszug aus Vernehmungsprotokoll.” 4 December 1944.

Army, but that he stayed behind because he did not want to abandon his mother. From there, his was the tale of a totally inert particle: arrested by the German police because he had been misidentified as an aide to a known NKVD officer, his release was supposedly conditional upon total cooperation with the Nazi police organs and participation in the crimes of the Arajs Kommando. This was apparently allowed because he also related a quantity of correct and usable details such as the fact that a segment of the Rīga ghetto's male population capable of work temporarily escaped the otherwise complete annihilation at Rumbula in 1941 and that Arājs was given an Iron Cross and a Major's rank.<sup>37</sup> He also accurately supplied the names of a number of other Kommando members.<sup>38</sup>

Taken together, the depositions from the 1940s and the conclusions based upon them have stood the test of time. The volumes of testimonies by the men of the Kommando were provided to Western prosecutors decades later, who—together with judges, defense attorneys, and eventually historians—subjected them to exacting scrutiny. As a body, they have been found to paint an accurate and coherent picture of the Arajs Kommando and its crimes.

In summation, as to the initial phase of Soviet justice for the men of the Arajs Kommando, the following can be said. The Soviets pursued the men of the Arajs Kommando vigorously and produced basically accurate individual investigative results in the 1940s that cumulatively established the real history of the unit, by extension illuminating the nature of Latvian collaboration in the Holocaust, and later shared these findings with their Western counterparts. For all of the formal breaches of liberal-democratic due process that the Soviet investigators committed simply as standard procedure, they made absolutely indispensable contributions to today's knowledge through their individual casework. The testimonies wrung by whatever means from the hundreds of Arajs Kommando men captured by the Soviets in the 1940s—indexed, compared, and distilled in the service of not only determining individual guilt, but also finding

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<sup>37</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 27, pp. 4613–4616. Ričards Ligoņis. “Vernehmungsprotokoll.” 5 December 1944.

<sup>38</sup>For another good example of captured Kommando members naming names, see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-09. “Arajs Verfahren.” Sonderband 27, pp. 4629–4631. Mirvalds Laviņš. “Vernehmungsprotokoll.” Feldarmee, 3 January 1944.

more culprits—form a large part of today’s fairly detailed knowledge of the unit. This has to be separated from the fact that the interrogators and prosecutors themselves worked on behalf of a hideous totalitarian dungeon-state of their own.

Even as the USSR brought individual men of the Kommando to justice, on another level it also dramatically distorted the public representation of the historical reality of wartime Latvia. The Soviet Union deliberately failed to accurately communicate the overall truth of the Holocaust in Latvia to the Soviet people and the international audience, substituting its own preferred version. This occurred because at the highest levels, findings were warped by the influence of overarching political objectives and made to accord to a useable narrative, leaving later historians to disentangle reality from imagination. The Soviet exaggeration of the numbers of victims and gratuitous invention of atrocity stories have actively misinformed a world of readers and listeners and hindered the process of creating real, usable knowledge and evidence about actual Nazi crimes. This has done appreciable damage to the effort to establish the facts in courtrooms, history books, and public consciousness alike and must be corrected. But we should be careful not to throw out the good with the bad.

## THE “SHOW TRIALS” AND INTERNATIONAL AGITATION IN THE 1960s

### *The Advent of “Latvian Fascists”*

Faced with a new political situation and therefore a new set of needs in the 1960s and 1970s, the USSR changed its public line on the participation of Soviet citizens in Nazi crimes and “Latvian fascists” entered the Soviet lexicon and Soviet official history. Like the Soviet Union’s preceding efforts, then, the “show trials” and the international propaganda push that accompanied them were designed to achieve political objectives desired by the highest levels of the Communist Party leadership. Nevertheless, despite the political motives behind them and the even more distasteful way they were carried out, like its predecessor this wave of prosecutions still resulted in the punishment of some indubitably guilty individuals.

Within the Soviet Union, the simultaneous opening of similar trials across a variety of non-Russian SSRs was almost certainly calculated to tamp down

potential nationalist revivals in the Khrushchev era. They would at once strike at the national pride of minorities and send a warning to them that even a decade or more after Stalin's death the Soviet Union had not forgotten its enemies. The implied identification of Latvians with fascism could also serve to justify various ongoing Russification measures. Meanwhile, the international function of this fresh wave of prosecutions was twofold. First, it was an attempt to embarrass Western countries for their relative failure to mete out justice and to tout the Soviets Union's unmatched anti-fascist dedication. This point was underscored by the indictment of various exiled Latvians living in peace under Western governments. Second, it invited discredit upon all Latvian exiles in their respective countries of refuge and tried to alienate them from the favor theretofore shown them by their hosts as staunch and reliable anti-Communists.

In Latvia, there were three such trials or sets of trials: the 18th Police Battalion trial in 1961; the Rēzekne trial in 1965; and the 21st Police Battalion trials between 1972 and 1974. Each involved multiple defendants and resulted overwhelmingly in convictions with tough sentences. While none of the accused Latvians during this phase of Soviet justice was tried by the Latvian SSR as a former member of the Arajs Kommando, it is still integral to understanding the changing official Soviet attitude on the question of dealing with fascist crimes and the Holocaust. This stage of Soviet justice was the first time since Nuremberg that the legal aftermath of Nazi crimes again became an international issue, and it formalized the new line on the existence of "Latvian fascists."

### *The "Show Trials"*

The Latvian exile response to the publically-staged trials and severe sentences was predictable. The Latvian exile journalists expressed the outrage of their communities in the United States and West Germany. The Latvian weekly published in New York, *Laiks* (*Time*) wrote that "The Show Trial taking place in Rīga in the Audriņi Case was modeled after Stalinist Show Trials."<sup>39</sup> The Latvian monthly of record in West Germany, *Latvija*, said "Terror Trial in Rīga is an Unlawful Act

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<sup>39</sup> *Laiks*, Nr. 88, 3 January 1965.

of Violence.”<sup>40</sup> The responses of the governments and wider publics of West Germany and the United States are more complicated, and must be addressed in later chapters. However, 1960s Soviet efforts did have a corrosive long-term impact on the meting out of justice abroad that is proper to address here.

Soviet practices in the 1960s and early 1970s, the second wave of Soviet justice, did not do justice many favors abroad either at the time or in subsequent decades. Because of these procedures, Western defense lawyers could always and with good reason lampoon Soviet judicial practice as farcical and call down discredit and opprobrium upon any Western prosecutor relying on the Soviets for anything, be it forensic evidence, documents, or witnesses. Said Ivars Bērziņš, a very successful American Latvian defense attorney to whom this study will return later:

What happened there was: the Soviets had arranged a show trial for Linnas [an Estonian tried in absentia in 1962 by the Estonian SSR in a process parallel to those in Latvia]. Linnas lived here on Long Island. This was along all the show trials the Soviets staged back in the sixties. Yeah, they had the trial starting at a specific date and one of the reporters from the most prominent law journal [*Sovyetskaya Zakonnost*, or *Soviet Legality*] in Moscow was sent to Tallinn to report on the Linnas trial. But for one reason or another, the reporter arrived there and the trial got postponed. And the reporter had to get back to Moscow before the trial actually started. Well, he got back to Moscow and he wrote up his article. The whole thing with the Linnas conviction – everything in it. And the article by mistake got published before the trial began. Well this, I think, is the starkest example of Soviet justice at that time. In other words, it wasn’t justice; it was all propaganda.<sup>41</sup>

The article reporting on the trial and sentence was published in December 1961, and the trial itself was held in January 1962. The article was, however, completely accurate in all particulars.

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<sup>40</sup> *Latvija*, Nr. 43, 20 November 1965.

<sup>41</sup> Ivars Bērziņš, Author’s interview with Ivars Bērziņš. Babylon, New York, 11 June 2011. Here, the Soviets’ appalling legal misconduct in the 1960s is used to more broadly discredit all Soviet judicial activity—a strategy used to excellent effect during Bērziņš’s career. More will be said about this in a later chapter.

As the historian Jerome Legge has pointed out:

The trial itself made no attempt at impartiality. ‘Defense’ lawyers as well as the prosecutor attacked and intimidated Jüriste, along with analogous denunciations of the other defendants [including Linnas]. As was usually the case in Soviet political trials, the verdicts never were in doubt. Nevertheless, the evidence against the defendants, in particular the testimony of witnesses, was overwhelming.<sup>42</sup>

Here as before, the Soviets employed a two-tiered system: the better for actually finding and punishing the appropriate offenders, a real investigative system was established; the public was kept in ignorance of the reality established by Soviet investigators and offered spectacles to achieve the Party’s political goals.

### *The Attendant Media Blitz*

Accompanying these much ballyhooed trials in the Latvian SSR were a number of publications designed for public consumption abroad. The two most important and effective were *Daugavas Vanagi—Who Are They?* and *“Political Refugees”—Unmasked*, published in 1963 and 1965 respectively.<sup>43</sup> As indicated by its title, the first book attempted to besmirch the totality of the membership of Daugavas Vanagi, a Latvian veterans’ welfare organization, and brand it as criminal.<sup>44</sup> The second

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<sup>42</sup>See: Jerome S. Legge, Jr. “The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics,” in *Holocaust and Genocide Studies*. Volume 24, Issue 2, Fall 2010, fns 51–55.

<sup>43</sup>E. Avotiņš. *Daugavas Vanagi—Who Are They?* Rīga: Latvian State Publishing House, 1963, and J. Silabriedis and B. Arklans. *“Political Refugees” – Unmasked*. Rīga: Latvian State Publishing House, 1965.

<sup>44</sup>The name “Daugavas Vanagi” means “The Hawks of the Daugava,” the Daugava being Latvia’s principal river, revered in Latvian pre-Christian myth. In the interests of full disclosure, it must be pointed out here that both this author’s father and step-grandfather were members of Daugavas Vanagi. While also a veteran, this author’s biological grandfather abstained from joining Daugavas Vanagi out of fear that doing so might compromise the standing of his family members who yet lived in the Latvian SSR, including his first wife and their two children, in the eyes of Soviet authorities. Many Latvians living abroad regarded family members living in the USSR as hostages whose fates depended on the ‘good behavior’ of their relatives in the West.

book more generally targeted Latvians who had fled the Soviets and survived in their enclaves in the West. Ergo: they were devised with political intent. Even further, at least in the case of *Daugavas Vanagi—Who Are They?* the authorship of the KGB—hiding behind pseudonyms—has since been proven and even admitted.<sup>45</sup>

The two books contain considerable amounts of false information and conform to the Soviet reports generated during and in the immediate aftermath of the war. Body counts are typically multiplied about threefold, for instance, and the sites of some crimes are incorrectly described and the crimes themselves embellished. Salaspils appears as an extermination camp virtually on a par with Auschwitz, for instance. In these accounts, gas vans abounded in fascist-occupied Latvia, and the mass sterilization of Soviet women occurred. Neither publication contains much, if any, detail about the sources on which they were based. In other words, the books reproduced, this time expressly for an international audience, the same false claims promoted in the reports of the Extraordinary State Commission—the Soviet Union's official history.

The nomenclature in both books was often frightfully imprecise as well, not to mention saturated by unhelpful propagandistic jargon. The texts barely distinguish between the bootlicking sexual perverts of the Arajs Kommando; the cringing and scraping Quisling lickspittles of the Latvian Schutzmannschaften; the German-Fascist bourgeois Waffen-SS exploiters and their imperialist Latvian Legion hirelings; the butchers, psychopaths, and hangmen of the anti-proletarian Gestapo; the reactionary gangsters of the Hitlerite Feldgendarmarie; and other sadistic enemies and traitors of the Soviet People. The books only occasionally refer to the victims as Soviet Citizens of Hebrew Nationality.

The harm rendered to justice by these publications because of the naiveté shown at first by some Western prosecutors has been more than ably chronicled by Andrew Ezergailis.<sup>46</sup> A separate question is their

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<sup>45</sup>Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: 'Daugavas Vanagi—Who Are They?' Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005, pp. 69–73. Pauls Ducmanis, previously a writer for the Latvian daily newspaper *Tēvija* under the Nazi occupation, admitted to authoring the work based on documents fed to him by two unnamed KGB agents.

<sup>46</sup>Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: 'Daugavas Vanagi—Who Are They?' Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005.

reception to the wider Western public. The books, after all, were not really written for a sober audience of legal experts or scholars but rather as polemics for the consumption of the lay reader in the West. Their impact in the United States and West Germany will be treated in the appropriate chapters later in this study.

### *Sparking International Interest*

Despite its serious flaws—including abuses against the defendants' rights that would not have been tolerated by the courts of Western liberal democracies, the deliberate dissemination of misinformation and the pollution of historical knowledge, and the egregious politicization of justice—this second wave did affect a few war criminals far from Soviet shores. The recrudescence of the institution of the show trial was no credit to justice, regardless of the guilt of the accused. Yet, whether they were inspired or shamed into taking action, West Germany and the United States opened investigations as a result of this Soviet agitation that they otherwise probably would not have. And in some cases, the new Western investigations bore fruit. For example, Boleslavs Maikovskis was found deportable by a US court, and Alberts Eichelis was convicted by a West German one—although the latter died before sentencing. Here, at least, were some guilty men who otherwise would have gone unpunished and their names unblemished. Other cases were brought by these governments that did not lead to conviction only because of technicalities and the initial inexperience of the prosecutors in handling such cases. Still more cases were settled out of court on terms favorable to the government.

Much more on these cases, the knowledge they salvaged through their investigations, and the public reactions to them, will be said in the chapters to come.

### SUMMARY

The Soviets pursued the men of the Arajs Kommando vigorously, produced individual investigative results that were basically accurate, and normally punished the convicted unforgivingly. For all of the formal breaches of liberal-democratic notions of due process that the Soviets committed simply as standard procedure, the investigating functionaries of the Soviet Union made absolutely indispensable contributions to

today's knowledge of the Arajs Kommando through their individual casework. The testimonies wrung by whatever means from the hundreds of Arajs Kommando men by the Soviet authorities—indexed, compared, and distilled in the service of not only determining individual guilt, but also finding more culprits—form a large part of today's fairly detailed knowledge of the unit.

Paradoxically, although the USSR was responsible for bringing to justice about 95% of the members of the Arajs Kommando who would ever face punishment, on another level it also did by far the most among the polities involved in this study to distort the public representation of the historical reality of wartime Latvia. The Soviet system was two-tiered. While dispensing harsh but deserved justice to individuals by the lowest rungs of the Soviet state apparatus, the larger picture projected for the public was determined according to the Communist Party's political needs, not by such standards of the historical or judicial professions that prevailed in the West. The Soviet Union deliberately failed to accurately communicate the overall truth of the Holocaust in Latvia to the Soviet people and the international audience, substituting its own preferred version according to the times. This has to have occurred because at the highest levels, findings were warped by the influence of overarching political objectives and made to accord to a useable narrative. In the publically aired results of both of the first two waves of the Soviet process as described in this chapter, the "German fascists" and their "hirelings," respectively, appeared as cartoon "bad-guys," caricatures of the real evil they represented—leaving serious historians and jurists to disentangle reality from imagination. The Soviet exaggeration of the numbers of victims and gratuitous invention of atrocity stories have actively misinformed a world of readers and listeners and hindered the process of creating real, usable knowledge about actual Nazi crimes—in the process supplying those inclined to deny or "revise" the history of the Holocaust an unlimited well of doubt to draw upon. This has done appreciable damage to the effort to establish the facts, both in courtrooms and in history books.

Ironically then, the following chapters will show that the legal assistance of the Soviet Union abroad in the West *nevertheless* provided a crucial contribution to bringing to justice the men of the Arajs Kommando. Jewish survivors could be found as witnesses in Israel and the United States, and Germans could be found as witnesses in West Germany. But from the 1960s in Germany and in the late 1970s and the 1980s in the

US, Western prosecutors would rely on the Soviet Union for perhaps a majority of their Jewish witnesses and certainly the crucial testimonies of convicted Latvian perpetrators. Forensic evidence that could only be supplied by the Soviets would also be occasionally used in the West. Finally, low-level documents of the type that could prove individual identity and ascertain individual guilt were also to be found only in the USSR. The remaining cases described in the following chapters will all have their Soviet intersections.

## West Germany: The Pursuit, Prosecution, and Punishment of “the Chief” Himself

### OVERVIEW

What is known about the Arajs Kommando comes to us largely as the fruit of a series of West German investigations of war crimes committed in Latvia during the Second World War that were conducted mainly during the 1960s, in addition to the large number of Soviet findings in individual cases.<sup>1</sup> That is to say: the Soviets made reliable determinations about a great many Kommando members, but West German prosecutors created the most reliable ‘big picture’ of the Kommando and its deeds. Arājs himself, though he had led this largest and most notorious unit of Latvian Holocaust perpetrators, managed to go underground and was not arrested until 1975. Utilizing the tremendous quantity of evidence amassed in the course of the investigations of the previous decade and more, the Arājs pre-trial investigation and the trial itself required four and a half years to complete. It involved about one hundred and thirty witnesses and received the cooperation of both the United States and the Soviet Union, as well as Israel, among other governments.<sup>2</sup> As a result,

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<sup>1</sup>A version of a portion of this chapter has previously been published as “The Pursuit, Prosecution, and Punishment of the Latvian War Criminal Viktors Arājs,” in *Yad Vashem Studies*. Volume 40: 2, December 2012.

<sup>2</sup>In some cases, the depositions of witnesses who had participated in previous proceedings but died before the trial of Arājs were read as evidence in the courtroom in Hamburg. These have been included in the above number.

Viktors Arājs was finally, in December 1979, convicted in the District Court of Hamburg of participating in the murders of at least 13,000 people and was sentenced to spend the remainder of his life in prison.

It is vitally important to pause here to note the difference between a liberal-democratic judiciary and the academy—or, more specifically in this case, between a prosecutor and an historian in a free state. Each may examine the same evidence, often even in similar ways, but they do so with different objectives in mind in order to fulfill different duties to society. This difference can be seen clearly in the ‘conservative’ estimate of the number of victims attributed to Arājs in the verdict. The imperative of the prosecution was to obtain a conviction that would at once be based upon only the most incontrovertible evidence, the better for it to resist the appeals process, yet would be sufficient to condemn the accused to the maximum possible penalty under the law. But it is a very unsatisfactory approximation of the truth in the view of an historian. As much has been said, in this particular case no less, by Professor Raul Hilberg.<sup>3</sup> In short, the figure of 13,000 was a judicial convenience, not at all an historically-based best estimate.<sup>4</sup> In a criminal case, the standard of proof is “beyond a reasonable doubt,” but the standard for an historian is more like that of a civil case: “a preponderance of evidence.” Thus, a prosecutor will omit from a case those charges and pieces of evidence that do not meet the highest standard, while the historian will include consideration of all relevant pieces of information and build the ultimate conclusions upon what is deemed, if not provable, the most probable and convincing.

This being so, the trial of Viktors Arājs nevertheless did represent the culmination of West German investigations of war crimes and crimes against humanity committed in Latvia. What follows in this chapter is

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<sup>3</sup>See Raul Hilberg’s testimony on p. 323 of the transcript of the trial of Konrads Kalējs, available through the United States Department of Justice Office of Special Investigations (now the Human Rights and Special Prosecutions Section) and the United States Holocaust Memorial Museum.

<sup>4</sup>See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. Sonderband 49, pp. 120–124. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979. “Grundlagen der Feststellungen zu Ziffer A.IV.5.” Specifically, Arājs was convicted of his participation in the killings which took place on the second day of the Rumbula mass shooting.

an account of the disappearance, capture, trial, conviction, punishment, and death of Viktors Arājs. It contends, in the first place, that the post-war experience of Arājs exemplifies both the successes and, especially, the shortcomings of West Germany's legal efforts to come to grips with the Nazi past. The excessively restrictive nature of the West German judiciary will be stressed, as will the fact that the process generated a trove of unique testimonies that, even if not entered into evidence by the Court, still exist for the consideration of historians. This chapter also seeks to present a fair and nuanced assessment of an additional question looming in the background: the attitude of Latvians then living in West Germany towards the Holocaust which had taken place in their country, and in which some of their countrymen, men such as Viktors Arājs, had taken part.

## THE FUGITIVE

### *The Escape*

There is a convoluted and poorly-understood period of several years in the life of Viktors Arājs in the immediate aftermath of the Second World War during which he was transferred between a series of British prisoner-of-war camps, from the last of which he ultimately executed a baffling escape.<sup>5</sup> Only several known details are pertinent here, to wit: at the war's end, Arājs found himself in command of a formation of wounded Latvian Legion troops convalescing in Denmark who were slated to return to the fight in Kurzeme (Kurland), Latvia. Instead, Arājs burned his documents and dressed himself in civilian clothes before surrendering to British troops near the Danish border with Germany. In an obviously premeditated attempt to conceal his true identity, he had somehow

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<sup>5</sup>Among others, Arājs was detained in the Durchgangslager Eckenfelde, Offizierslager Hamburg-Altona, Lager Neuengamme, Entlassungslager Putlos bei Oldenburg/Holstein, Camp 222 and Lager 21/22 Kuhlager near Brussels in Belgium, the War Criminal Holding Center in Lager Fischbeck bei Hamburg, then in a camp near Braunschweig, and in Camp 3CI Fallingbostal. See: Bundesarchiv-Ludwigsburg. B 162/3076. "Anklageschrift." Hamburg, 10 May 1976, p. 10. It is sometimes said that Arājs worked as a driver for the British, but this author is not convinced because no source is ever cited for it. See, for example: Donald Bloxham. *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory*. Oxford and New York: Oxford University Press, 2001, pp. 197–198.

procured papers that identified him as Viktors Ābel. In the months following the unconditional surrender of Germany, he was interned in a camp specifically for Latvian prisoners of war, where an unknown Latvian told the British who “Ābel” really was. Compromised, Arājs was next sent to a camp exclusively for the SS. However, he did not remain there for long, but instead was transferred among a number of different camps and seems to have somehow faded away and avoided much official scrutiny until he was again ‘betrayed’ by another Latvian, this time supposedly in exchange for no more than two bottles of beer.<sup>6</sup> Found out again, this time Arājs was sent to a major British camp in Braunschweig where a special Commission of the War Crimes Group of the British Army of the Rhine began investigating his war crimes and crimes against humanity in what was called the “Riga Ghetto Case.”<sup>7</sup>

This investigation was still in progress when jurisdiction for the case was transferred from the British to the justice authorities of the freshly-christened Federal Republic of Germany.<sup>8</sup> More specifically, the responsibility was handed over to authorities in Hamburg, the Examining Magistrate of which, on 11 October 1949, issued a warrant for Arājs’s arrest. For reasons that are not clear to this day and probably never will be, however, Arājs was simply absent from the camp in which he was supposed to be interned at the time of the warrant’s issuance, so it could not be served.

Arājs had vanished.

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<sup>6</sup>Andrew Ezergailis. “Sonderkommando Arājs.” Paper presented at the 9th International Conference on Baltic Studies in Scandinavia. Stockholm, 3–4 June 1987, p. 8.

<sup>7</sup>In his West German trial many years later, Arājs would falsely claim for a time that these proceedings in fact resulted in an acquittal. See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arājs Verfahren.” Sonderband 49, p. 149. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arājs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

<sup>8</sup>Ibid., pp. 149–151. “Örtliche Zuständigkeit.” The jurisdiction of the Hamburg Court was justified in the verdict in 1979 under Article Three of the first part of the Treaty for the Regulation of Issues Originating from the War and Occupation of May 1952. By the time of the investigation and trial of Arājs in the mid- to late-1970s, the question of jurisdiction had been so firmly established in the law of the Federal Republic of Germany that any effort by the defense to challenge it would have been a dead letter. This issue will, however, be addressed in more detail below.

### *The Disappearance*

After what must have been several harrowing years living underground in the new West Germany, Arājs was able to create a very flimsy yet nevertheless official alternate identity. In 1953, he obtained both indispensable false papers identifying him by his estranged wife's maiden name, "Zeibots," as well as a travel pass under the same name, from the Latvian Legation in London. He would rely on these documents until his capture decades later. He was able to gain these indispensable papers, in large part, on the strength of a single written statement. A certain Mr. Alberts Austris Spunde legally vouched for the person and character of "Viktor Seibots," whom he claimed to have known since their days together in a "Studentenkorps" starting in 1935 or 1936, and that back then, "Seibots" lived in Rīga with his single, Baltic-German mother, while his father was somewhere outside of the country.<sup>9</sup> These biographical details today leave no doubt that Viktors Arājs was, in fact, the man in question. Satisfied at the time, however, the Latvian Legation in London duly issued the official papers. However, two attestations of identity were required by the Legation for it to issue new papers to claimants. The identity of the second attestor is unknown. Meanwhile, frustrated in all attempts to locate Viktors Arājs, the case pending against him in Hamburg was indefinitely suspended by the Court two years later, on 13 August 1955.<sup>10</sup>

It seems reasonable to speculate that Spunde did not offer his legal sponsorship to Arājs simply because he was personally fond of the man. More probably, he assisted Arājs in his disappearing act in order to protect a compromised past of his own. For in the very same document—unfortunately the only one we have from him—Spunde claimed to have been an ordinary police officer in Rīga and Rēzekne (Rositten), Latvia, in the years 1941–1943, before receiving a commission in the Latvian Legion. A considerable Security Police contingent was stationed

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<sup>9</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. "Arajs Verfahren." Sonderband 5, p. 987. Albert Spunde. "Es erscheint..." Amtsgericht Ravensburg, 4 February 1953.

<sup>10</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. Sonderband 49, pp. 7987–8168. Landgericht Hamburg. "Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes." Hamburg, 21 December 1979, pp. 153–156. "Örtliche Zuständigkeit."

in Rēzekne, making it in fact one of the more important SD strongpoints in Latvia outside the major cities during the years in which Spunde claimed to have served there. It was also the scene of the murder of its sizable Latvian Jewish population of about 800 people at the hands of an Arājs Kommando detachment in the fall of 1941.<sup>11</sup> Given such circumstantial evidence, it is difficult to imagine that Spunde did not know full well who “Seibots” was and what he had done during the war. It is possible, perhaps even likely, that Arājs blackmailed Spunde by threatening to reveal Spunde’s own wartime deeds in Rīga and Rēzekne should he himself be arrested. However, by the time the document surfaced in connection with the Arājs case, it was too late to call Spunde to the stand to clarify the matter, for he died in 1966. After his own eventual arrest, Arājs claimed only to have met him in 1949.<sup>12</sup>

And so, the thinly-masked “Viktor Zeibots” was able to elude a disinterested West German legal system. In fact, no one was even looking for him any longer. Arājs’s story up to this point fits the generally observed pattern: if not prosecuted by Allied Commissions, Holocaust perpetrators were generally allowed to fade away and live in relative freedom in West Germany throughout the 1950s.

### *The Rumors*

While Arājs himself had disappeared, there were many other suspected war criminals living in West Germany who were thought to have committed crimes in Latvia during the Second World War. The judicial apparatus of West Germany would, however, not gear up and seriously begin investigating and prosecuting these suspects until the breakthrough 1958 Ulm Einsatzkommando Tilsit trial and the related founding of the Zentrale Stelle der Landesjustizverwaltungen zur Aufklärungen nationalsozialistischer Gewaltverbrechen or “Central Office of the State Ministries of Justice for the Investigation of National Socialist Violent Crimes” in Ludwigsburg, in the Federal State of Baden-Württemberg.

After the tide of judicial disinterest that marked most of the 1950s had turned, West German prosecutors also recognized the need to

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<sup>11</sup>Ibid, p. 25.

<sup>12</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. “Arājs Verfahren.” Sonderband 10, p. 1905. Viktors Arājs. “Protokoll.” Hamburg, 3 October 1975.

include the Latvian community in their investigations. A word, then, about the Latvian diaspora in West Germany after the Second World War is in order. It was largely concentrated in the south—that is, in the former American occupation zone. It was, and remains, a point of pride among Latvians everywhere that the “Viesturs Company,” a guard detachment at the Nuremberg Trials, was composed of Latvians in American uniform. By the 1960s, many in the Latvian community either worked directly as members of the United States armed forces stationed there, or as military contractors. A particularly large contingent had, or even continued, to work in various Labor Service (LS) companies for the US Army. The involvement of so many Latvians with the American armed forces indicates, among other things, their zeal for contributing to the Cold War effort against the Soviet Union, which they considered to be a foreign occupier of their country. All of this is fairly unsurprising given the composition of the community, which consisted basically of four categories of person: those Latvians who had been members of the forces fighting alongside the Germans—both volunteers and conscripts—and who had been determined to surrender to the Western Allies rather than to the Soviet Union; those Latvians who had been conscripted for labor and sent to Germany over the course of the war; those Latvians who as refugees had fled to Germany during the Soviet offensives of 1944 and 1945; and those descended from the three above-mentioned groups. The Second World War was the only reason there was anything like a significant Latvian community in West Germany. An unknown, but presumably large, percentage of them probably would have even preferred to live in the United States but for a variety of reasons could never manage to make the move. Although there certainly were generational differences within this community, they would never rise to the degree of acrimonious generational discord that would become so notable in the mainstream population of West Germany. A major reason for this was their coherence as an isolated societal out-group in exile. And they absolutely considered themselves to be exiles, in contrast to mere “émigrés,” as the Soviets held them to be. Younger Latvian generations were less inclined, overall, than their German opposites to question their progenitors’ wartime actions—actions that had objectively, quite irrespective of any consideration as to their moral content, at least bequeathed to the new generations their safe and free existence in the West.

In their overdue efforts to locate witnesses and hopefully uncover other guilty parties to National Socialist crimes, West German police

and prosecutors' offices combed the ranks of male Latvians resident in their country in the 1960s. The authorities resorted, in essence, to ethnic profiling. The files of the Arājs trial contain many depositions of Latvian males who had been of or near military age during the war and who were repeatedly hauled before West German police examiners in the 1960s and into the 1970s even in the absence of an iota of evidence of complicity in Nazi crimes. During the preliminary investigation following Arājs's eventual capture, to name but one example, police in Hanover sent the prosecutors in Hamburg a document containing a "List of former Latvian citizens within the Federal Republic who are in American service."<sup>13</sup> It is nothing but a list of 123 male Latvians who had been of approximately military age during the war. Apparently, merely because they belonged to such a category, the police seem to have presumed that *these* men (unlike their German counterparts, one would be remiss in not pointing out) were either themselves criminals or at least were keeping information from the authorities and needed to be questioned. The West German police presumed that there was a greater likelihood that the average Latvian exile was either complicit in or at least more informed about the relevant crimes than the average German, and statistically this was probably the case. However, the practice ignored equal rights and due process.

Yet it is fair to say that, despite repeatedly bringing men in—and casting their nets very widely and indiscriminately in doing it—these West German investigative efforts were effectively fruitless. Certainly they were so in terms of obtaining concrete information pertinent to Arājs's wartime crimes or post-war whereabouts. Rumors—none of which were ever proven and most of which were conclusively disproved as the real facts of the matter emerged through real police work—were all that the authorities were able to glean, despite their heartening, newfound commitment to the prosecution of the war criminals in their country. There was, literally, one single exception. It will be treated below.

For the rest, in their vast, pointless majority, the depositions make clear many Latvians' simmering resentment towards the Germans—a negative attitude which was exacerbated by the fact that they were

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<sup>13</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. "Arajs Verfahren." Sonderband 7, pp. 1362–1363. Kriminaloberkommissar. "Betr.: Ermittlungsverfahren der Staatsanwaltschaft Hamburg 141 Js 534/60—Riga Komplex." Hanover, 2 September 1975.

denied West German citizenship unless they were willing to pay a substantial fee and were otherwise relegated to the status of “stateless foreigners” despite having fought on the German side against the Soviets during the war, more often than not as conscripts. Perhaps a preponderance of them had also been wounded in the fighting—in many cases, multiple times. Further still, all without exception had lost family members, both those who were physically killed and those who were as good as dead to them, trapped as they were behind the “Iron Curtain” and with whom communication was virtually impossible. They considered their country occupied by the Soviet Union due to the war that Germany started in 1939 with the signing of the perfidious Molotov-Ribbentrop Pact and its dastardly and illegal cession of Latvia by Nazi Germany to the USSR at that time. And now these Latvian men—farmers, teachers, tailors, authors, dockhands, clerks, in any case refugees—were being put to the question under the microscope by Germans whose *own country* had orchestrated the Holocaust.<sup>14</sup>

By far the two most popular threads of speculation among the Latvian exiles in the Federal Republic in the 1960s were that Arājs, along with so many other known Nazi war criminals, had either fled to South America or had become an agent of a Western intelligence service, usually postulated to be British since the British were his original captors. Both plausible theories had variations, which depended on the person being interviewed. For example, some Latvians had heard that Arājs had returned to West Germany from South America out of fear upon hearing news of the sensational assassination of Herberts Cukurs—far and away his best-known accomplice during the war years—whose battered corpse was discovered inside a large piece of luggage in Montevideo, Uruguay, in February 1965, and who was thought by many even at the

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<sup>14</sup>Some Latvians questioned about their wartime activities made their frustrations obvious to the police. For example, although Elmars Kalniņš was eventually cleared of all suspicion, he was very closely questioned on multiple occasions because he shared a last name with an officer in the Arajs Kommando. In reality, he fought in the Latvian Legion and was severely wounded—yet he was refused West German citizenship after the war. “I would like to say right at the outset that I am not the Kalniņš who is supposed to have been a lieutenant in the Arajs Kommando. The name Kalniņš is a very common name, like Meier or Müller is here. It basically means ‘little mountain.’ Kalns means ‘mountain.’” He concludes, “This has embittered me somewhat.” StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren,” Sonderband 11, pp. 2098–2099. Elmars Kalniņš. “Vernehmungsniederschrift.” Kaiserslautern, October 22, 1975.

time to have been the target of a successful clandestine Israeli operation.<sup>15</sup> Others maintained that Arājs was still probably in the service of and protected by British intelligence. After all, how else could one explain how he “escaped” from them in the first place back in 1949? This being arguably the height of the Cold War—these depositions were collected largely in the early- and mid-1960s—it was assumed that Arājs was and remained an intelligence asset in the ongoing struggle against Communism.

In the end, however, no theory of Arājs’s current station was found to have any substantial truth to it; no leads were even considered actionable by investigators. The trail was cold. The Arājs case remained suspended for lack of a warm body to put in the dock.

### *The Sightings*

This is not to say that absolutely nobody in the Latvian community in West Germany had seen and recognized Arājs during his days as a fugitive. On the contrary, two accounts would emerge during the eventually reopened investigation that claimed, separately, that Arājs had indeed appeared to Latvians living in West Germany.

Chronologically, the first supposed appearance of Arājs during his years as a fugitive was before Mr. Alberts Eichelis, a Latvian living in West Germany who had served in the Rēzekne SD during the war.<sup>16</sup> Arājs was already in custody when a threatened and defiant Eichelis told investigators that he had been an acquaintance of Arājs off and on since their police training together in 1936, and had seen him again during their training for the Security Police in 1942 in Berlin. He then related the following story:

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<sup>15</sup>See, for example: 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arājs Verfahren.” Sonderband 1, p. 124. Polizei-Direktion Hannover. An Sonderkommission Z, Landeskriminalpolizeiamt Niedersachsen. “Betr.: NS-Verbrechen.” Hanover, 10 March 1965. This assassination was subsequently admitted to as such by the Israeli government. See: Anton Kuenzle and Gad Shimron. *The Execution of the Hangman of Riga: The Only Execution of a Nazi War Criminal by the Mossad*. Shlomo J. Shpiro, ed., Uriel Masad trans. London: Vallentine Mitchell, 2004. The “operation” is now also the subject of a documentary film. This event will be touched upon again in more depth in this study’s conclusion.

<sup>16</sup>Ezergailis, Andrew. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga: The Historical Institute of Latvia in Association with the United States Holocaust Memorial Museum, 1996, p. 237 fn 89.

It was in the middle of the 1950s, probably on Jaņi [the pagan Latvian name for the Feast of St. John the Baptist, which occurs on the summer solstice], a major Latvian holiday. I received unexpected guests, as is traditional in Latvia. Two trucks arrived with Latvians from the LS [US Army-affiliated Labor Service] in Ettlingen. I knew many of them, but others had just sort of tagged along [“waren einfach so mitgebracht worden”]. Arājs was among them... I can’t say if Arājs was using another name, as we only spoke using our first names, which is the Latvian custom. It was a great feast [“Esserei und Trinkerei”]. I don’t know if Arājs told me anything about his fate. I can’t rule it out, but I don’t know any more... If I had known, I wouldn’t have reported it, because I’m not a traitor. I only saw Arājs after the war on this one single occasion.<sup>17</sup>

Eichelis was among those who had been tried in absentia in the USSR in the 1960s “show trials” and found guilty of war crimes during his time in the Rēzekne SD. He would also be tried and convicted on charges in West Germany, but was to die before sentencing.<sup>18</sup> His testimony during the trial of Arājs was considered by the Court to have been crafted deliberately to defend the accused.<sup>19</sup>

Eichelis was not the only person who was to claim to have seen and recognized Arājs. The second sighting of Arājs qua Arājs after the war was alleged by Mr. Aleksandris Puķītis. During the war, Puķītis had been a young teenager, but his uncle had been in the Rīga “Schutzpolizei.”<sup>20</sup> Once, in 1941, when he was fourteen years old, Puķītis had been

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<sup>17</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 11, pp. 2157–2163. Albert Eichelis. “Protokoll.” Kandel, 13 November 1975. Arājs confirmed that this meeting took place. StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. “Arajs Verfahren.” Sonderband 10, pp. 1904–1905. Viktors Arajs. “Protokoll.” Hamburg, 3 October 1975.

<sup>18</sup>Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: ‘Daugavas Vanagi—Who Are They?’ Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005, p. 189.

<sup>19</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. Sonderband 49, pp. 61–62. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

<sup>20</sup>Probably the Order Police was meant. In any case, it was not the Arajs Kommando.

introduced by his uncle to Arājs. His next encounter with the man, he claimed, occurred in West Germany around 1960.

On the occasion of a gathering of Latvians which was to be followed by a ball in Viersen at Mönchengladbach, I bumped into Arājs in the hall of a hotel, I think called ‘Fatherland.’ About three- to five-hundred people were participating in the gathering, and had traveled there from all over the Federal Republic. As far as I can still remember today, the gathering was organized by a Latvian soldiers’ welfare organization. Like the other Latvians, I was trying to get a room in this hotel. While I was still lingering in the hall with another Latvian, Arājs entered the hall. I had the impression that he likewise wanted a room in the hotel. After exchanging a few meaningless [“belanglose”] words, Arājs excused himself and left the hotel hall, pretending to have forgotten something. He did not return. I am almost positive that he recognized me.<sup>21</sup>

Neither account can be entirely proven, but both are possible and taken together, assuming both are true, seem to indicate two separate modus operandi of Arājs which depended on his company. In private company and in the presence of those whom he knew from the war in their former capacities in the police, he felt comfortable. It is even possible that he circulated in such groups with regularity, although this likewise cannot be proven. On the other hand, in larger, more public gatherings in which he could not control which Latvians would see him, he was nervous, easily startled, and apt to flee. Neither conclusion is very surprising. In this respect too, Arājs followed a predictable pattern.

### *The Capture*

The key figure who actually triggered the reopening of the case, which in turn led rapidly to the discovery of Arājs, was a bizarre one indeed. It is because of him that the post-war trajectory of Arājs diverged from the general pattern: Arājs was actually caught, tried, and punished relatively severely. Mr. Jānis Eduard Zirnis was a Latvian who lived in

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<sup>21</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. “Arājs Verfahren.” Sonderband 26, pp. 2949–2951. “Sonderkommission. Bericht der Zeuge Aleksandris Pukītis.” 31 July 1973. Daugavas Vanagi must certainly be the “Latvian soldiers’ welfare organization” to which Pukītis is referring here.

Ludwigsburg, West Germany, after the war. His wartime activities are uncertain. Apparently, and by his own admission, he had served in the Arajs Kommando from 23 March 1942 until sometime in October 1942, when he quit or was relieved of duty. At the very least, his membership in the Latvian SD has been confirmed.<sup>22</sup> According to his own account, his ejection from the unit was the direct result of his refusal to follow an order to participate in a mass shooting.<sup>23</sup> Decades after the war, he claimed to have actually infiltrated the Kommando “as a clandestine agent of the resistance,” although this highly unlikely and extremely self-exculpatory assertion cannot be independently verified.<sup>24</sup> Zirnīs even went so far as to declare that he organized and led a group of thirty underground resisters between September 1942 and January 1943, although it is practically certain that this claim is a pure fabrication.<sup>25</sup> No evidence for it beyond the word of Zirnīs exists. It does, however, seem to be plausible that after leaving the Kommando, he was arrested on suspicion of having Bolshevik leanings and sent to the Rīga Central Prison on 6 January 1943. There, he was supposedly subjected to torture. As a result, after the war he would describe himself as a “psychic cripple.”<sup>26</sup> A female acquaintance of Zirnīs explained to officials in Hanover at the time of the reopened Arājs investigation that Zirnīs was, “as one says, broken in the chambers of the SD.”<sup>27</sup> He was released from custody in April 1944. Although he was questioned about his wartime activities

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<sup>22</sup>Ezergailis confirms Zirnīs’s membership in the Latvian SD. See: Ezergailis, Andrew. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996, p. 391.

<sup>23</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 1, pp. 55–57. Jānis Zirnīs. Undated deposition, ca. 1962.

<sup>24</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 11, pp. 2109–2110. Eduard Zirnīs. “Abschrift.” Ludwigsburg, 7 September 1975.

<sup>25</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, pp. 236–252. Jānis Eduard Zirnīs. “Vernehmungsniederschrift.” Ludwigsburg, 3 October 1968.

<sup>26</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. “Arajs Verfahren.” Sonderband 4, p. 860. Jānis Zirnīs. “An die Geschäftsstelle der Staatsanwaltschaft bei dem Landgericht Hannover.” Ludwigsburg, 24 September 1974.

<sup>27</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. “Arajs Verfahren.” Sonderband 27, pp. 3249–3251. “Astrid Hildebrand—In Sachen Viktors Arajs.” Hanover, 30 March 1976.

many times by West German police, Jānis Eduard Zirnis was never charged with any crime by the Federal Republic. Nevertheless, it is not entirely impossible that Zirnis witnessed or perhaps even personally committed war crimes and that his post-war persona was either a deliberate camouflage, a reflection of genuine guilt and regret, or simply symptomatic of a unbalanced mind—or perhaps all of these.<sup>28</sup>

In the 1960s and 1970s, Zirnis fairly dedicated his life to the rooting out of Latvian war criminals he believed to be hiding in West Germany and tried to portray himself as the bleeding conscience of the whole Latvian community in exile. And he was probably correct in his assessment that by and large the members of this community were, if not uninterested in the history and legacy of the Second World War and the Holocaust in Latvia, then preoccupied with their own personal and national losses in that conflict. As such a vocal agitator, Zirnis was well known among the Latvians living in West Germany, widely resented, and stigmatized as a Communist sympathizer if not a paid Soviet fifth columnist. In the Arājs case records, rare is the deposition of a Latvian who, when questioned about Zirnis, did not spring to derisively reference his putative left-wing political ideology.<sup>29</sup> He published often and spared his countrymen no criticism, writing, for example, such exhortations as the following:

Latvians who still possess a scrap of honor and integrity must endeavor to expose their war criminals and criminals against humanity, who still run around free. The Latvian people are not evil and have suffered much. [But] [t]hrough such fellows as involved themselves with this dirty

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<sup>28</sup>Born in 1913, he would have been twenty-eight years old in 1941—a bit older than the average shooter, to be sure.

<sup>29</sup>One Latvian, Dr. Julius Bračs who also appears in the second chapter of this study, claimed in a deposition he gave during another trial in 1970—after he had faced a trial of his own, seemingly instigated in part by Zirnis—that “Zirnis has made allegations against me. I know that he is a Communist functionary. At the time, in Latvia, I did not know him... I can also mention that I received a threatening letter from the *Mahnung* newspaper [based] in Flensburg [in which Zirnis published],” StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 12, pp. 2355–2371. Julius Bračs. “Protokoll über die Vernehmung des Zeugen Bračs.” Hanover, 14 November 1975.

business, the Latvians' honor and morality has been corrupted. Therefore, we who live in exile must see that the honor of our people is restored.<sup>30</sup>

To that end, Zirnis worked for a series of anti-Fascist and Nazi-hunter organizations, holding, for example, a position as “Directeur du Service” of the self-importantly named “Comité International de la Résistance/Koordinationsrat/Freier und Unabhängiger Sozialisten/ständige Vertretung der UdSSR/Baltikum/Antifaschisten,” or “International Committee of the Resistance/Coordination Council/Free and Independent Socialists/Permanent Mission of the USSR/Baltic States/Anti-Fascists.” In reality, this and all the other such “institutions” with which he was affiliated over the years were one-man operations that Zirnis founded and ran by himself. In fact, it is apparent that Zirnis operated his strange outfits out of his own apartment, since some depositions recorded by the West German police are listed as having taken place in his apartment, and these give the same address as that printed on Zirnis's miscellaneous organizations' “official” letterheads. Others included “Der Bund des Verfolgten des Naziregimes Baden-Württemberg,” or “The Federation of Victims of Nazism in Baden-Württemberg” and the “Centre du documentation Baltic des combattants aux résistance et les victims du fascism,” or “The Baltic Documentation Center for Resistance Fighters and the Victims of Fascism.” Both of these names were probably conscious attempts on the part of Zirnis to somehow identify himself with Simon Wiesenthal's Vienna-based “Dokumentationszentrums des Bundes jüdischer Verfolgter des Nazi-Regimes,” or “Documentation Center of the Association of Jewish Victims of the Nazi Regime,” with which he is known to have had episodically corresponded.<sup>31</sup> In some versions, perhaps depending upon the sensitivities of the receiving party, the following was appended to the letterhead with a typewriter using a slightly different color of

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<sup>30</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. “Arajs Verfahren.” Sonderband 27, p. 3260. J.-Eduard Zirnis, “Noch immer ohne Sühne!” Ludwigsburg, 1 April 1973. In the newspaper *Mahnung*.

<sup>31</sup>Simon Wiesenthal himself is said to have not taken Zirnis seriously. StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, pp. 388–396. “Sachverhaltsdarstellung.” Stuttgart, 22 January 1974. For more background on this issue, see: Tom Segev. *Simon Wiesenthal: The Life and Legends*. New York: Doubleday, 2010.

ink: “—comunisme” or “Baltic Information Service of the Latvian Democrats.”<sup>32</sup> Still another one of Zirnis’s organizations was called the “Arbeitsgemeinschaft zur Förderung der Beziehungen zwischen USA und der Sowjetunion. Exilkomitee antifaschistischer Widerstandskämpfer und Opfer des Faschismus der UdSSR,” or “Working Group for Promoting Relations between the USA and the Soviet Union. Exiled Anti-Fascist Resistance Fighters Committee and Victims of Fascism of the Soviet Union.”

What accomplishments can be attributed to these grandiloquently-titled entities? Apparently none. The basis for seemingly all of the information Zirnis ever furnished West German investigators with in fact came from two Soviet books that were published in the mid-1960s: *Daugavas Vanagi—Who Are They?* and “*Political Refugees*”—*Unmasked*, both described in the preceding chapter.<sup>33</sup> These books were known to prosecutors in West Germany and did contain some factual information and useful reproductions of key wartime documents in Soviet possession. Photographs in both books were even used for identification purposes in West German courtrooms. All the same, these works were mistrusted as devices of Soviet propagandists. In the first instance, the timing of their release aroused suspicion in that it coincided with a series of highly publicized trials in the Latvian SSR also discussed in the preceding chapter that had, notably, accused and condemned several Latvians who were beyond Soviet reach and living in the West at the time.<sup>34</sup> Secondly, both books contained information that simply did not conform to the facts established as proven over the years by West German investigations. In view of this and the hyperbole that the works contained, in the Hamburg Court’s verdict the books are described as “propaganda brochures.”<sup>35</sup>

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<sup>32</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, p. 235. Jānis Eduard Zirnis. “Centre du documentation Baltic.” Ludwigsburg, 1 March 1967.

<sup>33</sup>E. Avotiņš. *Daugavas Vanagi—Who Are They?* Rīga: Latvian State Publishing House, 1963, and J. Silabriedis and B. Arklans. “*Political Refugees*”—*Unmasked*. Rīga: Latvian State Publishing House, 1965.

<sup>34</sup>It must be noted that one of these was Alberts Eichelis of the Latvian SD, who was convicted in absentia in the 1960s by the Soviet Union and was eventually, in the 1970 s, also convicted in a separate trial in West Germany.

<sup>35</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-015. “Arajs Verfahren.” Sonderband 49, p. 62. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

Therefore, as far as can be ascertained, the absurd figure of Zirnis was of no value whatsoever to any of the investigations to which he sought to contribute. This assessment was shared by virtually all of the police and prosecuting authorities in West Germany who had occasion to examine him over the course of the 1960s and 1970s in connection with a variety of cases involving war crimes in Latvia. Beginning very early on in his dealings with the authorities as a self-made Nazi hunter, Zirnis was privately considered “a rather flimsy [“durchsichtiger”] witness.”<sup>36</sup> A different annoyed investigator working for the Zentrale Stelle went across town in Ludwigsburg to interview Zirnis and afterwards pronounced that “His affectation of mysteriousness [“Geheimnistuerei”] could easily be seen through. He hardly knows anything about the crimes,” and that “His information is to be treated with caution, since he has an exaggerated idea of his accomplishments as a detective.”<sup>37</sup> Another said of him: “In light of these personal characteristics, I would consider the credibility of the witness Zirnis to be very low. Asked to speak concretely of the details of the case, Zirnis knows very little.”<sup>38</sup> Yet another, when the case broke as will be explained below, remained very skeptical, saying that Zirnis had given him “the impression of a psychopath” and someone “who has been made confused and strongly emotional by past experiences.”<sup>39</sup> Such characterizations of Zirnis were basically uniform across the years.

State prosecutors were also warned by reputable organizations not to take him seriously, and certainly not to associate *him* with *them*. The League of Democratic Resistance Fighters and the Persecuted of Schleswig Holstein, for example, sent an eight-point “Warning” to the prosecutor’s office in Hamburg cautioning them about Zirnis and his

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<sup>36</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 1, pp. 71–72. “Betr.: NSG in Baltikum.” 6 February 1964.

<sup>37</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, p. 253. Landeskriminalamt Baden-Württemberg, Sonderkommission—Zentrale Stelle. “Aktenvermerk.” Ludwigsburg, 10 June 1964.

<sup>38</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. “Arajs Verfahren.” Sonderband 8, pp. 1748–1752. “Landeskriminalamt Baden-Württemberg: Sonderkommission Zentrale Stelle.” Ludwigsburg, 5 June 1964.

<sup>39</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG—044-01. “Arajs Verfahren.” Sonderband 2, pp. 279–281. Staatsanwaltschaft bei dem Landgericht Stuttgart. “Betr.: Anzeige Leonhard M. Schwarz gegen J.E. Zirnis aus Ludwigsburg wegen des Todes des ehemaligen SS-Sturmbannführers Viktor Arajs.” Stuttgart, 23 July 1973.

history. They explained that he had, in 1965, applied for membership in their group. Presumably to bolster his chances of gaining admittance, Zirnīs went so far as to boast that he had actually worked underground during the Nazi period with Willy Brandt, who was the Chancellor of West Germany at the time of his application. When the application was dismissed, Zirnīs replied petulantly, saying “I get the impression that you don’t entirely trust me.” “His impression,” the League’s warning to the prosecutor’s office exclaimed, “was correct!” The warning of the League concluded by saying that “Such a man does incalculable damage to our circle. His behavior borders on fraud [“Hochstapelei”].”<sup>40</sup>

And so it *is a great irony* that, for all of his unproductive efforts to catch Latvian war criminals and assist in their prosecution and the disruptions to the Latvian community these activities caused—whatever his motivations may have been, and it is interesting to speculate—he would, entirely by accident, be *the key to nabbing the biggest Latvian war criminal of them all*.

One day in the summer of 1973, a Mr. Leonhard Manfred Schwarz, whose name appears in the records of the Arājs trial only this once, wrote to the state prosecutor in Stuttgart about some secondhand information he had received from his Latvian acquaintance, Zirnīs. It was information about a murder. He contacted the police because the law, then as now, threatened with imprisonment anyone who failed to report information pertaining to a crime to the authorities. And this was information from an unknown party, through Zirnīs, who wrote in two separate letters that Viktors Arājs had been assassinated in West Germany by a Soviet hit squad. The two relevant excerpts from these mysterious letters which Schwarz quoted for the police were:

First I would like to disclose to you that the SD chief, Sturmbannführer Viktors Arājs, was executed by Soviet security officers in the area of Nordrhein-Westfalia on 19 January 1973.<sup>41</sup>

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<sup>40</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-04. “Arājs Verfahren.” Sonderband 10, pp. 1943–1944. Verband Demokratischer Widerstandskämpfer und Verfolgter Schleswig-Holstein. “Warnung.” Flensburg, 13 September 1975.

<sup>41</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arājs Verfahren.” Sonderband 2, pp. 282–283. Leonhard Manfred Schwarz. “An der Staatsanwaltschaft Stuttgart.” Flensburg-Murwik, 2 July 1973.

And:

One need have no more fear of the mass murderer, Viktors Arājs. He was in South America for a long time, but came back to West Germany under a false name, and as an English agent. But the English got fed up with him [“haben ihn satt gehabt”] and gave us a tip. On 19 January 1973, he was executed by our Special Team [“Sonderkommando”]. No one will ever find him. He certainly wasn’t the first, and he won’t be the last. Our list of war criminals is long. We have also actually brought some back to Rīga.<sup>42</sup>

When taken in for questioning on the matter, Zirnis produced the two handwritten Latvian-language letters to prove that it was not just a fantasy of his, but he refused to divulge the name of their author. He strongly implied that to do so would be to jeopardize his own personal safety, telling the police in his apartment that “I’m no traitor. If I give up this name, I’ll be even more condemned.”<sup>43</sup> The identity of Zirnis’s correspondent will probably never be known.

One person it may have been, however, is Žanis Unāms, another Latvian living in the Federal Republic of Germany at the time, who certainly knew of Zirnis and admitted as much to police. Before the war, Mr. Unāms had been a prominent Latvian author and publicist and only very narrowly escaped deportation to Siberia by the Soviets in 1940–1941. Continuing with his old profession, after a fashion, he worked for German press and propaganda agencies in Latvia during the war and also served as Director for Cultural and Social Affairs of the Nazi-organized and controlled Latvian “Land Self-Administration” beginning in January 1943, and was thus a prominent figure in Latvian public life during the war. In West Germany after the war, he continued writing and was particularly preoccupied, on the strength of his firsthand experiences, with his critiques—from a nationalist perspective—of those Latvians who had collaborated with the Nazi

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<sup>42</sup>Ibid.

<sup>43</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arājs Verfahren.” Sonderband 2, pp. 290–292. Jānis Zirnis. “Zeugen—Vernehmungsniederschrift.” Ludwigwigburg, 28 August 1973.

occupiers and whom he considered as having carried arms for the enemy.<sup>44</sup> Nevertheless, despite his Latvian chauvinism and parochialism, as the Soviets would have seen it, his strong post-war anti-Nazi stance still occasionally earned him favor in Soviet publications, including two separate approving references in “*Political Refugees*”—*Unmasked*, rather surprisingly.<sup>45</sup> Zirnīs was certainly aware of this and may, on the strength of these favorable Soviet mentions, have been encouraged to reach out to Unāms.

Whatever the truth, with the sliver of interesting information revealed to authorities inadvertently by Zirnīs about the supposed fate of Arājs, the case was reopened—almost certainly only because it involved an alleged murder—the understandable personal skepticism of the dutiful investigating authorities notwithstanding. For it can easily be imagined that without the allegation of murder, especially one in the form of a contemporary Cold War assassination, the issue would have been dismissed as another case of Zirnīs wasting police time on another already published, known, and doubtful Soviet claim unworthy of serious attention. However, despite the fact that the documents produced by Zirnīs put forward little more than the boilerplate speculation about Arājs, including *both* his supposed flight to South America *and* imaginary service with British intelligence, ironically, *authorities ostensibly charged with investigating the very real murder of millions of Jews were obligated to do due diligence in investigating this single alleged murder, that of the murderer Arājs himself.* The implication of Cold War espionage likely also played a role. In any case, investigators had no discretion over the matter; follow-up was mandatory.

The investigation became the responsibility of the authorities in Hamburg. The basis for Hamburg’s jurisdiction was twofold. In the first instance, jurisdiction had been lawfully assigned to the Hamburg Court by the British Commission, from which it had seamlessly taken over in 1949, that was investigating the “Riga Ghetto case.” Two other important related cases, those of Gerhard Kurt Maywald and Rudolph Lange

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<sup>44</sup>See: Žanis Unāms. *Zem Barbarosas šķepa: kara gadu pieredze, vērojumi, atmiņas*. Grand Haven, Michigan: Apgadi Aka un Gauja, 1975 and Žanis Unāms. *Melna vara: toreiz un tagad*. A. Ozoliņš, 1955. The titles mean, respectively, *Under Barbarossa’s Lance: Experience, Observations, and Memories of the War Years* and *The Black Power* [meaning the SS]: *Then and Now*.

<sup>45</sup>J. Silabriedis and B. Arklans. “*Political Refugees*”—*Unmasked*. Rīga: Latvian State Publishing House, 1965, pp. 23, 42–43.

(the latter in absentia) had also already been adjudicated there, firmly establishing Hamburg as the appropriate venue.<sup>46</sup> Secondly, despite the fact that Arājs was a Latvian and committed his crimes in Latvia, the Court ruled that German law could be applied to him as an accomplice of Hitler, Himmler, and Jeckeln. In the sense of the West German Criminal Code, because the crimes had been ordered from Germany, Germany was also the scene of the crime—and hence the crimes could be tried in Germany.<sup>47</sup>

First, of course, standard inquiries were made to morgues. No bodies had been discovered.

The man who finally cracked the mystery of Arājs's whereabouts was Mr. Lothar Klemm, the public prosecutor in Hamburg now running the reopened case. He was a relatively young man, a Hamburg native born in 1936. By the age of 40, he already had a decade of experience prosecuting Nazi criminals. The break came when, poring through volumes of decade-old testimony for any possible clues, Klemm came across a deposition of Žanis Unāms from another war crimes case, back in 1963. In it, Unāms had told police that

The wife of this Arājs fellow lives in Oldenburg today. It has been said that Arājs supposedly lived under his wife's maiden name in Frankfurt after the war. Later he supposedly immigrated to America. I pass this information along, admittedly, with some circumspection ["allerdings mit gewisser Vorsicht weitergeben"].

Drawing an exclamation point in red ink beside the passage, Klemm underlined the name: "Zeibots"; and the place: Frankfurt. He also drew an enormous red exclamation point beside the annotation left by one Detective Superintendent ["Kriminal Oberkommissar"] Seth, who had taken this deposition ten years earlier, which read:

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<sup>46</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. "Arajs Verfahren." Sonderband 49, pp. 153–153. Landgericht Hamburg. "Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes." Hamburg, 21 December 1979.

<sup>47</sup>Ibid., pp. 149–151.

The personal details of the husband are not with the EMA [Resident Registration Office], nor are they with the Latvian colony. I have refrained from making further inquiries about the husband.<sup>48</sup>

*Because of the naked investigative negligence indicated in that single remark, Arājs gained an additional ten-year reprieve.*

Could Žanis Unāms, who somehow clearly knew some details about Arājs and his chosen camouflage, had published books denouncing Latvian collaborators with the Nazis, and knew of Zirnīs and his reputation, have deliberately fed a false but juicily irresistible story to the latter, guessing that it would only be a matter of time before the irrepressible and self-promoting Zirnīs managed to get the attention of the police? Might Unāms have been frustrated and dismayed that Arājs still walked free, but was unwilling to directly involve himself in exposing him, perhaps even fearing that Arājs might have dangerous allies in the Latvian community in West Germany—allies such as Eichelis and his group, for example, with whom we now have every reason to believe that Arājs did indeed consort after the war? At least the police thought so, remarking that “In his fundamental attitude [“Grundhaltung”], he is gravely hostile to Nazism, but his fear of the Latvian nationalist circles may influence his orientation [with regard to cooperation with the police].”<sup>49</sup> Admittedly, this is only speculation; we will likely never know. The police never established a solid connection. It may be equally probable that Unāms was not involved at all. At least, when questioned directly on the matter by police in October 1974, he denied all knowledge of the affair.<sup>50</sup>

Either way, at the public prosecutor Klemm’s request, police in Frankfurt am Main easily confirmed the residency of a Viktor Zeibots in their city. An old man, he had been working a menial job in a printing firm for the past twenty or so years.<sup>51</sup> And so, at last, on 19 June 1974,

<sup>48</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, pp. 339–340. Žanis Unāms. “Sonderkommission Z.” Oldenburg, 17 May 1963.

<sup>49</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 1, pp. 125–126. Sonderkommission Z. “Bericht!” Hanover, 31 March 1965.

<sup>50</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 2, pp. 331–338. Žanis Unāms. “Vernehmungsniederschrift.” Oldenburg, 11 February 1974.

<sup>51</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. “Arajs Verfahren.” Sonderband 3, pp. 515–521. Landeskriminalamt Baden-Württemberg. “Aktenvermerk zur Festnahme des staatenlosen Letten Viktor Arnolds Zeibots.” Frankfurt am Main, 11 June 1975.

the District Court in Hamburg re-issued the warrant for Arājs's arrest.<sup>52</sup> Exhaustive examinations were then confidentially made to ensure that this man Zeibots was indeed the accused Arājs.<sup>53</sup> Witnesses were sought, and evidence and charges were compiled. More than a full year later, on Thursday, 10 July 1975, at a quarter past nine in the evening, the unsuspecting Viktors Arājs was finally arrested in his residence in Frankfurt am Main.<sup>54</sup> The officers who took him into custody reported that Arājs had been "living in an old, tumbledown ["verkommenen"] little attic apartment with a 74 year-old German roommate."<sup>55</sup>

From all of this, one inescapable conclusion must be drawn: *The reason that Arājs was not found earlier is simply that no one had bothered to look for him since 1955.* And when he finally *was* caught by German authorities, it was because of *a total fluke*, even though the information that directly led to his location and unmasked his feeble alias had already been in the possession of the West German police for more than a decade. Furthermore, the information had been furnished to them by none other than a Latvian. Klemm merely picked up the ball that Detective Superintendent Seth had fatefully dropped in 1963. He ran with it.

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<sup>52</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. "Arajs Verfahren." Sonderband 3, p. 482. Landgericht Hamburg. "Haftbefehl." Hamburg, 19 June 1974.

<sup>53</sup>Indeed, a separate and unrelated gentleman in West Germany with the last name of Arājs was turned up. The name is not a particularly common name, but hardly unheard of among Latvians.

<sup>54</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. "Arajs Verfahren." Sonderband 4, p. 724. "Erledigung einer Personenfahndung." Hamburg, 18 July 1975. Also see: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. "Arajs Verfahren." Sonderband 3. p. 509. Fernschreiben. "Betr.: ermittl. verf.d.sta. stuttgart." Undated.

<sup>55</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. "Arajs Verfahren." Sonderband 3, pp. 515–521. Landeskriminalamt Baden-Württemberg. "Aktenvermerk zur Festnahme des staatenlosen Letten Viktor Arnolds Zeibots." Frankfurt am Main, 11 June 1975.

*The Warrant*

After Arājs was taken from his apartment and conveyed to a police station, the full, two-page warrant was read to him:

Warrant against Arajš (alias Zeibots/Zeibot/Zeiboth/Zeibold or Artur Abols/Abel/Abele), Bernhard Viktor.

...

Strongly suspected, in Riga, Latvia, and its environs, during the German occupation from July 1941 until 1943, as leader of a Latvian police unit (“Sonderkommando Arajš” of the Latvian Security Police) in a yet-to-be-established number of cases sometimes singly and sometimes in conjunction with others, deliberately and with premeditation and out of low purposes (racial hatred), of having killed people maliciously and cruelly as he:

1. himself directly after the occupation of Riga on 1 July 1941, *as one of the leaders of the Latvian National Socialist group “Perkonkrust,”* took part in riots against the Jewish population in the course of which at least 400 Jews were slain, tortured to death, thrown in burning synagogues, or were shot in the area surrounding Riga by Latvian Sonderkommandos under the command of Arajš;
2. himself as the leader of a Latvian Kommando, upon the order of the German Security Police, at the time of July/August 1941 took part in the shooting of at least 10,000 Jews over the course of multiple mass shooting actions in the area surrounding Riga;
3. took part in the clearing of the Riga Ghetto ordered by the Higher SS—and Police Leader Jeckeln in the course of which, between 30 November and 9 December 1941, *during three days of operations* [“Einsatztagen”] at least 24,000 Latvian and 1,000 German Jews (men, women, and children) were shot in the Rumbula Forest approximately eight kilometers outside of Riga on the street towards Dünaburg [Daugavpils];
4. shot, on 5 December 1941 in the Riga Ghetto, Nachman Shapiro and two additional Jews of a sanitation Kommando, who in order to quiet their hunger had concealed foodstuffs;
5. shot six Jews, among whom were two children, who had hidden themselves in houses, and gave a ‘mercy’ shot to a wounded 12-year-old Jewish boy on 9 December 1941 in the Riga Ghetto cemetery together with unknown Latvians;

6. ordered Latvian Kommandos subordinate to him to shoot, in multiple cases, in the forests in the vicinity of Riga (Bickernicker Forest), Jews sick and unable to work (men, women, and children), from December 1941 to 1943, on the orders of the Commander of the Security Police and Security Service (SD) Latvia, Dr. Lange.... Pre-trial custody is to be imposed as the accused has been a fugitive since 1949.<sup>56</sup>

It was already past midnight. This was followed by police questioning. Arājs's last words to his interrogators late that night were: "This stuff, which was just read out to me, I don't believe it, this is fantasy. I don't believe any of it, I'm sorry, I can't help you. I have nothing to do with this business. I am who I am, and not this Arājs person."<sup>57</sup> The interrogation was concluded at 01.30.

Arājs caved the following day.

The warrant is reproduced here substantively in full in order to help demonstrate one concrete example of the West German system's genuine interest in the truth and its flexibility and fairness in the face of contradictory or, even more importantly, unwelcome evidence. The warrant—as it were, the first draft in a legal process that would eventually produce an actual indictment and finally an official verdict on the crimes of the accused—contains two non-trivial errors.

Most importantly, the assertion that the Rumbula shootings occurred on three separate days rather than two is a major mistake on a quite elementary point. As was described in the first chapter of the present study, the Rumbula shootings occurred on two separate days: 30 November and 8 December 1941. The significance of this error is only underscored by the fact that Arājs's conviction would ultimately rest upon his participation specifically on the second day of the action.

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<sup>56</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG—0044-01. "Arajs Verfahren." Sonderband 3, pp. 482 A-B. Landgericht Hamburg. "Haftbefehl." Hamburg, 19 June 1974. Emphasis added.

<sup>57</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-01. "Arajs Verfahren." Sonderband 3, pp. 526-531. Viktors Zeibots. "Beschuldigten-Vernehmung." Frankfurt, 10 July 1975.

Also significantly, the very first charge in the warrant identified Arājs as a member of Pērkonkrusts, or “Thundercross.” It also characterized that organization with a term West Germans could readily understand: a “Latvian National Socialist group.” Both of these claims were as untrue as they are frequently asserted across witness testimony and the literature at large and merit close attention here. The second claim, about the nature of Pērkonkrusts, is explained and refuted in Chap. 2 of this study. The first claim, regarding Arājs’s membership, is very easily refuted.

Because he belonged to the police force during the Kārlis Ulmanis dictatorship under which Pērkonkrusts was a banned organization, Viktors Arājs incontrovertibly could not have been a member, at least not as of 1934. It was also banned under the successive Soviet and, very quickly, German occupations. This can prove nothing about whether or not he was sympathetic to Pērkonkrusts, although he probably was in many respects. Still, no hard evidence has even been uncovered linking him to the organization during any period. And for what it may be worth, prominent figures within Pērkonkrusts repeatedly denied any association between Arājs and their organization during the investigation.<sup>58</sup>

Regardless, to allege that Arājs had been a member of Pērkonkrusts would have been very tempting for any prosecutor: the membership of the accused in an officially—among other things—anti-Semitic organization would have gone far in establishing base motives for his participation in criminal acts against Jews. Their shared anti-Semitism may also help explain the persistent equation of Pērkonkrusts with the Nazi Party.<sup>59</sup>

The oft-repeated claim of Arājs’s membership has come from a variety of quarters. Most conspicuously, it is heard in Jewish survivors’

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<sup>58</sup>Adolfs Šilde himself, perhaps the most prominent member of Pērkonkrusts who remained after the war, denied Arājs’s membership—for what it may be worth. “This Arājs, as I already said, came to see me in this Valdemar Street office one day and wanted to meet me. He let on [“gab sich”] that he was a member of Pērkonkrusts and, since I didn’t know him, replied to my question that he was a member in Jelgava. However, I did not believe him and later confirmed this. His name was completely unknown in the organization.” StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 11, pp. 2058–2061. Adolfs Šilde. “Vernehmungsniederschrift.” Münster, 17 October 1975.

<sup>59</sup>Also see: Katrin Reichelt. “Between Collaboration and Resistance? The Role of the Organization ‘Pērkonkrusts’ in the Holocaust in Latvia,” in *Latvijas Vēsturnieku komisija, Holokausta Izpētes Jautājumi Latvijā*. Rīga: Latvijas vēstures instituta apgāds, 2003, pp. 279–298.

testimony, which—on this as on many other points—is virtually unanimous.<sup>60</sup> This phenomenon extends beyond Latvian Jewish survivors to include Western and Central European Jews deported to Rīga as well. It is also echoed and repeated in Soviet literature. Certainly the Soviets had no love of Pērkonkrusts and persecuted its members heavily whenever given the chance, both in 1940–1941 and in the years following the war, as intractable opponents of Communism and of Latvia’s incorporation into the Soviet Union.

But if the Hamburg prosecution desired for convenience to place Arājs in the organization and thereby make him guilty by association of racism and fascist tendencies—and hence: harboring base motives for murder—then the Soviets wished to do the same not to prove something about Arājs himself, but to project his guilt onto Pērkonkrusts, the reactionary bourgeois-nationalist crime syndicate. After the war, bonafide Nazis were also only too happy to blame Pērkonkrusts members for the crimes instigated and committed by Einsatzkommando 2. After all, they presented a handy group of savage natives to serve as their alibi. Apart from anecdotal evidence of individual members of the organization participating in crimes, however, the origin of this widely-held misconception is probably to be found in the fact that during the first two months of the occupation before the Germans banned it, Pērkonkrusts had an office within the same building as headquartered the Arajš Kommando.<sup>61</sup> Also, they

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<sup>60</sup>See, for one among many examples just from the investigation of Arājs: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. “Arajš Verfahren.” Sonderband 5, pp. 981-985. Efraim Janowski. “Vernehmungsniederschrift.” Hamburg, 18 August 1975. “Arājs was considered [“galt als”] a Pērkonkrust man. This was known in all of Rīga, on this I am one-hundred percent certain.” Also see, for example: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-07. “Arajš Verfahren.” Sonderband 28, pp. 3323-3324. “Robert Levi.” Jerusalem, 13 February 1976. “The name Arājs—the activities of Pērkonkrusts—these were known to the Jewish population of Rīga from the first day of the occupation.” Besides legal testimony, far and away the majority of Jewish survivor memoirs that touch on the subject claim the same.

<sup>61</sup>For example: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajš Verfahren.” Sonderband 22, p. 3917. Ella Medalje. “Zeugenvernehmungsprotokoll.” Rīga, 18 November 1975. “In this building there were no other agencies [“Behörden”] of the Germans with the exception of the Pērkonkrusts staff. Here I certainly never saw any Germans. Later, after the liquidation of the Rīga Ghetto, I heard of the Arajš Kommando (one also called it a ‘band’). I believe that Pērkonkrusts and the Arajš Kommando are one and the same.”

were among the groups specifically tapped in the infamous 4 July 1941 recruitment call for what turned out to be the Arājs Kommando.<sup>62</sup>

No matter the confluence of interests determined to place Arājs in Pērkonkrusts, the allegation is simply false.<sup>63</sup> If Arājs had been a member of the organization before 1934—and there is no evidence that he was—then he was obviously not so committed to it that he was willing to allow his police career to suffer on its behalf. And if he was somehow secretly a member of an illegal group deemed by the Germans to be hostile to their interests, it seems incredible that this information was known by the distant and somewhat preoccupied NKVD but eluded the highest German police authorities during the war—authorities that instead entrusted Arājs with a great deal of responsibility and knowledge of their dirty deeds. At the maximum, his worldview accorded in part with that of Pērkonkrusts, even as he served the German occupation.

Ultimately, the purpose of the warrant was to secure Arājs while the pre-trial investigation by the prosecution could proceed in earnest. In this, it was successful. And as the prosecution became more informed through its investigation, it would later remedy these errors in the course of preparing the public indictment.

## THE TRIAL

Several blocks from the enormous and indestructible hulk of a derelict flak tower, immediately beside the Messehallen U-Bahn station, and overlooking a wide open plaza, sits the Criminal Justice Building of the State Court of the Free Hanseatic City of Hamburg. Facing the plaza, which is ringed by buildings housing the judicial bureaucracy of the humming West German city-state is a matte steel slab upon which was written in raised letters:

We commemorate the victims [“Opfer”] who were disenfranchised, violated, afflicted, robbed of their freedom, and put to death between 1933

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<sup>62</sup>“Uzaicinājums.” *Tēvija*, Nr. 4. 4 July 1941.

<sup>63</sup>By the time the final indictment was issued, the Hamburg prosecutors had gotten almost everything regarding Pērkonkrusts, and the relationship of Viktors Arājs with it, correct. See: Bundesarchiv-Ludwigsburg. B 162/3076. “Anklageschrift.” Hamburg, 10 May 1976, pp. 41–45. For its part, the Court’s understanding was completely correct.

and 1945 by the judges and prosecutors of the Hamburg judiciary. Their suffering is an admonishment to us.

The Nazis had also brought upon Hamburg the horrific wrath, particularly owing to its proximity to the British Isles, of year upon year of Royal Air Force and, eventually, American saturation bombing. These destructive Allied efforts peaked in the July 1943 firestorm that killed about 40,000 people in a single gigantic raid. Nearly every building in the city center today bears a plaque stating that the structure was destroyed in 1943, and then rebuilt at some point in the 1950s or 1960s. As a Hamburger born in 1936, Lothar Klemm may have remembered the bombings from his childhood, or perhaps he remembered an evacuation to the countryside. Certainly he was aware of the impact of the Nazis' hideous misrule on Hamburg's judiciary estate. These two considerations must have somehow informed his motives and mindset throughout his career as a prosecutor.

The courthouse itself was very large, occupying an entire city block. Up a wrap-around set of stone steps were three heavy sets of iron-studded wooden double doors. Once inside the building, visitors and personnel were confronted with a two-story-tall chamber roofed with glass, encircled by all of the offices, lounges, record repositories and so forth required for the administration of justice.

However, the courtroom in which the Arājs trial took place itself was no grand affair. The walls were beige. On one side of the room was the judges' bench: a long table elevated several steps above the rest of the room behind which were three chairs. On the other side: a narrow, glassed-in gallery for the public and media observers.<sup>64</sup> And in the center: a table with two chairs for the defendant and his counsel, as well as a desk and chairs for the prosecution. Fluorescent ceiling-mounted lights lit the room. Two large, arched windows were set in the wall opposite the entry.

The windows looked out on brick, bars, and barbed wire above which only a small patch of sky was visible—and that only from certain vantage points in the room. That building, which was connected to the court building, was a jail. Since he was an obvious flight-risk, the jail

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<sup>64</sup>Among the observers was, most importantly, one Štāmers, about whom more will be said below.

was Viktors Arājs's home while in remand during the pre-trial investigation and throughout the trial itself. He seems to have been made fairly comfortable. Through his lawyers, Arājs requested and received from the Court, with the assent of the prison administrators who had their security considerations: a radio, a television, a travel-sized typewriter, and a chess set. Arājs was observed to play chess almost daily with various fellow inmates.<sup>65</sup> In addition, Arājs requested and received a daily subscription to Frankfurt's conservative daily newspaper of record, the *Frankfurter Allgemeine Zeitung*.<sup>66</sup>

While Arājs had physically eluded authorities for over twenty years, the wheels of justice had never stopped turning since the 1958 Ulm Einsatzkommando trial and the founding of the Zentrale Stelle in Ludwigsburg. A massive research effort had been conducted and a concomitant mountain of evidence already assembled during the 1960s, over the course of prosecuting dozens of other men accused of committing National Socialist violent crimes in Latvia during the Second World War.<sup>67</sup> In the Federal Republic of Germany, there were three major complexes of such cases, involving multiple jurisdictions. They were arranged geographically: the largest, in terms of the numbers of defendants, was the Riga-Komplex in Hamburg against Gerhard Kurt Maywald and others (including now also Viktors Arājs); the Libau-, Windau-, und Mitau-Komplex (i.e. Liepāja, Ventpils, and Jelgava) in Hanover against Erhard Grauel and others; and finally the Dünaburg-Komplex (i.e. Daugavpils) in Dortmund against Günther Tabbert and others. Thus, by the time of the Arājs trial, the general facts of the Holocaust in Latvia were already known and the West German judicial infrastructure for handling this type of case well-established. It also bears pointing out again that *most* of our current knowledge of the Nazi crimes that took place in Latvia during the Second World War was revealed in the investigations attendant to these trials—a process that finally culminated in the prosecution

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<sup>65</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG—0044-018. Handakten-Sonderbaende “Arajs.” Band 1, pp. 136–137. Lothar Klemm. “Beweisantrag.” 9 August 1977.

<sup>66</sup>StaH. 213-23 Staatsanwaltschaft Landgericht—NSG—0044-03. “Arajs Verfahren.” Sonderband 7, p. 1386. Georg Bürger. “In der Strafsache gegen Arajs.” Frankfurt am Main, 20 August 1975.

<sup>67</sup>A substantial majority of these defendants were of German, rather than Latvian, nationality.

of Viktors Arājs himself. The facts regarding *his personal participation*, however, were still to be legally established.

The legal machinery existed and was well-oiled. For their part, both the intrepid investigator and State Prosecutor of Hamburg, Lothar Klemm, and Arājs's principal defense lawyer, Mr. Georg Bürger, had long experience in trials of Nazi crimes. Georg Bürger, the chief defense attorney, spoke of his qualifications thusly: "Since 1963, I have been retained as a defense counsel in numerous Nazi war crimes cases and therefore possess the relevant expertise as well as the confidence of the accused."<sup>68</sup> He was assisted principally by the attorneys Hannelore Czermak-Schwanen and Drs Jost Heinemann and Reiner Eggert, all based in Hamburg, along with Horst Loebe, and Fritz Steinacker, based in Frankfurt, the latter of whom was, in Georg Bürger's estimate, one of the few defense attorneys in the Federal Republic who was "familiar, owing to his decades-long historical occupation with these cases, with the circumstances of the time ["damaligen Zeitumständen"], particularly also those in Latvia." For Klemm, this was to be his last such case after thirteen years of such heavy responsibilities, before he transferred to another department within the Office of the State Prosecutor of Hamburg at the end of 1979.<sup>69</sup>

### *The Soviet Contribution*

In his omnivorous hunger for evidence, Klemm cast his nets very wide and did not balk at asking for the assistance of the Soviet Union, as well as the many expert, archival, academic, and professional organizations that had been researching the subjects in question for some time. Indeed, by far the largest and most significant foreign contributions to

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<sup>68</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-02. "Arājs Verfahren." Sonderband 4, pp. 710–711. Georg Bürger. "In der Strafsache gegen Viktor Arājs." 1 August 1975. As of about 1988, Bürger would be able to claim to have represented in 17 trials defendants accused of having committed Nazi crimes. See: Transcript of the trial of Konrads Kalējs, pp. 1087–1088.

<sup>69</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG—0044-015. "Arājs Verfahren." Sonderband 50, pp. 8226–8228. Letter from Klemm to Rückerl at the Zentrale Stelle in Ludwigsburg. Hamburg, 11 November 1980.

the investigation came from the USSR.<sup>70</sup> This fact should not be construed, as Arājs's defense would have had it, as undue or unsolicited Soviet meddling or politicking in a Western court. Rather, the Soviet Union, simply by virtue of controlling the territory on which the relevant events had occurred, and being the place of residence of most of the surviving witnesses to the crimes, was placed in a position by default to substantially aid or hinder the West German prosecution as it chose. In the event, the Soviet Union aided the prosecution and the cause of justice in West Germany greatly.

Possible political tampering could have taken the form of instructing a witness of the 'correct' testimony he or she was expected to give; coaching a witness on the probable stratagems of the defense; contaminating a witness through providing useful background information to seemingly bolster his or her credibility in the eyes of the Court; and, of course, intimidating a witnesses into cooperating—particularly if the witness had previously been tried and convicted of similar crimes of his own. However, the evidence, or conspicuous lack thereof, indicates that little if any such meddling actually took place in the case against Arājs.

The testimony of witnesses who were Soviet citizens and were giving their testimony on Soviet territory in the presence of Soviet officials was vigorously contested on its very face by the defense, which complained, for example, that the Soviet witnesses were not under oath during the testimony—the Soviet Union having abolished oaths from their procedure as a perverse bourgeois-religious anachronism. The defense also argued that some of the witnesses could have been coached or coerced or could even have been completely phony. Mistrustful of the Soviet Union as it was, the defense not only claimed that in principle all evidence of Soviet provenance was contaminated, but also tried to portray the prosecution's reliance on the Soviets as a shameful act unbecoming of agents of a member state of the NATO alliance since 1955.

Actually, despite itself having parried the objections of the defense to the use of any Soviet-provided evidence in principle, the prosecution itself chose to omit much of such Soviet testimony for its own reasons. The prosecution required scarcely any of it for a conviction in the end,

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<sup>70</sup>American state involvement, owing to a lack of systematic institutional knowledge or experience in such affairs at the time, was completely relegated to middle-man status, facilitating communications and expediting paperwork between the Hamburg prosecution team and several potential witnesses and other persons of interest living in the US.

and some of it was seen by them to represent more a liability than an asset if the case were appealed. That is to say that the West German system functioned on a structural level in such a way as to force the prosecution to treat its own evidence with caution verging on suspicion—a most salutary component of a healthy legal process.

The fears of the defense, in the judgment of the Court, were baseless; the handling of potentially problematic Soviet evidence by the prosecution was deemed basically correct. Forensic analysis of the archival documents provided by the Soviet authorities gave no reason to doubt their authenticity. The evidence provided by the witnesses generally conformed to known facts. When there were reasonable grounds to contest the validity of a witness's testimony, as a rule the testimony of that witness was removed, in whole or in part, from consideration. Finally, the Court took very seriously the idea that the Soviets might have coached or in any case intimidated witnesses.<sup>71</sup> Among other reasons that the Court ultimately accepted most of the Soviet witness testimony is that the claims that they were under duress were refuted by the official West German translator, Dr. Günther Kratzel, who had been sent to the Latvian Soviet Socialist Republic from West Germany. He “stated that one or another witness had indeed made an inhibited impression at the beginning of his testimony, but then that soon subsided.”<sup>72</sup> He also testified that one witness began his statement saying “When the Germans liberated us...”<sup>73</sup> Furthermore, Dr. Kratzel did not feel that any Soviet official asked leading questions of the witnesses.<sup>74</sup> The Court itself noted that the testimonies from the USSR were not uniform, often contradicted themselves, and frequently seemed designed to absolve, rather than to incriminate, Viktors Arajs.<sup>75</sup>

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<sup>71</sup>The most direct example of such concern came in the case of Ella Medalje, which will be described in more detail below.

<sup>72</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG 0044-015. “Arajs Verfahren.” Sonderband 49, pp. 52–53. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

<sup>73</sup>Ibid., pp. 52–53.

<sup>74</sup>Ibid.

<sup>75</sup>Ibid., pp. 45–47.

In the end, the only significant Soviet intrusion, if it could even be called such, on the investigatory process and trial was the refusal to issue travel visas to those Soviet citizens who wished to testify before the Hamburg Court. Specious health reasons were concocted to justify this refusal and were correctly perceived as such by the judges in Hamburg. Rather than appearing in Hamburg, those who were still alive remained, as a rule, in the Soviet Union during the trial. In many cases, the Hamburg Court came to them and took their depositions in a Soviet courtroom in Rīga. After returning from one such visit to Rīga via Moscow, Klemm remarked that his party's Intourist handlers' service was "attentive and courteous."<sup>76</sup>

### *The Documentary Evidence*

A surprisingly small amount of actual documentary evidence was entered into the record of the Court for the trial of Viktors Arājs. The most important primary source documents which were relied upon by the prosecution in formulating the indictment and by the Court in its deliberations were mainly the well-known documents surviving from Einsatzgruppe A and Einsatzkommando 2. These included the various Situation Reports and the famous comprehensive reports of Walter Stahlecker, as well as several orders from Reinhard Heydrich's RSHA going in the other direction. The paucity of actual surviving Latvian Auxiliary Security Police records necessitated this reliance on EG A and EK 2 documents; more specific information pertaining to the Kommando itself could only be arrived at by inference. This was not an accident. Presumably, a deliberate destruction of the documents had taken place before the Kommando members' possible capture by the Red Army as the war in Latvia came to a close in chaos. There was likely also an effort during the war not to commit orders and after-action reports to paper in the first place, preferring instead to rely on oral communication to preemptively cover everyone's tracks and obscure the appalling truth. In addition to this document group, some contemporary newspaper articles in which Arājs or members of his group were mentioned

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<sup>76</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG. 0044-018. Handakten-Sonderbände "Arājs." Band 3, pp. 420–426. Lothar Klemm. "Bericht über den Verlauf einer Dienstreise nach Riga/UdSSR in der Zeit vom 13. Januar 1979 bis zum 20. Januar 1979." Hamburg, 8 April 1979.

or photographed were also consulted over the course of the investigation and trial. Lastly, the Soviets provided Arājs's university matriculation documents and identification papers from the 1930s, a miscellany of other school files, and old Curricula Vitae from the Latvian State Historical Archives.<sup>77</sup> They also supplied current photographs of the various killings sites and other areas of interest, such as the Valdemar Street headquarters building and the neighborhood that was once the Rīga Ghetto.

Besides the investigative records and court documents generated after the war—the importance of which has already been explained and will be emphasized again shortly—the secondary sources used in the Arājs case were, if anything, in even shorter supply than the wartime documentation. The principal source for basic historical information with which to provide the background and the context for the alleged actions of the accused was Professor Georg von Rauch's *History of the Baltic States*, which, conveniently published in 1977 at the outset of the trial proper, represented the cutting edge of scholarly historical understanding of Latvia during the war and the Holocaust in Latvia.<sup>78</sup> Additionally, Soviet works such as *Daugavas Vanagi—Who Are They?* were also introduced. Unfortunately, the classic study of the Einsatzgruppen, with special attention to EG A, *Die Truppe des Weltanschauungskrieges*, by Helmut Krausnick and Hans-Heinrich Wilhelm, was only published in 1981, several years too late to be used in Hamburg.<sup>79</sup> Although their manuscript presumably existed in draft at that time, the records indicate that it was not consulted by any party connected to the investigation.

A third source, which has already been alluded to, was Court findings against a host of previous defendants who had been convicted of crimes related to those of which Arājs stood accused. This set of cases not only laid the groundwork for future criminal inquiries, including that into the wartime activities of Arājs, but also helped to frame all subsequent

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<sup>77</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arajs Verfahren.” Sonderband 49, pp. 65–72. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

<sup>78</sup>Georg von Rauch. *Geschichte der baltischen Staaten*. Stuttgart: Kröner, 1977.

<sup>79</sup>Helmut Krausnick and Hans-Heinrich Wilhelm. *Die Truppe des Weltanschauungskrieges: die Einsatzgruppen der Sicherheitspolizei und des SD, 1938–1942*. Stuttgart: Deutsche Verlags-Anstalt, 1981.

academic discussion of the events in question. Principally, the judgments of West German courts were relied upon, as they provided a rich and fairly comprehensive understanding of Nazi crimes in Latvia. However, a number of important Soviet rulings, such as the ruling against Friedrich Jeckeln in Rīga in 1946 and the testimony of lower-level witnesses provided by the Soviets, were also used. Israeli witnesses were also sometimes consulted.

The upshot of this relative shortage of primary documentary evidence was not only that it necessitated a heavy reliance upon post-war secondary sources and the findings of others courts, but that it was really the eyewitnesses who provided the evidence most crucial to the outcome of the Arājs trial.

### *The Witnesses*

The character of the witness pool, composed of approximately 130 individuals, was quite heterogeneous. The witnesses themselves can be categorized in several different ways: national origin; status as victim, perpetrator, bystander, or expert (medical, for example); citizenship at the time of testifying; and whether their statements were introduced as evidence.<sup>80</sup> Most crucial was the witness's relationship to the defendant—whether, as was the case for the vast majority, it was only indirect or, as in a few special cases, it was personal.

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<sup>80</sup>Some Latvian officials who operated at high levels during the German occupation gave depositions in the course of the trial of Viktors Arājs, including Arturs Freimanis, the General Director for Science, Industry, and Trade; Dr. Viswalds Sanders, briefly the General Director for Education; and Dr. Julius Bračs, the sometime head of the Information Department of the General Direction of the Interior. See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-07. “Arajs Verfahren.” Sonderband 20, pp. 3630–3631. “Aufgesucht in der Wohnung erklärt Herr Artur Freimanis...” Hanover, 13 May 1976; StaH. 13-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajs Verfahren.” Sonderband 24. “Bericht über die Befragung Dr. Sanders.” Hamburg, 6 June 1976; StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-05. “Arajs Verfahren.” Sonderband 12, pp. 2355–2371. Dr. Julius Bračs. “Protokoll über die Vernehmung des Zeugen Bracs.” Hanover, 14 November 1975. A fine biography has been written of one of the organization's most controversial and, arguably, courageous, member. Gerhard P. Bassler. *Alfred Valdmanis and the Politics of Survival*. Toronto: University of Toronto Press, 2000.

The witness testimonies were assessed by the Court by uniform standards of internal coherence and consistency, the bearing and presentation of the witness, and the impression concerning mental capacity and reliability of memory that he or she left on the Court. The Court was very careful in handling the testimony of witnesses. For a variety of reasons, the Court frequently determined a given witness's testimony, in whole or in part, to be unreliable and therefore did not base any conclusions on it. This happened to both Jewish survivor witness testimony and to German and Latvian perpetrator testimony alike, and included witnesses living in Israel, West Germany, and the Soviet Union. The most common reasons for excluding testimony were because the witness was transparently attempting to protect the accused, they had nothing pertinent to say about the accused himself, or—often owing to age—their memories had faded or they appeared sick or disoriented to the Court.<sup>81</sup>

The intervening decades of Arājs's liberty likely reduced the pool of survivor witnesses. Still, most of the more than forty Jewish survivor witnesses did not have to be sought out but rather had introduced themselves to the prosecutors after hearing about the capture of Viktors Arājs. Word of mouth travelled quickly through the community of survivors of the Holocaust in Latvia. In perhaps half or more of the cases, these Jewish survivors came from Israel, where their depositions were recorded by Israeli justice officials in Tel Aviv or Haifa and sent along to Hamburg for study. A few survivors of the Holocaust in Latvia were even living in the United States. Also, Jewish witnesses living in the Soviet Union were approached by their government and agreed to offer their testimony as well.<sup>82</sup>

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<sup>81</sup>The testimony that was excluded, in whole or in part, by the Court in its verdict, included perhaps most significantly that of the following witnesses: Partially excluded were: Laimons Lidums, Edgars Kraujiņš, Selma Hait, Izchak Raikin, Jekabs Kalniņš, Kārlis Ozols-Ozoliņš, and Jānis Vabulis. Completely excluded were: Alberts Eichelis, Kāthe Eckstädt, Hildegard Reineke, Frieda Michelson, Boris Zeswan, Kārlis Kencis, Max Neumann, Abram Lipchin, Mendel Wulfowitz, Raphael Lewin, and Mirwalds Laviņš. These exclusions amounted to approximately one-quarter of all testimony rendered for the judgment of the Court. Obviously, there were also a large number of people whose depositions were never entered into the record in the first place.

<sup>82</sup>It should be added here that even when certain testimonies were not considered by the Court or did not greatly influence its judgment because their content was too far separated from Arājs personally, they are nonetheless still preserved in the judicial records for historians' future use.

However, of all of the damning evidence and testimony this important group was able to provide, two individuals in particular greatly impressed the prosecution and Court and were crucial to undermining the Arājs defense. These two alone could speak directly about Arājs and his attitude towards Jews during the war. Here, the prosecution was very lucky in that they were able to produce two eyewitnesses who had been among the intended victims of the accused and were prepared to testify on this question. It was exceptionally good fortune for Klemm and his prosecution that both witnesses had a vantage point from which to testify credibly about Arājs's specific individual behavior, given that he had operated at the command level and thus generally at some remove from the victims themselves, rather than the level of an ordinary triggerman.

The first, Ella Medalje, was born Ella Gutman in 1913 in the medium-sized provincial Latvian town of Tukums. By the time of the German invasion, she was living in Rīga. She was forced to work in the Jewish hospital. Within days, her husband, Pinchas Medalje, was taken from their apartment, and she never saw him again. Before long, she found herself under arrest and held with about 100 other people, including her mother, at Valdemar Street 19—the first headquarters of the Arājs Kommando. After registering and surrendering their property, they were detained in the cellar. Later, once the majority had been trucked away to locations unknown, including her mother, the remaining prisoners—comprising Ella Medalje and about 20 other young women—were set to work for three weeks doing domestic chores for the Kommando under constant watch. This is how she came to recognize Arājs. Protected by one of the guards, she observed other prisoners being chosen by drunken Kommando members and taken upstairs, ostensibly for the purpose of raping them. Soon, she found herself incarcerated in the ghetto.<sup>83</sup>

One David Silberman helped Ella Medalje to write up an account of her experiences in a 1966 memoir, translated into German (apparently from Russian) for the court as *Recht auf Leben: Ein Dokumentarbericht*.

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<sup>83</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arājs Verfahren.” Sonderband 22, pp. 3912–3923. Ella Medalje. “Zeugenvernehmungsprotokoll.” Rīga, 18 November 1975. Incidentally, she too identifies Arājs as “one of the leaders of Pērkonkrusts... which I learned in August 1941.” *Ibid.*, pp. 3913, 3917.

David Silberman was born in Latvia in 1934. He and his immediate family evacuated to the USSR at the outset of the German invasion. He returned to Latvia after the war to find that the rest of the family on both his mother's and his father's side had been killed. He began doing what he could to chronicle the Holocaust in Latvia, apparently with little official help. Silberman emigrated from the USSR to Israel in 1971, where he gave his accumulated research over to Yad Vashem, including the account of Ella Medalje. He was actually the first person ever to approach her for her story. He would not be the last interested in listening to her, however.<sup>84</sup>

Upon the request of Lothar Klemm, Ella Medalje's testimony was taken almost half a dozen times in the Soviet Union. One day, with Soviet officials and a photographer in tow, Ella Medalje even toured various locations in the former Rīga Ghetto and the environs of the Rumbula shooting site, describing what she remembered, trying courageously to place herself—as horrifying and painful as this experience must have been for her—once more in the terrible days of winter 1941–1942.<sup>85</sup>

Finally, her testimony was read in the Court in Hamburg on 14 February 1979.<sup>86</sup> It contained her account of a personal encounter with Viktors Arājs on 8 December 1941—the second day of the Rumbula Action. She was one of only several survivors of the Rumbula massacre. She testified that at the killing site she had pleaded for her life with a member of the Kommando who was part of the cordon. He may have recognized her from July and August when she was being held and

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<sup>84</sup>The work can be found here: StaH 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. “Arājs Verfahren.” Sonderband 27, pp. 3281–3307. Ella Medalje. *Recht auf Leben: Ein Dokumentarbericht*. David Silberman, ed. Rīga, 1966. Günter Kratzel translated it into German for the Court. The translation is dated 26 March 1976.

<sup>85</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-11. “Arājs Verfahren.” Sonderband 35, pp. 6000–6006. “Protokoll einer Überprüfung von Aussagen am Ort.” Rīga, 18 June 1976.

<sup>86</sup>StaH 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-014. Sonderband 47, Protokollband III, p. 7785. “Fortsetzung der Hauptverhandlung vom 14. Februar 1979 in öffentlicher Sitzung.” Hamburg, 19 February 1979. Ella Medalje was not able to travel to Hamburg in person for health reasons. She was 66 years old. See: *Ibid.*, pp. 7785–7788. “Beschluss.” Hamburg, 19 February 1979.

working for the Kommando, and he referred her to Arājs.<sup>87</sup> When she came before him claiming to be an Aryan only married to a Jew, he answered that “There are only Jews here. Today, Jewish blood must flow.”<sup>88</sup> This evidence was believed by the Court and went far in showing his intention to kill Jews as Jews.<sup>89</sup> She turned back to the first guard to whom she had begged for her life, and he referred her to a German who allowed her to live pending confirmation of her story. Afterwards, Latvian friends quickly supplied her with papers that convinced the Germans she was Aryan.

The defense, eager to discredit Medalje given the threat her testimony posed to their case, seized upon a comment she once made before Soviet questioners in Rīga: “I am afraid.”<sup>90</sup> However, the Court judged that this remark was made as she relived, from the witness stand, the events of the second day of Rumbula, and did not refer to Soviet pressure.<sup>91</sup>

For his own defense, Arājs would once claim that he had, out of sympathy for the Jews, seen to the rescue of the man who worked in the garage of the Kommando, as well as this man’s wife.<sup>92</sup> This man, whose name was Matis Lutriņš, however, told a different story in his testimony.

“To speak of my relationship with Arājs makes no sense, because at the time, he was the big boss [“der große Chef”], but I was just a

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<sup>87</sup>This specific episode was attested to by another Latvian Jewish survivor of the second day of Rumbula, Frieda Michelson, who was deposed many times in Israel over the course of the investigation. See, for example: StaH 213-12 Staatsanwaltschaft Landgericht—NSG—0044-11. “Arajs Verfahren.” Sonderband 28, pp. 3392–3495. “Michelson Frieda.” Haifa, 3 August 1972.

<sup>88</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arajs Verfahren.” Sonderband 22, pp. 3912–3923. Ella Medalje. “Zeugenvernehmungsprotokoll.” Riga, 18 November 1975.

<sup>89</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arajs Verfahren.” Sonderband 49, pp. 40–41. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

<sup>90</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-14. “Arajs Verfahren.” Sonderband 48, p. 7924. “Beweisantrag.” 3 October 1979.

<sup>91</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arajs Verfahren.” Sonderband 49, pp. 53–54. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979.

<sup>92</sup>Ibid., pp. 128–140. “Die Räumung am 8. Dezember 1941.”

person who had been robbed of all rights.”<sup>93</sup> Within days of the entry of German troops, he and his father were arrested, stripped of their valuables, and interned at the Valdemar Street headquarters. There, for the next two weeks, they were held incommunicado and forced to perform menial tasks such as cleaning toilets. When a group of prisoners was released, Matis Lutriņš was allowed to leave, but also instructed to return daily. His skills as a mechanic would be required. Even after he moved into the Rīga Ghetto with his family, he continued to report each morning to the headquarters for work. Therefore, on 8 December during the Rumbula Action, several members of Arājs Kommando recognized him and allowed Lutriņš, together with his wife, to hide under a pile of clothing that had been stripped from the victims and placed beside their vehicle. Later, when Arājs learned of this, he went into the garage where Lutriņš was again working and, as he chuckled, said of him: “This is one who has escaped his fate.”<sup>94</sup> This showed the Court that Arājs had nothing to do with the survival of Lutriņš, at best passively acquiescing to it after the fact. All of Lutriņš’s testimony, especially as pertained to the mechanics of the Rumbula Action, was correct in every particular detail.<sup>95</sup>

On the other side of the coin were a variety of witnesses who directly participated in or were accomplices to the crimes committed against those such as Ella Medalje and Matis Lutriņš. A number of convicted members of the Kommando were supplied by the Soviet Union, although they were anything but eager to testify. The depositions of deceased convicts, some of whom had been executed, were also provided by the Soviets.

A third group of witnesses were Latvians who were prominent during the Nazi occupation but were not members of the Arājs Kommando. Two former Latvian General Directors of the Nazi-sponsored “Land Self-Administration,” Dr. Julius Bračs and Žanis Unāms, were witnesses, as well as the prominent author and right-wing intellectual and actual Pērkonkrusts member Adolfs Šilde.

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<sup>93</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-08. “Arājs Verfahren.” Sonderband 22, pp. 3959. Matis Lutriņš. “Zeugenvernehmungsprotokoll.” Rīga, 4 January 1975.

<sup>94</sup>Ibid., p. 3962.

<sup>95</sup>Ibid., pp. 3959–3964.

### *The Indictment*

With the conclusion of the pretrial investigation, the prosecutor, Lothar Klemm, issued the official indictment on 10 May 1976.

The indictment contained only four charges, paraphrased here:

1. Taking part in at least 19 mass shootings, primarily of Jews, but also of political opponents and invalids, during which perished at least 1,670 people between July and December 1941 in the Biķernieki Forest in the service of the head of Einsatzgruppe A, Dr. Stahlecker, and the head of Einsatzkommando 2, Dr. Lange, following the establishment of the Latvian Auxiliary Security Police;
2. The shooting of at least 5,000 Western European Jews who were unable to work and had been deported to Rīga between the end of January and the beginning of February 1942;
3. Participating in the planning and carrying out of the Rumbula Action, during which at least 24,000 Jewish men, women, and children were murdered under the orders of Friedrich Jeckeln, including the clearing of the Ghetto and specific individual killings; and
4. Personally organizing the shooting of at least 100 Jewish men in Liepāja in the summer of 1941 accompanied by Dr. Lange and a detachment of the Kommando.<sup>96</sup>

Perhaps oddly—in any case likely merely a question of the unavailability of suitable witnesses—no charge was even brought against Viktors Arājs with respect to the involvement of his Kommando in anti-partisan and reprisal actions in Belarus in the last phase of its existence. It might be added here parenthetically that of all the manifold crimes of the Kommando, these might have been among the foremost in the minds of the Soviets. The omission of the crimes committed in Belarus seems to further demonstrate the independence of the West German prosecution from Soviet influence in its decision-making process.

Just a glance shows that some of the charges contained in the original warrant of 19 June 1974—after very nearly two years of further investigation—were dropped, while other charges were substantially revised, elaborated, or freshly appended. The allegation that Arājs was a member of Pērkonkrusts and *as such* participated in wild violent acts against

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<sup>96</sup>Bundesarchiv-Ludwigsburg. B 162/3076. “Anklageschrift.” Hamburg, 10 May 1976, pp. 2–5.

the Jewish population of Rīga was dropped entirely. Neither the very specific claim that Arājs had personally shot the named Nachman Shapiro and two others in the Ghetto for smuggling food on 5 December 1941, nor the claim that he personally shot six Jews—including two children—in the Ghetto on 9 December 1941, appeared in the indictment's final version. However, a fresh charge involving the command of a detachment of the Kommando during a mass shooting in Liepāja was added.

As to the Biķernieki Forest shootings, the number of victims whose deaths Arājs was alleged to have participated in was reduced to about one sixth of those contained in the original charge (from 10,000 to the more precise 1,670)—and this was supposed to reflect the killings for the entire second half of 1941, rather than just for July and August 1941 as was set down in the warrant. Here, however, “multiple” shootings are replaced by the more specific figure of “at least 19.” Dropped were the charges that Arājs had continued to order shootings in that forest into 1943.

On the key charge of his involvement in the Rumbula Action, the idea that it had taken place over three, rather than the actual two, days was corrected. To the charges of participation in the Rīga Ghetto clearing had been added participation in the planning, as well as several specific murders.

The final indictment—as distinct from the enumerated charges—came to 167 pages. The document contains no outright, obviously erroneous historical claims. However, some of its representations, interpretations, generalizations, and extrapolations were, and remain, open to some slight objection. Several other aspects of the background onto which Arājs and his wartime story were projected by the prosecution are open to complaint by historians. To begin with two minor examples briefly: the Molotov-Ribbentrop Pact, a crucial piece of background to understanding wartime attitudes in Latvia, is wholly omitted, while the absurd idea that the non-Jewish population of Rīga spontaneously turned out onto the streets in traditional national costumes on 1 July 1941 to greet the Wehrmacht is credited at face value rather than regarded properly as a propaganda event carefully staged for German cameras.<sup>97</sup>

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<sup>97</sup>Not even the Court itself was immune to entertaining this implausible image. See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arajs Verfahren.” Sonderband 49, p. 15. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979. The Court was given the idea by the testimony of Hans-Eugen Dressler—the man who introduced Viktors Arājs to Walter Stahlecker.

The historical background, as set down in the indictment, reveals some key presuppositions of the prosecution as well as some of its biases. The picture of pre-war and wartime Latvia—necessary to establish the proper context for Arājs’s actions—was painted by the prosecution in such a way as to have the maximum possible incriminating effect on the image of the accused, including portraying Latvians other than Arājs in such a way as to make his alleged anti-Semitism a commonplace in Latvian culture and thus the alleged “base motives” of his brutal crimes seemingly more plausible.

Klemm and his team were, understandably, receptive to claims of basically complete Latvian autonomy in the commission of the early crimes, at least those committed in the first two weeks of July 1941.<sup>98</sup> However, this willingness to believe such testimony, even when the witnesses claiming it were former personnel of Einsatzkommando 2 or the office of the Kommandeur der Sicherheitspolizei Lettland with an obvious self-interest in shifting blame, is open to criticism. By mid-July, according to the final version in the indictment, the RSHA was forced to rein in the Latvian bands and impose tighter control with “strengthened oversight.”<sup>99</sup> This was the classic exonerating claim of a brief interregnum between the two occupation regimes, during which Latvian savagery was supposedly unleashed against the Jews in the absence of the positive restraining influence of the Nazis. The defense was able to turn the falsity of this trope somewhat to its advantage and the claim of initial German non-involvement was disbelieved, correctly, by the Court. The Einsatzgruppen in fact had specific orders which have survived in the documentary record to make the killings appear before posterity as a righteous uprising of the locals against their former Judeo-Bolshevik oppressors and to leave no traces of German instigation.<sup>100</sup>

According to the indictment, there then took place a seamless transition from indigenous self-organized nationalist “fanatics” and

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<sup>98</sup>Bundesarchiv-Ludwigsburg. B 162/3076. “Anklageschrift.” Hamburg, 10 May 1976, pp. 84–87.

<sup>99</sup>Ibid., p. 87. Also see: Ibid., p. 29. This supposedly occurred because the indiscriminate killings were claiming too many doctors and skilled workers as victims for the Germans authorities’ taste.

<sup>100</sup>NARA II. Nuremberg Document L-180. “Einsatzgruppe A Gesamtbericht bis zum 15. October 1941.”

“right-wing extremists” to German-organized units which subsequently continued to do exactly what they had already been doing, albeit in a more organized manner.<sup>101</sup> The prosecution admitted somewhat schizophrenically elsewhere in the indictment, however, that the crimes all took place “after the [German] invasion” and that it was the desire of the German police forces to portray the killings as native “cleansing actions.”<sup>102</sup> And further, the prosecution conceded that in every known, documented, and multiply-attested instance that a shooting action occurred, its instigation or order, central organization, and supervision was provided by Germans.<sup>103</sup> The Wehrmacht, meanwhile, is portrayed in the indictment as a rescuer of Jews, although largely only by dint of its demand for labor.<sup>104</sup> Apart from these questionable points, however, the story told in the indictment, again, was an excellent summary of the relevant portions of Latvian history and the history of the Holocaust in Latvia.

The actual opening of the Main Proceedings occurred at 10 AM on a Thursday: 7 July 1977. Ultimately the Court’s final verdict would differ from the prosecution’s indictment in important ways. Over the course of the trial the Court rejected or modified many of the claims made by Klemm and his team, when it deemed the corresponding evidence that had been marshaled in support to be insufficient. The Court’s conclusions were, in other words, by no means identical to the allegations of the prosecution. Indeed, the Court rigorously reviewed the evidence before it and revised and narrowed the scope of the prosecution’s indictment in its verdict. The Court was not necessarily wedded to any particular outcome for the trial for political or ideological reasons. In other words, the judges of the District Court of Hamburg were certainly more than fair to Arājs.

If anything, the Court was overly cautious and indifferent to the victims. It probably went too far in dismissing testimonies, for example. Unlike many other more infamous West German trials, however, Judge Klaus Wagner and the rest of his bench did not invoke

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<sup>101</sup>Ibid., pp. 74–76.

<sup>102</sup>Ibid., p. 78.

<sup>103</sup>Ibid., pp. 79–83.

<sup>104</sup>Ibid., p. 83.

ridiculous technicalities or stretch the law in such a way as to acquit an obviously guilty defendant or justify an absurdly light sentence. Therefore, it may be said that in this way the Court in Hamburg behaved better than many other West German courts handling similar cases. Unfortunately, an in-depth comparative study of West German authorities' respective attitudes toward foreign, as opposed to German, war crimes suspects cannot be encompassed in the present study, although the subject is an important one. Interestingly, some Jewish survivors of the Holocaust in Latvia thought that Judge Wagner, the presiding Judge in the trial of Viktors Arājs, was an anti-Semite, or at least was prejudiced against non-Germans. He also served as judge in the Scherwitz case in which the maximum penalty (life imprisonment) was handed down to the accused Fritz Scherwitz, Kommandant of the "Lenta" slave labor factory who was actually secretly a Jew and attempted to ameliorate the hellish conditions of the Jewish prisoners in his charge.<sup>105</sup>

### *The Defense*

Briefly summarized, the defense followed two successive strategies, both of which the Court—in the persons of the Presiding State Court Judge and Chairman Dr. Klaus Wagner, and State Court Judges Dr. Jürgen Raecke, and Tilman Görtz—found unpersuasive. The first was to have the case dismissed on medical grounds, as the defense attempted initially to demonstrate that Arājs was mentally too unfit because of old age to stand trial, and later that standing trial would place his very life in jeopardy because his health was so poor. The second strategy attempted to explain away the actual wartime actions of Arājs.

Arājs's opening defense gambit, from the first day of the proceedings, was to portray himself as a "physically and mentally dissipated and decrepit person," who sat trembling in a wheelchair, eyes lolling, sometimes seeming to be hard of hearing, and intermittently suffering

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<sup>105</sup> *The Unfinished Road: Jewish Survivors of Latvia Look Back*. Gertrude Schneider, ed. New York: Praeger, 1991, p. 79.

massive spasms.<sup>106</sup> Neurological and psychiatric experts were called and uniformly voiced strong skepticism to the Court and offered a diagnosis instead of “*pseudo-dementia* [emphasis added].” This confirmed the Court’s observation of “the discrepancy between the grotesque/idiotic behavior in expression, gestures, and speech [of Arājs] on the one hand, and [his] business-oriented and well-organized statements on the other.” His weakness for playing chess with his fellow inmates when he believed he was not being observed also gave the lie to his feigned condition of being a mentally doddering and enfeebled old man. During the course of the trial, Arājs’s behavior gradually returned to normal, and the defense was eventually forced to admit that “his condition had gotten better.”<sup>107</sup>

The medical defense of physical frailty was taken more seriously by the Court, which sought expert opinions from a large number of professionals. Arājs did have cardiopulmonary sclerosis and was not a well man. Indeed, he experienced two relatively small cardiac infarcts while in custody in 1976, although the second was so minor as to be asymptomatic. In the end, on the strength of the opinions of its many medical experts, the Court concluded that conducting the trial would not increase the risk to Arājs’s life and should therefore proceed. To be absolutely safe, however, the Court determined that the proceedings would take place only two or three days each week, and only in ninety-minute increments. Physicians were also almost always present in the courtroom to monitor Arājs’s health. Over the course of the entire trial, proceedings were only twice briefly interrupted upon the cautious advice of the medical doctors.<sup>108</sup> Only a single medical expert, one Dr. Naeve, ever once considered Arājs to be a possible suicide risk.<sup>109</sup>

After these health-based motions for dismissal failed, a series of more substantive defense arguments were submitted to the Court. To begin with, Arājs tried to maintain, spuriously of course, that he had been acquitted by the British at the conclusion of the “Riga Ghetto Case” in the late 1940s—a clear impossibility because that case was never

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<sup>106</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arajs Verfahren.” Sonderband 49, pp. 156–169. Landgericht Hamburg. “Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes.” Hamburg, 21 December 1979. “Verhandlungsfähigkeit.”

<sup>107</sup>Ibid., pp. 156–169.

<sup>108</sup>Ibid.

<sup>109</sup>Ibid.

concluded, but instead handed over to the very Court before which he was sitting. This claim, while frequently reiterated by Arājs, was peremptorily rejected by the Court.<sup>110</sup>

In response to the more substantive lines of defense—after the opening stratagems had been categorically rejected—the Court took each argument seriously but ultimately was not persuaded. Among the theses variously advanced to exonerate the wartime figure and actions of Viktors Arājs, the following three were the most interesting.

The defense attempted to portray Arājs as a mere figurehead during the war, a powerless conduit through which German orders passed, in sympathy with or at the very worst indifferent to the disaster befalling the Jews, and certainly less zealous than many of his putative subordinates. Here they were not entirely without evidence, as some of the deposed former Kommando members testified to the impotence of Viktors Arājs before his German superiors. The Kommando's activities were in any case supposed to have been controlled by the Germans and thus could not be considered his responsibility. And irrespective of Viktor Arājs's actual role, as a volunteer, each man in the Kommando individually bore responsibility for his own actions. A claim, entirely without evidence, was even advanced that Arājs had submitted a "protest letter" to Dr. Lange.<sup>111</sup>

The defense also asserted that, from the start, Arājs had worked to establish the unit with the understanding that it would be a frontline formation composed of volunteers. In other words, he had formed—or initially intended to form—a purely combat unit, not the paramilitary death squad it turned out to be. This dovetailed with the claim that he exerted no control over the unit; once he had put the men together, they were controlled altogether by the Germans. With transparently ahistorical reasoning, the defense tried to show that the anti-partisan operations (which themselves, it should not be forgotten, had the character of war

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<sup>110</sup>On the desperate insistence of Arājs on this point, see, for example: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 41, pp. 6970–6971. "Betr.: Richtigstellung Ihres Berichtes 'Kriegsverbrechen—Kriegsgräben,' im *Spiegel* Ausgabe 52, Seite 55." 8 January 1979.

<sup>111</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG. 0044-015. "Arajs Verfahren." Sonderband 49, pp. 42–43. Landgericht Hamburg. "Urteil. Im Namen des Volkes. In der Strafsache gegen Viktor Bernhard Arajs, geboren am 13. Januar 1910 in Baldone, Kreis Riga/Lettland, wegen Mordes." Hamburg, 21 December 1979.

crimes) of the later stages of the war were the original and only purpose of the Kommando.

As a last ditch defense, Arājs also tried to deflect the blame for the murder of the Latvian Jews to other German-organized Latvian police formations and agencies, particularly the Rīga Police Prefecture and the Order Police, with which the Kommando had cooperated. Though these units were hardly themselves without blame, the attempted whitewash of the Arājs Kommando was thrown out by the Court with the rest of the excuses.

Especially pivotal was the argument made by the defense that Arājs was not and had never been an anti-Semite. This issue was of critical importance because of the emphasis on intent and motive in West German legal deliberations. While the term “war crimes trial” has often been used informally in Germany, defendants like Arājs were not in fact charged with “war crimes” as established under international conventions. Neither were they charged with “crimes against humanity.” Unlike their East German counterparts, the West German authorities considered the accusation of crimes against humanity to be an *ex post facto*, or retroactive, charge.

Instead, defendants such as Arājs were charged with murder and accessory to murder under German law as it existed in the penal code of 1940. Hence, the so-called “subjective side” of the crimes was the linchpin of any conviction. In order to prove the charge of murder, as opposed to manslaughter for which the statute of limitations had run out, the prosecution needed to establish that the killing was carried out with a “base motive”—in this case, racial hatred—or with unnecessary or excessive cruelty or duplicity, which would speak to the defendant’s frame of mind when committing the crimes.

### *The Verdict*

The truth did not set Viktors Arājs free.

On 21 December 1979, after a four-and-a-half year investigation and trial involving approximately 130 witnesses—perpetrators and survivors alike, together with bystanders and experts—living in West Germany, the United States, the Soviet Union, Israel, and elsewhere, the Court declared its verdict: “The accused Viktor Bernhard Arājs is sentenced to life imprisonment for participating in the murders of at least 13,000 people.”

With regard to the first charge—the Biķernieki Forest shootings—“The Court was not able to determine whether the accused and his unit conducted mass shootings on his own volition, that is to say, without instructions from the German Security Police, as the prosecution maintained.”<sup>112</sup> Arājs’s establishment of the Kommando and the chain-of-command from Hitler through Himmler, to the officers of EG A and EK 2 and finally to Arājs were beyond doubt. However, details even at the level of the number of shootings that were conducted, much less the personal actions of Viktors Arājs himself during such shootings, could no longer be determined with certainty. The prosecution itself realized as much and successfully petitioned that the charge be dropped.<sup>113</sup> Likewise, it was impossible to reconstruct the activities of Arājs and his Kommando outside of Rīga; the charges related to the Liepāja shooting, among many others, were dismissed.

The Court could not determine whether Arājs was directly involved in the planning of the Rumbula Action, or if he participated in the planning only through his officers.<sup>114</sup> It was also not possible to determine, to the Court’s satisfaction, the participation of Arājs or his Kommando on the first day of the Rumbula Action. The Court likewise ruled as unproven the charges that Arājs participated in the sweep of the Ghetto on 9 December 1941 following the massacre, as well as that he personally shot a woman during this operation.<sup>115</sup> However, it was proven that his unit played an indispensable role during the second day of Rumbula, and that as an accomplice to the murders committed that day, Arājs “manifested his callous, pitiless mental attitude, stamped with hatred for Jews...”<sup>116</sup> The national origin of the victims—that is, whether they were local Latvian Jews or had been deported to Rīga as specified in the indictment—was not an issue for the Court because the 1,000 German Jews were killed on the first day of the Rumbula Action. Arājs was convicted only on his participation on the second day—a day on which an estimated 13,000 victims were killed.

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<sup>112</sup>Ibid., pp. 84–103.

<sup>113</sup>Ibid., p. 21.

<sup>114</sup>Ibid., p. 34.

<sup>115</sup>Ibid., p. 39.

<sup>116</sup>Ibid., pp. 143–148. “Grundlagen der Feststellungen zur subjektiven Tatseite.”

As pertained to the guilt of the accused Arājs, the determinations and legal elaborations of the Court hinged above all on the so-called “subjective side” of the crimes. The Court concluded that Arājs had in fact not voiced anti-Semitic views prior to the German invasion, nor had he undertaken anti-Jewish actions until the arrival of Einsatzgruppe A’s commander, Walter Stahlecker, and that these were conducted upon German orders. However, once active, he was an enthusiastic organizer and participant.

Thus it is not strictly correct to call the verdict very conservative in its estimation of the number of Arājs’s victims, because *it does not claim to be a comprehensive tally*. As the text of this verdict shows, Arājs was actually only convicted for his participation in murder during the second day of the Rumbula action—perhaps unsurprisingly given the unique concentration of eyewitness accounts placing him personally, as well as his Kommando, at the scene. That is not to say, by any means, that acquittal for lack of definitive evidence on the other charges should be regarded as proof of innocence—especially not given the prerogatives of the historian to reach non-legal conclusions based on probability. In essence, however, as far as the prosecution and the judges were concerned, the other crimes in which Arājs could be accused of having participated were immaterial. The ruling on the second day of the Rumbula Action alone was sufficient for the most severe punishment available under West German law and held against all subsequent appeals by the defense, which continued to be made and rejected throughout the year 1980.<sup>117</sup>

## SUMMARY

### *The End of Viktors Arājs*

In 1980, Viktors Arājs was sent to serve his sentence at the Justizvollzugsanstalt Kassel I, in the Federal State of Hesse. The Justizvollzugsanstalt (literally “Justice Enforcement Institution;” henceforward JVA Kassel I or simply “prison”) was situated in the small

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<sup>117</sup>Ibid., p. II. As to how the number 13,000 was established, see: Ibid., pp. 120–124. “Grundlagen der Feststellungen zu Ziffer A.IV.5.” Also see, for example: StaH. 213-12. Staatsanwaltschaft Landgericht—NSG. 0044-015. “Arājs Verfahren.” Sonderband 50, pp. 8226–8228. Hamburg, 11 November 1980.

German city of Kassel, which more closely resembled a very large town. In a quiet, wooded valley ringed by large, distant hillsides, stood the prison. It had been built in the nineteenth century and resembled a fortress, although as the urban center of the city expanded, the prison found itself in the middle of a wooded and park-filled suburb. At a distance, the blocky steeple of the prison chapel rose above its surroundings. Its most distinguishing feature was its four clock faces.<sup>118</sup>

Asked to speculate on why Arājs was sent to serve his sentence in Kassel, rather than simply remaining in Hamburg, which after all had perfectly adequate facilities, the chief operating officer of the Kassel prison in 2010, Director Jörg-Uwe Meister, did not think it unlikely that this decision was reached in order to put Arājs in closer proximity to the only human being on the planet Earth who had evinced any fondness for him or personal concern over his fate during the trial. Arājs's wife from before the war and to whom he was still technically married, Mrs. Zelma Zeibots, apparently did not, although she was deposed several times for the purposes of the trial. Arājs's mother, Berta, who was then living in Rochester, New York, did little more than supply the dates of birth of some of some family members for the Court in order to ensure the completeness of its records.<sup>119</sup> It is possible that she refused to testify under Section 52 of the West German Criminal Code, which privileged various

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<sup>118</sup>For a comprehensive history of the facility, see *1882–2007: 125 Jahre Strafvollzug Kassel-Wehlheiden: Geschichte einer Justizvollzugsanstalt*. Jörg-Uwe Meister, ed. Kassel: Der Leiter der JVA Kassel I, 2007.

<sup>119</sup>The truth of the story cannot be verified, but one Latvian deposed by authorities investigating the Arājs case claimed to have met Arājs's mother, Berta, in Austria very shortly after the war's end. He described their exchange about her son Viktors as follows: "When the conversation turned to her son and I asked her about his fate, she only said that she didn't know where he was, but that she hoped he was dead." StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. "Arajs Verfahren." Sonderband 26, pp. 2952–2956. Arturs Briedis. "Vernehmungsniederschrift." Stuttgart, 11 September 1974. This does seem to be contradicted by the letter that was discovered in the course of the investigation addressed to Arājs from his mother, probably written in the late 1950s. In it, her tone seems warm enough, although the content of the letter is so mundane that one wonders half-seriously whether or not some kind of code was being employed. See: StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-06. "Arajs Verfahren." Sonderband 2, pp. 734–735. Berta Anna Burkevičs. "Grüß dich, alter Junge!" ca. 1958. Also see: "Vernehmungsniederschrift." Stuttgart, 11 September 1974. Arājs seems to have been disavowed by his only sibling, his younger sister Elvira, as no post-war correspondence between the two has been discovered.

family members of a defendant in this regard. Indeed, to Arājs was left only the ill-starred and anonymous Ms. Irmtraud Oedingen, ten years his junior—ill-starred for having had the cosmic misfortune of falling in love with a Holocaust perpetrator, and anonymous because no statements from her are known to exist, as far as this author is aware, making her unknowable to history.

In prison, at least in 1987 and into 1988—the period for which documents are available, though almost certainly in the preceding years as well—every few months, Arājs was allowed unsupervised, week-long visits to Frankfurt am Main to visit his only known friend, Ms. Oedingen.<sup>120</sup> According to the recollections of two JVA Kassel I personnel who were serving during Arājs's incarceration, Arājs collapsed dead in the barbican of the prison immediately upon his return from one such visit. His body was thence conveyed to nearby Burgfelder hospital where he was officially pronounced dead on 21 January 1988, at 08.45, of heart failure.<sup>121</sup>

So ended the life of Viktors Arājs at the age of 78—eight years and one month to the day after his sentence had been pronounced. Excluding the years immediately following the end of the war which he spent in the hands of the British, but including his pre-trial custody by West German authorities in the mid- and late-1970s after he had been arrested, Arājs had spent a total of thirteen and a half years behind bars. This means that Arājs was jailed for about one year per 1,000 murders of which he was convicted—to say nothing of the greater number of murders in which the participation of Arājs is certain but which were considered by the Court as juridically unproven.

### *The Latvians in West Germany*

Although many distinct groups of Latvians living in different places and different historical contexts can be referred to—the Latvians before and during the war, the post-war Latvians in various Western countries and those who stayed behind in the Latvian SSR, and the Latvians now living

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<sup>120</sup>Undated and untitled document tendered to this author by the Leitender Regierungsdirektor JVA Kassel I, Herr Jörg-Uwe Meister, on 28 April 2010, headed “Der Leiter der Justizvollzugsanstalt Kassel I.”

<sup>121</sup>Ibid. The guards remembered Viktors Arājs as a quiet prisoner who kept to himself and was left alone by the other inmates.

in independent Latvia and abroad—the story told in this chapter has mainly focused on those Latvians who were in Germany at the end of the Second World War and lived in West Germany during the 1960s and 1970s—that is, during the Cold War.

What is to be said about them? We know that Arājs was once aided and twice ‘betrayed’ by Latvians in prisoner-of-war camps; that at least one Latvian knowingly assisted him in obtaining a false identity and that the existence of a second may safely be presumed; that on one of the occasions on which he is believed to have been seen in public by Latvians, he felt anxious, became spooked, and left quickly, and in the other, it is uncertain how many at the gathering knew his identity, although at least one and probably many did and kept the secret; that the actual location and alias of Arājs was given to—and for ten years ignored by—the West German police by a Latvian; that the key individual ultimately responsible for his capture was a Latvian who seemed to welcome news of Arājs’s supposed assassination; and finally that similarly implicated Latvians hopelessly attempted to defend him during the court proceedings against overwhelming evidence, at least in part to assist their own cases.

While the story told in this chapter hardly redounds to the great credit of the Latvians in West Germany, it is also not totally condemnatory. The understandable tendency toward ingroup solidarity, especially under the circumstances of exile, appears not to have extended to the person of Viktors Arājs, as a rule. He was afraid to be seen by Latvians other than those he knew to have similar criminal pasts of their own. There is no known evidence proving that any member of the Latvian community in West Germany—with the specific exceptions of the aforementioned Alberts Spunde and Alberts Eichelis—at any time knowingly offered succor to the fugitive Arājs. Quite the opposite, in fact, seems to have been true. To the extent that his name meant anything and that he was on anyone’s mind—with the advised exceptions of Žanis Unāms, Jānis Zirnis, and the latter’s mysterious pen pal who may have been identical with Unāms—Arājs seemed to have been considered an embarrassment best forgotten.

The duty of the prosecutors was to ensure Arājs’s conviction and punishment. They succeeded, however belatedly, to the maximum extent allowed within the framework of West German law, whatever its excessive restrictions and restraint—even if based only on a single count of the indictment. The duty of the historians now is to ensure that the

successful efforts of the prosecutors are not wasted and that Viktors Arājs and his condemnation are not forgotten. Here, the prosecutors of Hamburg have given historians a trove of treasure, including volumes of testimony that might never otherwise have been generated—including those of Ella Medalje and Matis Lutriņš without which Arājs could conceivably have been freed.

### *The Štāmers Reports*

While United States government participation in the investigation and trial of Arājs was minimal, some Americans were nonetheless very interested indeed in the Hamburg Court's proceedings. Watching every single day from the cramped, glass-enclosed gallery in the rear of the courtroom was one Mr. Štāmers with his notebook.<sup>122</sup> Over the course of the trial, this veteran of the Latvian Legion and informal permanent observer of the Court would eventually compose hundreds of pages of reports. Edited and condensed versions of some of these courtroom reports appeared in the New York-based Latvian periodical *Laiks*, or *Time*, and were regarded with some interest by at least certain individuals among the Latvian exile community in the United States. Štāmers told anyone who asked—including public prosecutor Lothar Klemm who eventually became curious—that he was writing a book about the proceedings against Viktors Arājs. Štāmers also let Klemm know that he was particularly interested in the espionage allegations of the defense against certain Soviet-supplied witnesses, and that he himself had reservations regarding the use of Soviet evidence and testimony. Klemm quickly identified him as sympathetic to the defense and thenceforward avoided him.<sup>123</sup>

Štāmers's real purpose, however, was to serve as the eyes and ears in Hamburg of the American Latvian attorney, Mr. Ivars Bērziņš, who was paying him for the job. This partnership and the role of Bērziņš in the trials of accused members of the Arajs Kommando, among other defendants, living in the United States will be treated in a later chapter. In the

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<sup>122</sup>For some reason, the figure of Štāmers is occasionally misidentified in the literature with the name "Lammers." This is an error. Occasionally, the German spelling, Stahmers, also appears.

<sup>123</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 39. p. 6744. "Vermerk." 29 March 1979.

meantime, though, our attention will turn to a kindred case that was gestating in West Germany's eastern sister.

### *The East German Connection*

Between 1977 and 1979, concurrent with the case against Arājs in Hamburg, another investigation of a suspected former member of the Arajs Kommando was proceeding in East Germany, although this case was hardly as subject to public view. On 3 August 1979, the Hamburg Court held a brief session. A rare request for aid had arrived on 8 July 1979 from the East German Attorney General's Department of International Relations.<sup>124</sup> It asked that the accused Viktors Arājs be questioned by the West German public prosecutor on his wartime relationship with one Stanislavs Šteins. This man, Stanislavs Šteins, and through him, the East German system for prosecuting suspected criminals against humanity in general, is the subject of the next chapter.

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<sup>124</sup>BSStU ZUV 63. Band 27, p. 62. "Der Generalstaatsanwalt der deutschen demokratischen Republik—Abteilung Internationale Verbindungen." 25 September 1979.

## East Germany: An Elaborately Squandered Opportunity

### OVERVIEW

The case presented in this chapter was brought in the late 1970s against an ethnic Latvian named Stanislavs Šteins who lived in the German Democratic Republic. His captors, interrogators, prosecutors, judges, and jailors were part of the Ministerium für Staatssicherheit (MfS) or “Ministry for State Security,” more popularly known as the Stasi. The case has never been studied or cited in any scholarship until now. In fact, no one to whom this author spoke who was involved in the roughly contemporaneous Arajs Kommando-related proceedings elsewhere had even been aware that it had taken place.

A study of the case reveals two surprises. First, contrary to the popular image of the Stasi, its initial investigation was handled in such a way as to show a certain respect for the accused Šteins. While the procedure remained a far cry from real due process, the accused was not overtly coached, coerced, threatened, or even insulted—much less actually tortured. Neither was the investigation itself seriously marred by political interference or limited by ideological blinders. In fact, the investigation seems to have been genuinely concerned with establishing the facts—albeit quite ineptly, as it turned out. In the end, however, East German prosecutors and courts, likely for political reasons connected to the imperative of competing with West Germany in the zealous punishment of fascists, disregarded the meager and contradictory results obtained by the investigators and arrived at a resounding conviction nevertheless.

Secondly, Šteins himself proved to be a remarkably adroit defender in this context. The fact that he was permitted to conduct anything like a competent defense (even if it was to have no effect on the ultimate outcome) itself shows something about the Stasi system. The character of this defense makes the case even more interesting: during his first year in custody, Šteins did his best to confess to all of the charges and to agree with the witnesses who testified against him about his membership in the Arajs Kommando. Then, suddenly, he reversed himself, and throughout his second period of questioning comprehensively withdrew his prior admissions. The unusual twists and turns of this confusing investigation and trial are the focus of this chapter.

Although Šteins was convicted, the evidence when viewed objectively is inconclusive. Was he really a member of the Kommando? If so, what is the historical and evidentiary value of this investigation and trial to scholars of the Holocaust in Latvia? And why did the East German regime not exploit it for its own didactic purposes? If not, how did the East German Court reach the conclusion erroneously and what does that reveal about the nature of the system in which it functioned? What is to be learned from this case, and what more might have been learned had it been better handled?

After a brief explanation of the overall extent of East German prosecutions of Nazi criminals and their collaborators, the chapter will introduce Stanislavs Šteins himself. It will then enumerate the charges he faced, examine his two serial strategies in confronting them, and seek an answer to what may have lay behind them. After a look at the court's verdict, the evidence will be reappraised. Conclusions will then be drawn about the case itself and its implications when considering the wider context of the GDR's prosecution of Nazi crimes.

### *The Statistics*

A group associated with the University of Amsterdam has published a register of those cases in the German Democratic Republic that dealt specifically with the killings committed by the Nazis. The group found that a total of 932 cases were investigated by the East Germans that were concerned specifically and exclusively with killings carried out by

the Nazis [“NS-Tötungsverbrechen”], as distinct from other crimes.<sup>1</sup> Unfortunately, it cannot readily be determined exactly how many of these crimes were, in fact, part of the Holocaust. Setting aside the 91 defendants in the sensational “Waldheim Trials,” East German authorities prosecuted 841 “regular” cases involving a total of 1,550 accused persons.<sup>2</sup> Of these, cases, the sentencing breakdown was as follows:

Death: 94 (6%)<sup>3</sup>  
 Life imprisonment: 123 (8%)  
 Lesser prison term: 1,070 (69%)  
 Other sanctions not including imprisonment (fines; loss of rights, property): 20 (1%)  
 Acquitted/proceedings suspended: 241 (16%)

Finally, in two cases, the outcome of the trial could not be determined by the compilers of the study.<sup>4</sup>

According to this compendium of data, scattered among these cases were a few involving accused people of foreign origin: three ethnic

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<sup>1</sup>However, a statement by the prosecutor in the case against Stanislavs Šteins contradicts this figure enormously. He said that as of October 1979, when the trial of Šteins was in its final phases, 12,861 suspected Nazi criminals had gone through the East German courts. BStU ZUV 63 Band 27, p. 330. “Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Šteins ist angeschlossen.” Berlin, ca. September 1979. This discrepancy is probably explained if the number referenced by the prosecutor included all cases dealing with Nazi crimes, as distinct from only the subset involving direct killings.

<sup>2</sup>Not included in this number are those that were pursuant to the so-called “Waldheim Affair,” which was sparked when the wartime activities of the former United Nations Secretary General and President of Austria, Kurt Waldheim, were uncovered. Because of their publicity, these trials represented a subset distinct from the “normal” cases in East Germany. They resulted in 24 death sentences (26%), 31 sentences of life imprisonment (34%), and 36 sentences of lesser prison terms (40%). There were no acquittals. These sentences were, statistically, much stiffer than those in ordinary East German cases against those accused of similar crimes. C.F. Rüter, L. Hekelaar Gombert, und Dirk Welmoed de Mildt. *DDR-Justiz und NS-Verbrechen: Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen. Register und Dokumente*. Amsterdam: Amsterdam University Press, and Munich: K.G. Saur Verlag, 2002–2010, p. ix.

<sup>3</sup>It is not certain what proportion of these sentences were ultimately carried out.

<sup>4</sup>C.F. Rüter, L. Hekelaar Gombert, und Dirk Welmoed de Mildt. *DDR-Justiz und NS-Verbrechen: Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen. Register und Dokumente*. Amsterdam: Amsterdam University Press, and Munich: K.G. Saur Verlag, 2002–2010, p. ix.

Germans of Yugoslavian citizenship; three Soviet citizens (one of whom was of ethnic German extraction); three ethnic German Czechs; one ethnic German Hungarian; twelve Poles (ten of whom were ethnic Germans); one stateless person; and two Latvians, one of whom was ethnic German.<sup>5</sup>

That single ethnic Latvian was Stanislavs Šteins. Unlike in West Germany, where he would have faced the charge of murder, in 1977 in East Germany, he was charged with Crimes Against Humanity—as he would have been in the Soviet Union.

There are easily understandable reasons why *only one* Latvian ever found his way into a courtroom in the German Democratic Republic on suspicion of having committed violent Nazi crimes. In the final months of the war, together with many Latvians innocent of collaboration fleeing the reimposition of Communist rule over their country, war criminals too sought to escape the returning Soviets. Latvians who found themselves in the Soviet occupation zone of Germany when hostilities ceased were more or less free to return to Latvia after a longer or shorter stay in a filtration camp while they were evaluated as to their history and probable political reliability. In fact, repatriation to Latvia was officially encouraged—or insisted upon—for those who were released. However, any among their number who failed to satisfy the Soviets as to their innocence were dealt with directly by the Soviet occupation authorities, as a rule, well before the legal establishment of the East German state in 1949. Apparently uniquely, then, Šteins avoided the initial Soviet options of either repatriation or punishment, and was only caught by the German Soviet satellite state decades later.

A glaring question must be raised: just what *is* the relationship between Viktors Arājs's arrest, investigation, and trial—which took place between 1975 and 1979—and the virtually contemporaneous arrest, investigation, and trial of Stanislavs Šteins?

Reasonably assuming that it was not a complete coincidence, one obvious theory presents itself: the East Germans put up their guard for political reasons once the Arājs Kommando resurfaced in the public eye in the West. It is known that Šteins travelled to the USSR without any difficulty in 1974 as part of his professional duties. However,

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<sup>5</sup>Ibid., p. 357. In only three cases tried in East Germany were the crimes in question committed in Latvia. Ibid., p. 330.

preparing for an identical repeat trip in 1977, he was unmasked while his visa request was being processed. Perhaps the juridical hullabaloo and press coverage of the opening of the Arājs trial in West Germany had prompted the East Germans to increase their vigilance and scrutinize, more than usual, people who had been of military age in Latvia during the war. Given the East German regime's persistent criticism of West German laxity in prosecuting Nazis, it would have been very embarrassing if the latter's investigation of Arājs turned up the names of former Kommando members who were then found to be living in the GDR. Once Šteins applied for his visa the second time, it was therefore probably not merely fortuitous that this time he was noticed, investigated, and arrested. It was most likely a prophylactic measure against potential embarrassing revelations emerging from the Arājs trial and perhaps also a preparatory measure for a contrasting trial to be exploited propagandistically if Arājs was scandalously acquitted in the West.<sup>6</sup>

### *The Sources*

The source of this chapter's information is the BStU: the Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratische Republik, or "The Federal Mandatory for the Records of the State Security Service of the Former German Democratic Republic." As part of the process of German reunification, this entity was established in 1990 to preserve and control the records of the old East German Ministry for State Security—the official name for the Stasi. More specifically, the files upon which this chapter is based originated with the East German ZUV: the Zentraler Untersuchungsvorgang zur Untersuchung von NS- und Kriegsverbrechen, or "Central Investigative Body for the Investigation of National Socialist and War Crimes." Established in 1965, it is fair to suggest that this body, the ZUV, was the East German counterpart to the Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Gewaltverbrechen, or "Central Office of the State Ministries of Justice for the Investigation of National Socialist Violent Crimes" in Ludwigsburg, West Germany, which was encountered in the previous

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<sup>6</sup>BStU ZUV 63 Band 27, p. 10. Der Generalstaatsanwalt der deutschen demokratischen Republik." "Anklageschrift." Berlin, 5 June 1979.

chapter. Here again, it appears that the GDR wanted to mirror the developments in West Germany to retain its self-proclaimed moral high ground and the mantle of being the more anti-fascist of the two post-war Germanies.

It also needs to be stressed at the outset that unlike the records of the Arājs investigation and trial, here there are only the key court documents such as the indictment, the closing argument, the verdict, and a mass of raw depositions coming to around 8,000 pages. There is nothing like the tremendous volume of interstitial documentation like memos bouncing between offices, personal letters, and other background-level communications that were so helpful in fleshing out the story told in the previous chapter. Thus, the behind the scenes aspects of this trial cannot be satisfactorily documented, leaving much to circumstantial conjecture and speculation.

## THE CASE

### *Who was Stanislavs Šteins?*

Apart from the period of the second half of 1941 that ultimately formed the core controversy of the investigation, the multiple accounts of the biography and background of Stanislavs Šteins are internally coherent, stable, and reliable.

He was born in the hamlet of Rogāļi, near Daugavpils, in the eastern part of Latvia, on 27 January 1916 into a large peasant family. His educational upbringing was Catholic and quite abstemious. Under the influence of this upbringing, he never smoked and only made use of alcohol after the war.<sup>7</sup> As can easily be inferred from his name—a combination of Latvianized Slavic and Germanic names—Šteins came from one of those places in Eastern Europe that was culturally, ethnically, and linguistically mixed. Born a subject of Tsar Nicholas II, he duly became a Latvian citizen with the advent of the independent state. Šteins was able to speak both standard Latvian and the Lattgallian dialect, in addition to Russian and the German that he usually spoke at home with his family.<sup>8</sup> He would also have doubtlessly grown up

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<sup>7</sup>BStU ZUV 63 Band 2, p. 9. Stanislavs Šteins. “Persönliches Niederschrift.” Berlin, 30 December 1977.

<sup>8</sup>BStU ZUV 63 Band 4, pp. 88–98. Stanislavs Šteins. “Lebenslauf.” Berlin, 26 September 1977.

well aware of Latvian Jews, as they made up a quarter of the population of Daugavpils at the time—the nearest real city and the second most important center of Latvian Jewish life after Rīga.<sup>9</sup> However, no concrete details of any interactions between Šteins and any Jews before the war are established in the record. He never mentioned learning any Yiddish or Hebrew, in any case.<sup>10</sup>

Both of his parents had died of natural causes by the time of his 22nd birthday in 1938. His two brothers, Jānis and Nikolai, remained on the family farm while Stanislavs decided to move to Rīga and get a professional education. Perhaps because of his multilingual environment while growing up, Šteins aspired to study philology and become an academic. He had, however, first to complete his compulsory military service. This he did between 14 May 1939 and 6 September 1940—a crucial period in Latvian history. Šteins began his service with the Third Jelgava Infantry Regiment and received training as a machine gunner. A few months later, in October, the “Mutual Assistance Treaty” was signed between the Ulmanis government and the USSR, whereby naval facilities, air stations, and army bases in Latvia were leased to the Soviet military. In his post-war interrogations, Šteins refrained from commenting on this development or on any encounters he may have had during this period with Red Army personnel. Despite the outright takeover and annexation of Latvia during his stint in the service, Šteins’s military status was not affected. He remained in the army until duly discharged with the rank of corporal in September 1940.

While serving, he apparently had also been preparing his application for enrollment in the University of Latvia.<sup>11</sup> The new Soviet Latvian authorities did not interfere with these plans and allowed him to embark on a course of study in philology on 1 October 1940, taken along with mandatory classes in Marxism-Leninism and dialectical materialism. He

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<sup>9</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996. “Appendix 3d.1: Jews in Latvian Cities, 1935,” p. 403.

<sup>10</sup>BStU ZUV 63 Band 2, pp. 6–12. Stanislavs Šteins. “Persönliches Niederschrift.” Berlin, 30 December 1977. He once mentioned Jewish chandlers, although the German word, “Krämer,” can also be translated as “grocer” or “huckster.” The first definition seems to have been meant. See *Ibid.*, p. 6.

<sup>11</sup>BStU ZUV 63 Band 6, pp. 66–68. Stanislavs Šteins. “Persönliches Niederschrift.” Berlin, 20 November 1977.

also began working as an editor of a Communist student newspaper at the University. However, within a relatively short time, he was to change his course of study several times. His willingness to shift his field of study as, under successive regimes he switched first from his original interest in Classical philology to Slavic philology under the Soviets and then, under the subsequent German occupation, to Germanic philology suggests someone eager—or at least willing—to tack his career to accord with the prevailing political winds. For his part, Šteins thought that descriptions of him as a “careerist and political animal of circumstance [“Konjunktur-politiker”]” based on actions such as these “seem to me a bit exaggerated [“überspitzt”].”<sup>12</sup> But he obviously understood how it looked.

Even though it worked against his own personal interests, Šteins was later willing to admit to investigating Communist East German authorities that he had been negatively disposed to the Soviets and Soviet rule in Latvia at that time and was actually nationalistically inclined.<sup>13</sup> In one particular deposition, investigators noted with heavy bracketing on the transcript the following:

Thus it was that we welcomed the German aggression against [Überfall auf] the Soviet Union with the hope that national [meaning bourgeois] Latvia would be resurrected [“wiedererrichtet”] as an independent state. I can recall in this connection that even before the invasion of the German troops, students would burn pictures of Stalin in the courtyard of the dormitory.<sup>14</sup>

What happened next, that is, from July 1941 until the end of that year, was the core controversy of the investigation and trial. Leaving that key period to one side for the moment, the following was disputed neither by Šteins nor the East German state: Stanislavs Šteins spent 1942 and 1943 successively in the 27th and 23rd Latvian Schutzmannschaft battalions in Ukraine and Belarus. While Šteins contended that his duties

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<sup>12</sup>BStU ZUV 63 Band 2, pp. 140–142. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 1 March 1978.

<sup>13</sup>BStU ZUV 63 Band 25, p. 6. Stanislavs Šteins. “Persönliches Niederschrift.” Berlin, 12 January 1979.

<sup>14</sup>BStU ZUV 63 Band 2, p. 140. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 1 March 1978.

were relatively innocuous and relegated to guarding prisoners and occasionally hunting partisans, in fact much of such rear-echelon duty often involved “Jew hunts,” indiscriminate reprisal actions, and generally wanton acts of destruction. These activities were largely aimed at subduing the local population and protecting the German supply routes to the front, but much of the Holocaust in the Soviet Union—the “Holocaust by bullets”—was also conducted under the specious cover of “anti-partisan operations.” However, the GDR prosecution did not choose to follow up at all on what these battalions did outside of Latvia, especially as they related to the Final Solution. Instead, it focused, as will this chapter therefore, on Šteins’s activities during the second half of 1941. However, this was the largest opportunity missed by the East German investigators not only to convict Šteins on solid evidence but also to learn something useful about an important part of the Holocaust.

Dangerously ill with paratyphus in 1944, Šteins was rotated back to Rīga, where a friend and former roommate of his who was working in a police office used his access to the machines there to produce false papers that identified Stanislavs Šteins as ‘Alexander Schrams.’ Šteins the linguist, for convenience, chose a false family name that also began with the same sibilant as his own: *Schrams*. The new birthday, 12 December 1918, was easy enough to remember and, perhaps as a vanity bonus, also made him two years younger.<sup>15</sup>

Šteins kept the papers for the precarious future day that he apparently anticipated, but remained ‘himself’ for the time being. Once he had recovered his health, he was assigned to the Latvian Legion and evacuated to what was still called *Gotenhafen* as an officer in a sapper unit retreating westward.

In the final weeks of the war, Šteins’s unit disintegrated with the rest of the German and German-organized fighting formations. He destroyed his papers, burned the *Waffen-SS* uniform with which members of the Latvian Legion were attired, and threw his sidearm in a creek. The ‘Alexander Schrams’ who emerged became a sort of surrogate husband and protector to a German refugee woman three years his junior,

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<sup>15</sup>That is to say that the difference in age would not have had an effect on his wartime eligibility for military or police service in order to defuse suspicion.

together with her mother and two children, in the chaos of the spring and summer of 1945.<sup>16</sup> “He was a sort of male guardian for me,” this woman, Irmgard Blosat, who had pretended to be his wife, would tell East German investigators decades later.<sup>17</sup> As the few remaining troops nominally under his command peeled off in ones and twos to try their luck escaping the Soviets, Stanislavs Šteins stuck by this helpless family. Why he was unwilling or unable to exit the Soviet occupation zone is never clarified in the documents. Perhaps he had grown too attached to Mrs. Blosat. Whatever the reason, it is true that Irmgard Blosat, née Teifke, and her mother Ida Teifke, agreed to vouch for the identity of ‘Schrams,’ being in fact unaware at the time that it was a fictitious one. In exchange, he agreed to do whatever he could to prevent them from being harassed or assaulted by Red Army soldiers and to provide for Irmgard’s two infant children, Ingelore and Hans. By the time Irmgard’s real husband—whose civilian clothing ‘Schrams’ borrowed—returned from a British prisoner-of-war camp many months after the end of the war, ‘Alexander Schrams’ had satisfied the Soviet occupation authorities that he was legitimate and nonthreatening. ‘Schrams’ and Mrs. Blosat and her family remained friendly, if somewhat distant from one another, in the years after the war. Irmgard Blosat records that their separation was amicable, and her tone in the depositions—perhaps somewhat defiantly—held unmistakable fondness for the man long after the mutual protection agreement of extreme circumstance that they forged had lost its purpose.<sup>18</sup>

Over the thirty or so years that followed the war, Šteins married, had two sons, and enjoyed respectable if modest professional success in the German Democratic Republic. Things were indeed going very well for him until 23 September 1977, when he was taken into investigative custody by the MfS.<sup>19</sup> At that time, he was age 61.

According to East German law, a representative, sometimes one Mr. Langer and others one Mr. Horn to be specific, acted as defense counsel to Stanislavs Šteins.<sup>20</sup> However, the input of these two people into the

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<sup>16</sup>BStU ZUV 63 Band 2, p. 72. Stanislavs Šteins. “Persönliche Niederschrift.” Berlin, 22 September 1977.

<sup>17</sup>BStU ZUV 63 Band 8, pp. 21–25. Irmgard Blosat. “Vernehmungsprotokoll.” Rostock, 27 June 1978.

<sup>18</sup>Ibid.

<sup>19</sup>BStU ZUV 63 Band 1, p. 12. “Haftbefehl.” Berlin, 23 September 1977.

<sup>20</sup>BStU ZUV 63 Band 27, p. 409. “Strafprozeßvollmacht.” Berlin, 18 July 1979.

process is impossible to measure because it is conspicuously absent from the documents. One or both of them seem to have advised Šteins as to some of the laws of the Democratic Republic of Germany, because they are obliquely mentioned on very rare occasions. In contrast, the state prosecutor is omnipresent in the record.

### *The Charges*

After two years of interrogation of the accused himself, the collection of documentary evidence supplied mainly by the Soviet Union, and the examination of 95 deponents other than the accused in the form of both contemporary recorded conversations and the consultation of older interviews conducted for prior cases, the two prosecutors, Mr. Busse and Mr. Krüger, concluded that Šteins had answered the German fascist counterrevolutionary call, opposed Soviet power and the world's first socialist state, and instead colluded in the fulfillment of imperialist war aims to exterminate millions of people and to enslave the survivors.<sup>21</sup> More precisely, Šteins was ultimately charged with a series of criminal counts, which, when expanded, consisted of the following particular offenses:

- Denouncing five Communist students, two of whom were captured and killed.

According to the prosecutor: “After this dastardly betrayal, which by itself reveals the moral qualities of the accused, he sank step-by-step [“sank er von Stufe zu Stufe”].”<sup>22</sup> He was also accused of:

- becoming a member of both counterrevolutionary organizations: the Latvian Auxiliary Security Police (that is, the Arajs Kommando) and the Order Police (that is, the Schutzmannschaft); and during his membership therein, of:

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<sup>21</sup> BStU ZUV 63 Band 27, p. 312. “Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Steins ist abgeschlossen.” Berlin, ca. September 1979. The document announced the official end of the process of collecting evidence, but itself appears undated.

<sup>22</sup> BStU ZUV 63 Band 27, p. 315. “Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Steins ist abgeschlossen.” Berlin, ca. September 1979.

- arresting betrayed Communists in their apartments and taking 12 of them to fascist torture chambers, which was tantamount to their murder;
  - confiscating and occupying a Jewish family's apartment;
  - guarding 144 forced laborers who were Soviet citizens of Jewish nationality at the command of the occupiers;
  - taking part in the shootings in Biķernieki forest of 7,000 Soviet patriots and Soviet citizens of Jewish nationality, killing 54 of them himself;
  - escorting 6,000 victims over two days to their deaths in Rumbula;
  - shooting at least ten of these people personally on the way to Rumbula;
  - oppressing Ukrainian civilians as a lieutenant in a Schutzmannschaft battalion;
  - waging war of pillage ["Raubkrieg"] against the Soviet order;
  - exulting in the fascist war of pillage;
  - being an SS officer;
- and
- registering under a false identity.<sup>23</sup>

Prosecutors added that:

[i]t would be unbearable – and those belonging to the millions of victims of fascism could never comprehend ["begreifen"] it, that the murderer be allowed to live among us unpunished simply because he was successful in camouflaging himself from justice with a chain of lies and criminal dealings.<sup>24</sup>

The word "anti-Semitism" does not appear in the prosecution's closing argument. The Jewish identity of the victims is mentioned, though they are described as Soviet citizens.<sup>25</sup>

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<sup>23</sup>Ibid., p. 329.

<sup>24</sup>BStU ZUV 63 Band 27, pp. 315–316, 325. "Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Steins ist abgeschlossen." Berlin, ca. September 1979.

<sup>25</sup>For more information about the charges, also see: Also see: BStU ZUV 63 Band 27, pp. 8–18. Der Generalstaatsanwalt der deutschen demokratischen Republik. "Anklageschrift." Berlin, 5 June 1979.

The inspiration for Šteins's alleged crimes was "anti-communism, was hatred of Soviet power."<sup>26</sup> No man could abide Stanislavs Šteins walking free—"No man—unless he has the morals of a fascist," that is.<sup>27</sup> The punishment of life imprisonment demanded for the accused was, to the minds of the prosecutors, Busse and his second, Krüger, "a guarantee to forevermore prevent humanity's return to fascist tyranny and horror."<sup>28</sup> Furthermore, the application of the penalty of life imprisonment would make a salutary commemoration to the 30th anniversary of the founding of the East German state and its "consistent stance on the eradication of fascism."<sup>29</sup>

The bombastic rhetoric contained in this document raises the question of whom the prosecutor was trying to impress. Most likely, the prosecutor adopted this type of language because it was simply the pro forma way of describing the crimes of the Nazis and their collaborators. The trial was technically "open," but there is nothing to suggest that the case was intended to be a public spectacle in the grand theatrical tradition of the Soviet "show trials" in some measure re-established in the 1960s and 1970s in the USSR.

Extrapolating from the likely trigger that led to Šteins's arrest—the imperative not to be one-upped or caught flat-footed in the competition to be perceived as the more uncompromisingly anti-Nazi Germany—it may be that this elaborate prosecution was a political insurance policy. If required, East Germany would be prepared to show that it, too, had taken a hard line against Latvian fascists.

### *The Documentary Evidence*

For documentary evidence furnishing the historical backdrop against which the alleged crimes of Stanislavs Šteins took place and wartime documents pertaining specifically to the person of Šteins, the functionaries of the Ministry appealed very nearly exclusively to the Soviet Union's experts in Moscow and Rīga.

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<sup>26</sup>Ibid., p. 314.

<sup>27</sup>Ibid.

<sup>28</sup>BStU ZUV 63 Band 27, p. 331. "Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Steins ist abgeschlossen." Berlin, ca. September 1979.

<sup>29</sup>Ibid., p. 330.

The background documents of greatest importance were a variety of excerpts from the findings of the Soviet Extraordinary State Commission that investigated German fascist crimes in the territory of Latvia.<sup>30</sup> In addition to these, certified copies of internal documents generated by and captured from various Nazi German occupation authorities were supplied.<sup>31</sup> German translations of Russian translations of select articles from the Latvian-language daily newspaper of record in wartime Latvia, *Tēvija*, or *Fatherland*, were also used to provide background, along with others from the official German-language daily, the *Deutsche Zeitung im Osten*.<sup>32</sup> Like some of the witnesses, in many cases, these sources were identical to those offered to the Hamburg Court, as seen in the previous chapter, as well as to American authorities, as will be shown in the next chapter.

As for wartime documentation pertaining personally to Stanislavs Šteins, several—as it turned out, crucial—items were located by the Director of the Latvian SSR's State Historical Archives and reproduced for the East German authorities. Chronologically, the first of these was the registry of an apartment building, showing that

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<sup>30</sup>See, among other examples: BStU ZUV 63 Band 26, pp. 149–154. “Bericht der gerichtsmedizinischen Expertenkommission zu den von den faschistischen deutschen Eindringlingen im Rayon Rīga/Lett. SSR begangenen Verbrechen.” Rīga, 12 December 1944. Also: BStU ZUV 63 Band 26, pp. 119–134. “Akt über die in der Stadt Rīga begangenen Verbrechen und Zerstörungen durch die deutsch-faschistischen Eindringlinge und ihrer Helfers-helfer.” Rīga, 15 December 1944. Also: BStU ZUV 63 Band 26, pp. 164–188. “Akt über die Erschiessung von 35,000 sowjetischen Kindern durch deutsch-faschistische Aggressoren auf dem Territorium der Lettischen SSR.” Rīga, 5 May 1945. Also: BStU ZUV 63 Band 26, pp. 119–134. “Akt über die in der Stadt Rīga begangenen Verbrechen und Zerstörungen durch die deutsch-faschistischen Eindringlinge und ihrer Helfers-helfer.” Rīga, 15 December 1944.

<sup>31</sup>See, among other examples: BStU ZUV 63 Band 24, pp. 63–71. SS-Oberscharführer [illegible]. “Vorläufige Richtlinien für die Behandlung der Juden im Gebiet des Reichskommissariats Ostland.” Rīga, undated. Also: BStU ZUV 63 Band 24, p. 95. SS-BRīgaführer Müller. “An Einsatzgruppe A und B.” Berlin, 25 August 1941. Also: BStU ZUV 63 Band 24, pp. 97–127. Generalkommissar in Rīga, Abteilung IIa. “Betr.: Monatlicher Bericht über Einrichtung von in jüdischen Arbeitslagern, Arbeitseinsatz, Behandlung der Juden.” Rīga, 28 November 1941.

<sup>32</sup>See, among other examples: BStU ZUV 63 Band 17, p. 46. *Tēvija*. “Das Leben normalisiert sich.” Rīga, 2 July 1941. Also: BStU ZUV 63 Band 17, p. 99. *Tēvija*. “Aufforderung.” Rīga, 4 July 1941. Also: BStU ZUV 63 Band 24, p. 59. *Deutsche Zeitung im Osten*. “Die Juden unter sich: bis zum heutigen Tag müssen alle Rīgaer Juden das Ghetto bezogen.” Rīga, undated copy, presumably 25 October 1941.

he moved in on 7 August 1941, two days after the departure of a Jewish family.<sup>33</sup> The second was a certificate from 29 November 1941 bearing his name and plainly indicating his membership in the Rīga Schutzmannschaft (Ordnungspolizei or “Order Police”) under the Latvian Lieutenant Colonel Osis.<sup>34</sup> Lastly, there was his Waffen-SS certificate of service [“Dienstzeitbescheinigung”] sent to RuSHA, that is, the Rasse- und Siedlungshauptamt, or “Race and Settlement Main Office,” on 20 January 1944.<sup>35</sup> Lastly, an SS-Freiwillige pay schedule [“Gebührniskarte”] bearing his name and dated 21 March 1945 was recovered from the archive.<sup>36</sup>

Several secondary source works were also given to the East Germans by the Soviets. Notably among these was *Daugavas Vanagi—Who Are They?* Whereas the West German legal system occasionally drew upon this work and others like it for hints but in general viewed this source very critically—that is, regarded it as something compiled and published for Cold War political purposes by the USSR—their opposite numbers in East Germany regarded it as utterly trustworthy and historically accurate.<sup>37</sup>

Most of the documentary evidence unsurprisingly came from the Soviet Union. However, not *all* of the evidence came from Soviet sources. There were two curious exceptions. The first is that of the detailed and workmanlike study of the Order Police done by the West German Federal Archives which, incidentally, appears to have been largely ignored by the prosecutor and the Court.<sup>38</sup> Secondly, the indispensable

<sup>33</sup>LVVA. Fond 2942. Apr. 1, p. 2145. “Mājas grāmata, Brīvības iela 35 dz. 30.”

<sup>34</sup>This document is frequently adduced in the depositions but the record group, unfortunately, does not seem to contain a copy.

<sup>35</sup>BStU ZUV 63 Band 18, pp. 142–144. Stanislavs Šteins. “Dienstzeitbescheinigung.” 20 January 1945.

<sup>36</sup>BStU ZUV 63 Band 18, p. 148. Stanislavs Šteins. “Gebührniskarte.” 21 March 1945.

<sup>37</sup>E. Avotiņš. *Daugavas Vanagi—Who Are They?* Rīga: Latvian State Publishing House, 1963. As will be shown in the next chapter, American authorities also viewed this and other similar works critically.

<sup>38</sup>*Zur Geschichte der Ordnungspolizei, 1936–1945*. Teil I: 1. Hans-Joachim Neufeldt. “Entstehung und Organisation des Hauptamtes Ordnungspolizei.” 2. Jürgen Huck. “Ausweichstellen und Aktenschicksal des Hauptamtes Ordnungspolizei im 2. Weltkrieg.” Teil II: Georg Tessin. “Die Stäbe und Truppeneinheiten des Ordnungspolizei.” Koblenz: Bundesarchiv, 1957. The caution with which this source was treated by the East Germans was justified. The study established the constituent units and posts of the Order Police, but did so in conjunction with former members of the Order Police. It sanitized the

and complete collection of the “Situation Reports” from the USSR generated by the Einsatzgruppen was gathered as evidence, but from a most peculiar source: the National Archives and Records Administration in the United States, which had microfilmed the captured originals before returning them to the West German Federal Archives. This was probably done as a matter of convenience, obviating the diplomatic negotiations that would have been required to obtain the originals.<sup>39</sup>

### *The Witness Pool*

Most striking among the 94 individuals besides Šteins who were questioned (or who were deceased but whose prior testimony was consulted) in the course of the investigation was the assembled rogues’ gallery of convicted former Kommando members. The most important of these, for the investigators’ purposes, were deposed in Rīga, their 10 to 25 year sentences having already been served. As mentioned at the end of the previous chapter, Viktors Arājs himself was also questioned in West Germany at the behest of the East German prosecutors. In addition, there were a number of Holocaust survivors. A couple of former Schutzmannschaft and Legion veterans who had known Šteins during the war were questioned, but their testimonies never contained anything incriminating about the accused. In total, depositions from 23 witnesses, including Šteins—who alone, incidentally, provided more than 2,000 pages of statements over the course of the investigation—were presented with the indictment by the prosecutor.<sup>40</sup> Three times as many had been consulted but, for various reasons, many deponents’ statements were not submitted to the Court with the indictment, or presented in evidence. Not all, but a far greater proportion of witnesses than was the case for the parallel proceedings in West Germany against Arājs, were allowed to

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Footnote 38 (continued)

organization’s record of deep involvement in Nazi crimes. The thesis amounts to an Order Police equivalent of the “clean Wehrmacht” myth. The work is useful for what it provides; it is highly problematic for what it elides.

<sup>39</sup> BStU ZUV 63 Band 1, p 77. “Bestätigung.” Berlin, 25 April 1979.

<sup>40</sup> BStU ZUV 63 Band 27, pp. 19–22. “Der Generalstaatsanwalt der deutschen demokratischen Republik. “Anklageschrift; Anlage.” Potsdam, 5 June 1979.

leave the Soviet Union to give their testimony at the trial of Šteins in East Germany: 12 ultimately appeared in person in the courtroom.<sup>41</sup>

Statements from close to a score of convicted former Kommando members were supplied by the Soviet Union for the purposes of the East German investigation. Some of these were of mid- to late-1940s vintage, and their authors could not testify because they were dead—both by way of execution and of natural causes. These were meant to educate the East German investigators about the unit's background in general and the character of its personnel generally, not to mention the gravity of its offences. Of much greater potential use, of course, were the testimonies of living former Kommando members who could actually be asked questions. Of these, three were prepared to testify against Šteins personally: the driver Jānis Bedelis and two regular troopers, Aleksejs Proškovičs and Jānis Vanders.<sup>42</sup> The first two of these eventually became the most important witnesses in the case besides, as will be shown, Šteins himself.

Testimony from Jewish witnesses including Matis Lutriņš and Ella Medalje—all of whom, like the former Kommando members, were residing in the Soviet Union—was of far less importance to the case the prosecution constructed. In the first place, none of the Jewish witnesses claimed any direct, personal knowledge of Šteins himself, unlike the aforementioned Kommando members. Copies of various pre-existing depositions were also provided by the Soviets but these were used by the prosecutors only to provide needed background. None of these old testimonies even identified Stanislavs Šteins by name, much less said anything specific about him personally. Therefore, these statements will not be considered further here as they have little probative value into the questions involved in this chapter. Nor did they, because the trial was held out of the public eye, serve any larger didactic function to East German society.

Other categories of witness who could speak about Šteins specifically, such as family members and various other acquaintances, were likewise

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<sup>41</sup>BStU ZUV 63 Band 27, p. 83. "Öffentliche Hauptverhandlung des Bezirksgerichts Potsdam." Potsdam, 18 September–1 October 1979. Notices were sent to the East German Court informing it of the special medical needs of some of the persons in question. See, for example: *Ibid.*, 27, p. 59. "Ministerium für Gesundheitswesen der Lettischen SSR." 3 July 1979.

<sup>42</sup>All three also gave testimony in the West German case against Viktors Arājs.

of little importance to the prosecutors, Busse and Krüger, in terms of obtaining a conviction. However, some of them did in fact make important contributions to fleshing out the story of Stanislavs Šteins and thus are of historical interest.

### *The Most Important Witnesses*

Of the three still-living former Kommando members who testified that Stanislavs Šteins had also been a member of the unit, two emerged as the prosecution's most important witnesses. Their willingness to personally identify Šteins as a member during some of the wildest and bloodiest days of the Kommando's rampancy was irresistible to the prosecution. Of all the witnesses, those from the Arajs Kommando placed Šteins closest to the killing—much closer than the several who had been acquainted with Šteins from the Schutzmannschaft or the Legion but who disappointed the prosecution in failing to connect him, however tangentially, to any specific crimes. However, while neither the East German prosecutors nor the Courts in Potsdam and Berlin thought so, there are serious grounds to doubt these testimonies and hence, to doubt Šteins's membership in the Arajs Kommando.

Jānis Bedelis was one of the three convicted former Kommando members who claimed to recognize Šteins from his service in that unit, and was likely the most important witness in the case besides Šteins himself. Bedelis was one of the Arajs Kommando's dedicated drivers during the first bloody year of its existence and claimed to have personally driven Arājs himself to as many as 30 individual mass shootings. Giving testimony in Rīga in April of 1978, Bedelis identified Šteins as a former Kommando member. Immediately after saying that he could not remember the names of any of the shooters in the Biķernieki Forest, he was asked specifically whether he knew "Steins, Stanislaw." He replied that Šteins was of some importance in the office on Valdemars Street. In fact, he said he had driven a car with both Šteins and Arājs as passengers together:

I knew a Šteins from our mutual service in the Latvian Auxiliary Security Police. When I took up service in the aforesaid police at the end of July 1941, this Šteins was already there. At the time, he was about 25 to 30 years old. He was shorter than me, although my height adds up to [betragt] approximately 160 cm. He was of average bodily figure. I can no

longer remember his hair color. I find it difficult to recall concretely his facial features. The overall impression of his face does stick in my memory, therefore I think that I could recognize him from a photograph. What job [“Dienststellung”] Šteins had in the Kommando, I don’t know, but I do remember that he was no simple soldier in the Kommando. I don’t know what rank he was. In the summer of 1941 I drove him downtown two or three times. Once, I remember, he purchased paper from a store and brought it to the Kommando. Where I drove him the other times, I don’t know. But it seems to me it was to some shops [“Laufäden” sic.]. His family name, therefore, stayed in my memory, because each time, on the way back to the Arajš Kommando, Šteins signed for the trip. Also, the other drivers turned to me when I drove away with him and asked ‘Are you driving again with Šteins?’ How long Šteins served in the Kommando, I cannot exactly say. But I do remember that when I relocated from the Latvian Auxiliary Security Police to the building of the former War College on Krishjans Barons Street around May or June 1942, Šteins was still in the Arajš Kommando.<sup>43</sup>

He knew no one else in the Kommando with the last name of Šteins. It should be noted that basically every particular fact in these depositions of his conforms to the overall accepted understanding of the Kommando; there does not appear to be any false or mistaken general information. This knowledge extended to such details as the staff in the Headquarters canteen and the building’s general layout, addresses of sites of significance to the Kommando’s bureaucratic and administrative operations which he knew as Arājs’s driver, the Kommando’s uniforms and armament, the names of a number of confirmed Kommando personnel, the differences in escort procedures between Jewish and political detainees, and so on.<sup>44</sup>

While he also chanced to mention that the man he was describing never cursed—Šteins had, indeed, been brought up in a strict religious household—he also did not think the man in question spoke any language other than Latvian.<sup>45</sup> When questioned again several months later, he could no longer remember the name of the person he had described,

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<sup>43</sup> BStU ZUV 63 Band 7, pp. 114–127. Jānis Bedelis. “Zeugenvernehmungsprotokoll.” Rīga, 5 April 1978.

<sup>44</sup> Ibid.

<sup>45</sup> BStU ZUV 63 Band 26, p. 7. Jānis Bedelis. “Zeugenvernehmungsprotokoll.” Rīga, 7 March 1979.

although this second description of the person's role and activities was identical.<sup>46</sup>

Aleksejs Proškovičs, a regular man in the Arajs Kommando, also claimed to visually recognize Šteins from the Kommando, although he could not name him and did not remember his name when given it.<sup>47</sup> Nevertheless, he said that the person he recognized was already working in the Kommando when he joined sometime in the first half of July 1941.<sup>48</sup> However, he explained, he did not recall seeing him around for very long. He supposed that he left the Kommando before the onset of fall that same year. He added that he did not know what this person's role in the Kommando was, but that at some point that summer, every member of the Kommando was obligated to participate personally in the shootings.<sup>49</sup> This testimony was quite strong for the prosecutor in that it showed that Šteins had, indeed, been virtually a founding member of the Kommando and that every member at some point was required to take part in killing. This was probably the strongest and best testimony the prosecution ever managed to produce. Later, however, after the case had been referred from the District Court of Potsdam up to the Supreme Court of the German Democratic Republic to confirm the ruling, Proškovičs stated that he could not "categorically" assert that he recognized Šteins.<sup>50</sup>

The third and final of the Arajs Kommando witnesses who claimed to recognize Šteins was Jānis "The Tiger" Vanders.<sup>51</sup> He claimed that

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<sup>46</sup>BStU ZUV 63 Band 7, pp. 103–104. Jānis Bedelis. "Zeugenvernehmungsprotokoll." Rīga, 10 August 1978.

<sup>47</sup>BStU ZUV 63 Band 25, pp. 76–79. Aleksejs Proškovičs. "Protokoll der Gegenüberstellung von Personen zum Zwecke der Identifizierung." Rīga, 11 March 1979.

<sup>48</sup>BStU ZUV 63 Band, 26, pp. 76–7. Aleksejs Proškovičs. "Protokoll der Vernehmung eines Zeugen." Rīga, 11 March 1979.

<sup>49</sup>For more details of Proškovičs's experiences in the Kommando, see: BStU ZUV 63 Bd. 12, pp. 40–54. Aleksejs Proškovičs. "Zeugenvernehmungsprotokoll." Rīga, 6 April 1978.

<sup>50</sup>BStU ZUV 63 Band 27, p. 425. Oberstes Gericht der Deutschen Demokratischen Republik. "In Names des Volkes!" 7 December 1979.

<sup>51</sup>This author does not know the origin of the felid handle, but it appears in: Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga: The Historical Institute of Latvia in Association with the United States Holocaust Memorial Museum, 1996. Appendix 2. "German and Latvian SD in Latvia: Members of the Latvian SD, 1941–1944," p. 390.

Šteins looked familiar, although he likewise could not name him.<sup>52</sup> According to his testimony, he recalled seeing the person identified for him as Šteins at a shirts-and-skins pickup basketball game between two teams of Kommando members in the summer of 1944.<sup>53</sup> This purported game would have taken place, in reality, at about the time of Šteins's transfer from a Schutzmannschaft battalion to the Latvian Legion—26 September 1944, to be precise—and a year or more after the Arajs Kommando was completely dissolved.<sup>54</sup> While misremembered dates are a commonplace in testimonies, especially those taken at a remove of thirty years, the magnitude of this temporal discrepancy and the vastly changed historical circumstances of those two summers offers some grounds to doubt the accuracy of Vanders' memory. Indeed, at the level of East Germany's Supreme Court, his testimony was dismissed.

Even more important than these three witnesses to the course of the investigation and the prosecution's fixation on the question of Stanislavs Šteins's relationship to the Arajs Kommando was the accused as witness against himself.

### *The First Defense Strategy*

In view of the testimonies of these problematic witnesses, as well as later developments in the investigation as related below, the real question is whether or not the case of Stanislavs Šteins can properly be regarded as Arajs Kommando-related at all. Was he a member of the Arajs Kommando before transferring to the Schutzmannschaft in August 1941, or was the Schutzmannschaft the first unit he joined and the only one he served in before his induction to the Latvian Legion? Certainly, the prosecutors insisted that he was an Arajs Kommando member first, and the East German courts confirmed it. However, reexamination of the evidence, including the voluminous testimony of Šteins himself, suggests that he may not have been. To resolve the issue, it is necessary to test his own words to his interrogators for their significance and discover the implications of the errors, discrepancies, and accurate claims

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<sup>52</sup> BStU ZUV 63 Band 25, pp. 147–150. Jānis Vanders. "Protokoll der Gegenüberstellung von Personen zum Zwecke der Identifizierung." Rīga, 6 April 1979.

<sup>53</sup> BStU ZUV 63 Bd. 13, p. 246. Jānis Vanders. "Vernehmung." Rīga, 6 April 1978.

<sup>54</sup> BStU ZUV 63 Band 18, pp. 142–144. Stanislavs Šteins. "Dienstzeitbescheinigung." 20 January 1945.

that they contain. *Even if it is true that he was not a member of the Arājs Kommando, however, it would not change the fact that the circumstantial evidence strongly suggests his participation in the atrocities against Latvian Jews in the second half of 1941.* But the finding of the Ministry for State Security and the path taken to arrive at it does illuminate interesting facets of the operations of the East German authorities in any case.

There were two successive tracks to Šteins's strategy when confronting the charges as they steadily accrued over the course of the investigation—not, of course, counting his unremarkable initial attempt to simply deny everything. Like Arājs, he admitted his true identity after having spent one night in a cell. But thereafter Šteins's strategy could not have deviated from that of Arājs more sharply.

During approximately his first year in custody, Šteins set out to prove that his cooperation with his East German investigators was full and complete. He reasoned that if he was forthcoming, the Stasi would not have reason to extradite him, as he feared, to the Soviet Union. For with his true identity exposed, it was clear that he was really a Soviet citizen as of 1940 and therefore, technically, not only a criminal but a traitor. He logically presumed that he would be executed if given over to the USSR. Also, he thought that creating the appearance of willing cooperation might have an ameliorating effect on his ultimate sentence. He seems to have simply assumed that an acquittal was impossible.

To underscore his willingness to fully cooperate, Šteins almost never missed an opportunity to point it out when witness testimony or wartime documents corresponded to information contained in his own statements and thus seemingly corroborated the truth of his previous testimony. Importantly, however, *in the narrowest sense, his cooperation with investigators cannot be called "active" because he did not generate new leads or volunteer more than he was being asked about, on a given topic.* On the other hand, his attitude was clearly far more than "grudging." Perhaps the best description of Šteins's first, roughly year-long, response would be "solicitous and eager to ingratiate, but not without some circumspection."

It was first on 11 November 1977, less than three months into his questioning, that Šteins said that Viktors Arājs, leader of the Latvian Auxiliary Security Police, had been his commanding officer during the war. By the following summer, after reading the redacted statements of the above-mentioned former Kommando members, Šteins was prepared

to concede that he was in fact “a type of personal secretary to Arajs.”<sup>55</sup> And circumstantially, it should be pointed out, his language skill set and quasi-German background would have made him an attractive choice to Einsatzkommando 2 for work on the staff of the Arajs Kommando. Indeed, any collaborationist agency would have been happy to employ someone with his profile.

Over time, Šteins began admitting to a lot of things and providing a lot of details. In fact, his testimony during this first year is striking in its seeming forthrightness and openness. The tone is quite different from that found in either Soviet or Western interrogations as well. Compared to the former, the protocols are much less rigid or formulaic; compared to the latter, the statements are much less guarded, grudging, and tight-lipped. The words exchanged between Šteins and his primary case officer, a Captain Muregger, had an almost conversational quality to their tone.

Šteins seemed to simply know too much not to have been there. For example:

- He knew the number of victims who would fit on a truck.
- He knew about the armaments used by the Kommando.
- He could explain in broad strokes the organizational evolution of the Arajs Kommando from a ragtag band of freebooting gunmen with uneven training to a disciplined outfit comprising several companies with a dedicated motor pool.
- He was able to produce sketches of various killing sites, including Rumbula, with varying degrees of accuracy and detail.

Šteins was also able to present a detailed description of his responsibilities in the first Headquarters of the Kommando. He was concerned not with the shootings, he said, but was occupied instead with office management and some liaison duties owing to his proficiency in both German and Latvian. He claimed to have explained personally to Arājs his qualifications, telling him that this sort of work had always suited him in the “bourgeois” Latvian army better than “tactical exercises in

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<sup>55</sup>BStU ZUV 63 Band 2, pp. 204–208. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 28 June 1978.

the field [“Gelände”].”<sup>56</sup> Šteins said to the interrogators that “I was indeed in principle in agreement that the opponents of the occupation and also Jews would be shot, but wanted to leave this work to others.”<sup>57</sup>

As he became more comfortable, Šteins also seemed to fall back into the wartime mode of speech, which fact also went far to convince the investigators of his participation in crimes against humanity.<sup>58</sup> One telling sign was his casual use of the German word “Erledigung” and its grammatical variations, which are difficult to translate into English. In common usage across the armed forces of Nazi Germany, as well as sometimes in its press and propaganda, to make someone “erledigt” was to make them “done for.” Someone who had been “erledigt” was “finished,” was “a goner,” was “toast,” was “polished off,” or perhaps in the parlance of today “got wasted” or “got smoked.”

Question: What does “Erledigung” mean?

Answer: I ask you to excuse the use of this word. Back then, in the service lingo [“dienstliche Sprachgebrauch”] we said this or that person got wasted [“erledigt”], which meant killed. The more dignified official terminology [“dienstliche Sprachbezeichnung”] for the killing of these people was “liquidation.”<sup>59</sup>

While Šteins was being investigated for membership in Latvian (and therefore *Latvian-speaking*) criminal units, he himself was a German speaker from childhood. At the very least, he heard Germans using the word. It is also quite plausible that the word was so current that it was learned by Latvian perpetrators during their interaction with their

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<sup>56</sup>BStU ZUV 63 Band 2, p. 217. Stanislavs Šteins. “Persönliche Niederschrift.” Berlin, 27 August 1978.

<sup>57</sup>BStU ZUV 63 Band 2, p. 144. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 27 September 1978.

<sup>58</sup>At a guess, probably much fewer than 10% of the Latvian auxiliaries would have spoken fluent German. There would have been more bilingual recruits among the Kommando’s earlier cadres than among the later ones. Those who were exclusively Latvian-speaking no doubt gradually picked up some “work”-oriented terminology and could follow simple commands in the German language.

<sup>59</sup>BStU ZUV 63 Band 2, p. 196. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 15 November 1977.

German counterparts, commonly adopted as their own slang, and not restricted to bilingual speakers like Šteins.

Indeed: Šteins got a lot of things right.

But he also got a lot of things *wrong* about the key period in question when determining if he had ever been in the Arajs Kommando, that is, from July through December 1941. There were also some elements in Šteins's stories that do not seem to correspond to known facts about the crimes committed, but which were accepted—and, eventually, insisted upon as true—by the East German prosecution.

Here is one small example. In the summer of 1978, Šteins claimed that barrels of bleach were loaded onto the trucks carrying Arajs Kommando personnel to shooting actions in the Biķernieki Forest to be used for corpse disposal.<sup>60</sup> While not totally impossible, this seems to have been an innovation on the part of Šteins, since this detail rarely if ever appears in the testimony of other convicted Kommando members—although it is known that lime (as distinct from bleach) was occasionally tossed into the pits before they were closed.<sup>61</sup>

The frequent clumsiness of Šteins's attempts to impress or placate his interrogators with emphatic statements of self-condemnation seeded with specific details is particularly naked in the following exchange:

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<sup>60</sup>For the original assertion, see: BStU ZUV 63 Band 6, p. 79. Stanislavs Šteins. "Vernehmungsprotokoll." Berlin, 20 June 1978. For the retraction above the objections of Captain Muregger, see: BStU ZUV 63 Band 25, p. 20. Stanislavs Šteins. "Vernehmungsprotokoll." Berlin, 25 January 1979.

<sup>61</sup>That is only to say that this author has never seen the claim made by any accused or convicted member of the Kommando, but there may be testimonies that this author has not read or of which this author is unaware. On this matter, Professor Eduard Anders, a Latvian-Jewish Holocaust survivor and trained chemist, says the following:

'Lime,' or more correctly 'slaked lime,' is not very effective for sterilizing corpses, perhaps better for decomposing them. 'Bleaching powder' (Chlorkalk in German) is a powerful oxidant and hence disinfectant, made from chlorine gas and slaked lime =  $\text{Ca}(\text{OH})_2$ :  $2\text{Cl}_2 + 2\text{Ca}(\text{OH})_2 \rightarrow \text{Ca}(\text{OCl})_2 + \text{CaCl}_2 + 2\text{H}_2\text{O}$ . It also contains unreacted  $\text{Ca}(\text{OH})_2$ . It too is white (or yellowish) but has a strong chlorine smell. People not knowing much chemistry may have called both of them lime, but Šteins may have been right in calling it bleach.

Answer: ...Based on these considerations, which I first made with this kind of precision only in the last few weeks, I would like to correct my previous statements and once and for all name the 20th of July 1941 as my entry date into the Latvian Auxiliary Security Police.

Question: According to the perennial [“immerwährenden”] calendar, the 20th July 1941 falls on a Sunday.

Answer: The 20th of July isn't my exact entry date. Since it did indeed happen to be a Sunday, I would like to say that I joined the Auxiliary Security Police one or two days before or after.<sup>62</sup>

Šteins also seemed very confused as to the organizational relationships between or actual identities of the Arajs Kommando, Einsatzkommando 2, the Order Police, the Rīga Prefectural Police, the Schutzmannschaften, the *actual* “Gestapo,”—which term he initially used promiscuously—the distinction between the SS and the SD, and the key figures locally in command of each. Even accounting for the fact that the various police institutions of German-occupied Latvia were, indeed, confusing at the time, not to mention with the distance of about thirty-five years, Šteins's recollections were rather exceptionally flawed. For a time, he was convinced that Arājs was a subordinate of Lieutenant Colonel Voldemārs Veiss and Lieutenant Colonel Roberts Osis: “With respect to personnel or also pro forma, the Arajs Kommando was subordinate to the Leader of the Latvian Schutzmannschaft (Rīga Order Service) with Veiss and Osis at the top.”<sup>63</sup> In fact, the two units were entirely separate formations. He furthermore was confused over the nomenclature of the organization or organizations he was supposed to have been a member of, believing occasionally in the identity of “the Selbstschutz and the Auxiliary Security Police.”<sup>64</sup>

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<sup>62</sup>BStU ZUV 63 Band 2, p. 235. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 3 October 1978.

<sup>63</sup>BStU ZUV 63 Band 3, p. 56. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 22 August 1978. He reiterated this claim many times and in many different ways. For example, see: BStU ZUV 63 Band 2 p. 182. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 28 September 1978. Also see: BStU ZUV 63 Band 2 p. 194. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 15 November 1977.

<sup>64</sup>BStU ZUV 63 Band 5, p. 35. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 8 November 1977.

Šteins's descriptions of buildings and sites in Rīga that were significant for the Kommando were often vague in general and wrong in particulars. His description of his own recruitment initially bore little resemblance to that which members of the Kommando experienced, although it basically matched one possible method of induction into the Order Police. He claimed that he had registered on Merkel Street in Rīga Old Town near the famous Powder Tower, one of the city's unmistakable downtown landmarks.<sup>65</sup> Arajs Kommando recruits reported, according to the notices published in *Tēviņa* and all accounts, to Valdemar Street 19. Later, Šteins would "correct" his memory and place himself at the proper locale.

However, on that count, some of Šteins's information—by no means always on the level of trivial detail—like the physical situation and general description of the first headquarters of the Kommando in which he purportedly worked he described wrongly and, in fact, quite backwards. He said, for example, that the headquarters building, if one was approaching from Old Rīga, sat on the right side of Valdemar Street on the other side of Elizabeth Street when in fact, from that vantage, the building would be on the left side of Valdemar Street before crossing Elizabeth Street. When immediately shown his error on a map and told that his description of the location did not comport with those of several witnesses, Šteins again immediately apologized, explaining that "Obviously I am in error."<sup>66</sup> Of course, it is to be expected that an ordinary trooper might not have known or cared much about these things, but Šteins was, by his own admission and the testimony of two of the three convicted former Kommando members testifying against him, supposed to have been on the staff of the Arajs Kommando.

Whenever it was pointed out to him by an investigator that his statements were inconsistent with the known facts, or in conflict with the statements of any of the witnesses (which were, it bears mentioning, redacted before Šteins was allowed to see them), Šteins almost always accepted the corrections and revised his statements to conform, usually citing a "lapse of memory" or unexplained "errors." In this manner,

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<sup>65</sup> BStU ZUV 63 Band 2, p. 178. Stanislavs Šteins. "Vernehmungsprotokoll." Berlin, 28 September 1978. Also see: BStU ZUV 63 Band 2, pp. 191–192. Stanislavs Šteins. "Vernehmungsprotokoll." Berlin, 2 October 1978.

<sup>66</sup> BStU ZUV 63 Band 3, pp. 84–85. Stanislavs Šteins. "Vernehmungsprotokoll." Berlin, 13 September 1978.

over the course of the interrogations, Šteins was gradually able to fill in the blanks and correct his mistakes—almost always with the input of the witnesses and with the help of the investigators. His statements about his wartime activities after January 1942 and his life after the war were marred by *no* such “errors” or “lapses of memory.”

### *The Guilty Conscience of Stanislavs Šteins?*

During his closing argument at the trial itself, Busse, the chief prosecutor, told the Court that “I do not rule out that his confessions at that time [the early, pliant phase of Šteins’s attitude] were the beginnings of regret and that he was prepared to cooperate in the illumination [“Aufklärung”] of the crimes.”<sup>67</sup> And indeed, many of the interviews during that period read as though he was *using* the investigators, not at all to rescue himself, but rather to *work with them*, to help him better remember and relate to his captors the very truth that would condemn him.

The background of all of this apparent helpfulness was the fact that, unlike Viktors Arājs, Stanislavs Šteins had actually created a real life after the war and to all appearances had been a productive, well-integrated member of GDR society. He was a law-abiding working-class family man: “My work served the strengthening of the defense readiness of the socialist camp [“Lager”] and therefore also the construction of socialism in the GDR; it served the understanding and the deepening of the friendship between the GDR and the USSR”<sup>68</sup> Relying on some concrete affiliations, awards, and accomplishments as evidence, Šteins tried to portray his post-1945 self as a diligent worker, a believer in German-Soviet friendship, and a committed socialist.

As already stated above, immediately after the war, Šteins, alias “Schrams,” was questioned by the Red Army. With his fake papers and in part, at least, on the strength of the support of Irmgard Blossat and her mother, Ida Teifke, who pretended to be his wife and mother-in-law, respectively, and for whom he was acting as guard and escort, he was

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<sup>67</sup> BStU ZUV 63 Band 27, p. 322. “Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Steins is abgeschlossen.” Undated.

<sup>68</sup> BStU ZUV 63 Band 2, p. 104. Stanislavs Šteins. “Persönliches Niederschrift.” Berlin, 7 January 1978.

judged harmless enough and left alone.<sup>69</sup> By November 1946, he was working as a translator and interpreter for a Soviet military engineer unit.

The course of this unit's operations brought Šteins to the defeated Nazis' romantic coastal V-2 rocket facility of Peenmünde on the shores of the Baltic Sea, where he met Frau Herta Zemke. After she got pregnant, the two married on 23 December 1950. He later said that he "came to know and admire her as an honorable, hard-working, and sincere girl."<sup>70</sup> On 3 June 1951, their first son, Edgar, was born.

Because he feared the unit commander's suspicions of him and his patchy story regarding his wartime activities, he was greatly relieved to be released upon his own request from service with the Soviet military engineers. Šteins then began a year-long stint as a teacher of the Russian language from 1954 to 1955.<sup>71</sup> Thereafter, he picked up a job as a manager ["Disponent"] at a commissary ["Gemischtwaren-Verkaufstelle"] at a Soviet "military object" in Elstal in Brandenburg for a year, until he finally landed a permanent job in January 1956.<sup>72</sup> He settled in as a worker at an industrial plant—a VEB, a Volkseigener Betrieb or "People's Enterprise"—in Potsdam, just outside Berlin. This professional security must have surely been welcome to both members of the couple, albeit for more than slightly different reasons. On 21 March 1956, the two had their second son, Axel.<sup>73</sup> While they had been married in a religious ceremony six years earlier—Šteins recording before his interrogators how silly it was to have felt so scandalized at getting married as "a Catholic in an Evangelical church!"—their children grew up as "modern young people" with the "socialist consecration of youth ["mit sozialistischer Jugendweihe"]."<sup>74</sup>

His wife, Herta, seems never to have been deposed for the purposes of the investigation or trial. Šteins said that his wife knew that his name was false, but the issue was only discussed on the occasion that he

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<sup>69</sup>BSStU ZUV 63 Band 2, pp. 72–73. Stanislavs Šteins. "Persönliche Niederschrift." Berlin, 22 September 1977.

<sup>70</sup>BSStU ZUV 63 Band 2, p. 101. Stanislavs Šteins. "Persönliche Niederschrift." Berlin, 7 January 1978.

<sup>71</sup>See, for example: *Ibid.*, pp. 99–100.

<sup>72</sup>*Ibid.*, p. 100.

<sup>73</sup>*Ibid.*

<sup>74</sup>*Ibid.*, p. 101.

revealed it, and never again.<sup>75</sup> Edgar and Axel, again according to Šteins, were completely in the dark about his wartime past.<sup>76</sup> They do not seem to have been questioned, either, so it is possible that some legal protection against compelling testimony from the accused's immediate family members was being observed. Interestingly, neither of his boys' names were in the least bit Latvian—an external, but possibly internal way as well—for Šteins to put distance between himself and his past. After his arrest, however, Šteins told investigators that he did still consider himself a Latvian. Šteins also always signed his name on the depositions using the Latvian diacritic above the first letter of his name to signal the “sh,” rather than the “s” sound—a mark unknown in German grammar. Thus, he was writing his real name, in the correct Latvian way, for the first time in more than thirty years.

Soon after obtaining his good and steady factory job, in 1957 Šteins became a member of the FDGB, the Freier Deutscher Gewerkschaftsbund or “Free German Trade Union Federation.” This was the officially-sanctioned overarching trade union federation in East Germany. Membership was hardly a noteworthy distinction, enjoyed as it was by the vast majority of the labor force. To have climbed to this modest position was in fact probably a social prerequisite. Still, he would remain a member in good standing until his troubles with the Ministry for State Security began. Not long after beginning this good job, in 1958, Šteins began spending his free time doing work for the DSF, the Gesellschaft für Deutsch-Sowjetische Freundschaft or “Society for German-Soviet Friendship.” Over the years at the VEB, he was thrice given the award for “Activist,” and also earned a Medal for Outstanding Achievement.<sup>77</sup>

Despite all of this, Stanislavs Šteins abstained from applying for membership in the SED, the Sozialistische Einheitspartei Deutschlands or “Socialist Unity Party of Germany.” It was East Germany's Communist

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<sup>75</sup> BStU ZUV 63 Band 4, p. 125. Stanislavs Šteins. “Persönliche Niederschrift.” Berlin, 28 September 1977. When he was getting married, he explained to her why he could not send to Latvia for a birth certificate. He told her “under a seal of silence,” but only gave her the same basically innocuous explanation that he settled on giving to his interrogators which will be described below.

<sup>76</sup> Ibid.

<sup>77</sup> BStU ZUV 63 Band 1, pp. 124–127. Stanislavs Šteins. “Venemungsprotokoll.” Berlin, 23 August 1977.

Party. At the time, though, a substantial percentage of East German adults were members. This was not to be interpreted as disapproval of the Party or its ideology, as he carefully explained to Captain Muregger, his main interrogator. Rather, as much as he wanted to, he could not apply for candidacy because of the fear that heavy political scrutiny might become police scrutiny. He was “a Communist without a party” because of his “inglorious history that lay far behind.”<sup>78</sup> Šteins said everything he could to the investigators to convince them of his contrition.

On top of his decent career and modest accolades, Šteins also went as far as to try to cast himself as a quasi-martyr for standing up to his wife and West German in-laws with respect to politics:

Among the many relatives of my wife whom I met in West Berlin were her sister and brother-in-law – the Rosenberg family. We visited one another in Schmachthagen, they came to our wedding in Rügen, and we also travelled with them later, when we lived in Brieseland or Rehbrücke. As his father did in his time, so also Hans Rosenberg worked from the very start at Siemens. The conversations during our visits mostly had to do with harmless family matters. The Rosenberg family did not want to listen to politics. During one conversation about Hitler Germany, they began to praise ‘the merits of the Führer.’ Upon my counterarguments, we got into a fight; owing to the mediation of the women, I had to give it up as a hopeless case. Perplexed, I followed the harmful impact of the open border to West Berlin: encroachment [“Vorschub”] of profiteers and [their] blackleg scams, commodity and currency manipulation, headhunting of labor and the intelligentsia as well as many others. The logical counter-measures of the GDR—the closure of the border on 13 August 1961—took our family with divided feelings. My wife mourned the lost possibility to meet with her sister. [But] Apart from the advantages for the Republic, this situation was personally better for me as well: so many unpleasant confrontations were thereby spared me. At the beginning of the 1970s, familial visits from the West were again allowed. We even invited the Rosenberg family to visit us a couple of times. The family’s joy was tremendous, but not of long duration. The factory suggested to me that I, as a holder of secrets, give up these visits. To me, this was understandable, but hardly to my wife and her sister. My wife wanted to divorce me for

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<sup>78</sup>BStU ZUV 63 Band 2, p. 105. Stanislav Šteins. “Persönliches Niederschrift.” Berlin, 7 January 1978.

this reason. Only with difficulty, I managed to coax my wife to the right choice: to forego visits with her sister in favor of me.<sup>79</sup>

Mrs. Zemke, like Ms. Oedingen in the previous chapter, cuts a tragic figure.

Šteins tried to convince the investigators that he had the zeal of the converted in his breast. He voiced the approved government line: the West tried to sabotage the East with their corrosive and exploitative economic system. He had therefore approved of the necessity of the construction of the Wall. The Federal Republic of Germany was the successor of Nazi Germany, and he had personally taken a stand for socialism at the cost of familial comity twice: first when confronting an unreconstructed fascist brother-in-law, and again when his wife threatened to leave him because his security clearance voided the possibility of cross-border familial visits. He also stressed his trustworthiness: he had been deemed responsible enough to possess information sensitive to the GDR and was willing to protect it even at the potential cost of his marriage.

An interesting question arises. Is there any chance that Stanislaus Šteins was a genuine convert to Communism? The question is of interest because it bears on the *ex post facto* attitudes of a possible war criminal towards his misdeeds. The reasons behind Šteins's supposed conversion may only be guessed at. Three ideas spring to mind.

First, as will be explained more fully below, both Šteins's uncontested membership in the *Schutzmannschaft* and possible prior membership in the *Arajs Kommando*, mean that he at least witnessed, if not personally committed, war crimes as a matter of practical certainty. Possibly, Šteins recoiled after the war at what he had once been a part of, and what he knew from personal experience was hardly a mere artifact of Soviet propaganda. Could he have thrown himself into the Communist project, attempted to reform his own thinking, to redeem himself of the horrors of the atrocities—those of others and, perhaps, his own? There is no telling.

A second theory recommends itself as well. Might the psychological phenomena surrounding cognitive dissonance play a role? As an inhabitant of an inescapable, officially Communist country, might Šteins have simply, over the course of his nearly thirty years of life there, conformed

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<sup>79</sup> *Ibid.*, pp. 103–104.

to Communism first only because there was no choice, and gradually because there was not even the idea of a choice? He may have simply become a Communist by default; while acting like a Communist, any secretly held Latvian nationalist or perhaps even fascist views would presumably erode over time. It would be a matter of psychological, no less than physical, self-defense. Indeed, by the time of his arrest in 1977, he had spent—of his 61 years—28 in the GDR, and an additional four in the Soviet occupation zone before that state's foundation, plus a further year under Soviet occupation in his homeland: 33 years, or more than half of his life and the large majority of his adult life. On the other side of the ledger, his first couple of years were under Tsardom and the chaotic detritus of its collapse, another 15 in a parliamentary democracy, six under the Ulmanis dictatorship, and four under the Nazis: a total of 28 years, albeit the most formative ones.

Finally, the conversion itself is subject to real doubt. There is every possibility, perhaps even likelihood, that it was opportunistically feigned: a tactical smokescreen.

As to his original family in eastern Latvia, the only two left at the end of the war were his brothers, Jānis and Nikolai. Šteins had been afraid to contact them, believing that doing so would put himself in danger.<sup>80</sup> He had seen neither since 1944. According to Šteins, these two had always been deliberately kept in the dark about his activities during the war.<sup>81</sup> After 1944, Šteins could learn nothing of their fortunes, and they nothing of his. Unbeknownst to him, his eldest brother, Jānis, had died in 1948, apparently in circumstances connected with his epilepsy. His widow and Stanislav's acquaintance in the mid-1930s, Nadezhda Petrovna, thereafter married his other brother, Nikolai. All of this Šteins learned of only during the pre-trial investigation.

The documents, even Šteins's own depositions themselves, indicate nothing about his reaction to the sudden news of his brother's death, nor the seemingly unseemly marriage that it precipitated.<sup>82</sup> Did Šteins, after his capture, actively ask after his old—one almost spontaneously

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<sup>80</sup> BStU ZUV 63 Band 8, pp. 21–25. Irmgard Blosat. “Vernehmungsprotokoll.” Rostock, 27 June 1978.

<sup>81</sup> BStU ZUV 63 Band 2, pp. 125–130. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 19 January 1978.

<sup>82</sup> See, for example: BStU ZUV 63 Band 3, pp. 102–109. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 22 September 1978.

says “former”—family? Had he simply long since written them off? How much did it seem to him, with the passage of years, like someone else’s family? This cannot be known, although outwardly he seems to have made a clean break. His visit to the USSR in 1974 did not have Latvia on the itinerary.

For their part, both Nikolai Šteins and Nadezhda Petrovna Šteins were expeditiously deposed in connection with the Šteins case in mid-1978. Investigators quickly realized that neither had anything useful to add. Their statements about the life of the accused prior to the war conformed to Šteins’s own, and neither had anything of interest to add about the war years. They added nothing to the case of the prosecution nor, for that matter, did they offer much to the accused by way of being beneficial character witnesses.<sup>83</sup>

Their feelings, like those of Stanislavs himself, are impossible to discern in the documents. It is not clear what, if any, personal contact was allowed between the prisoner and these surviving relatives, or if either party even desired any personal contact, during or after the investigation. They were not called to testify at the trial, and presumably did not attend.

This was the post-war life of Stanislavs Šteins’s right up to his arrest on 23 September 1977, when he was taken into investigative custody.<sup>84</sup> As has also been related above, his initial response to his investigators from the Ministry for State Security—once past the brief phase of reflexive denial—was, to all appearances, to be as helpful to them as possible, even at the cost of doing detrimental damage to his own defense. This level of cooperation from the accused, along with his at least pretended identification with his accusers (as just described) and apparent repudiation of his ‘old’ self and all connected to it, is striking enough to make this an interesting case study. But what Šteins did next and how the investigators responded, make the case even more unusual and perplexing.

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<sup>83</sup>See: BStU ZUV 63 Band 13, pp. 165–171. Nikolai Šteins. “Zeugenvernehmungsprotokoll.” Rīga, 12 April 1978. Also: BStU ZUV 63 Band 13, pp. 152–157. Nadezhda Šteins. “Protokoll der Vernehmung eines Zeugen.” Rīga, 12 April 1978.

<sup>84</sup>BStU ZUV 63 Band 1, p. 12. “Haftbefehl.” Berlin, 23 September 1977.

### *The Last Defense Strategy*

After several months of tentatively experimenting with a new strategy on minor matters, on 12 January 1979 Stanislavs Šteins dropped the bombshell: full-scale, blanket retraction of all self-incriminating statements material to establishing the crimes he was alleged to have committed during the period of the second half of 1941. While denying nothing in his previous statements regarding his service with the Schutzmannschaft and the Latvian Legion nor his pre-war and post-war biographies, Šteins very specifically limited his disavowals and retractions to the second half of 1941. In other words, his drastic amendments to his story were confined to the core of the case the prosecution had been building especially with the aid of the three former Kommando members highlighted above. This new strategy—beginning on that day in January 1979 and lasting straight through the trial and the confirmation of the Potsdam Court’s ruling by the Supreme Court of the German Democratic Republic at the end of that year—was a 180 degree reversal from his prior posture of cooperation and acceptance. Šteins attempted to nullify, comprehensively and point by point, his earlier admissions of guilt by a variety of ingenious—and *taken individually*, usually plausible—rationalizations. In effect, Šteins was, bizarrely, trying to convince his interrogators that he was ‘coming clean’ by asserting (since “admitting” hardly seems to be the right word) his innocence.

The investigators seem to have been genuinely stunned by this sudden reversal. Although the investigators noticed that Šteins had *begun* making apparently tactical denials contradicting prior self-incriminating statements precisely on 29 August 1978, these were regarded by Captain Muregger and Major Engelhart, his superior and supervisor, as probes to determine how much real evidence was actually in the possession of the prosecutor.<sup>85</sup> This assumption was obvious, for there was no legal obligation incumbent on the prosecution in the GDR comparable to discovery in an American court (even if not always respected).<sup>86</sup> This type of behavior on the part of the accused was one of the results that could be anticipated and parried as

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<sup>85</sup>BStU ZUV 63 Band 25, p. 37. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 30 January 1979.

<sup>86</sup>No legal system, of course, is ideal. In at least one related US case, the prosecution egregiously failed to respect a discovery request by the defense, prompting the following outburst from the defense attorney:

MR. BERZINS: And the question I want to ask is simply this: Why have I not been furnished copies of these documents which are clearly exculpatory up to this very minute, when the Government has had them

a matter of routine by the questioners. And had they taken these probes more seriously, they may not have been caught as unprepared as they were in the actual event of Šteins's full-blown retraction. Instead, quite unexpectedly, a brick wall had been placed before them after what had been a long period of remarkably fruitful 'progress,' with interrogations occurring weekly or biweekly as Šteins's admissions and revelations steadily flowed and Captain Muregger tried to keep up with them.

After first conducting a snap psychiatric evaluation of the accused, a new tactic was developed by the questioners.<sup>87</sup> Attention to the dates of the protocols shows that the sudden change of course was immediately followed by an unprecedentedly intense barrage of rapid-fire interrogations and follow-up interrogations. They would confront Šteins with very specific pieces of information, one after the other, that he had supplied in an attempt to prove that the knowledge was indeed his own. Sometimes, the information had been covered a year or more prior to the test. In effect, these were what Captain Muregger and Major Engelhart hoped would prove to be 'gotcha' questions. Šteins correspondingly either accurately articulated or, depending on one's interpretation, craftily fabricated an intricate series of methods by which he had been able to make statements and supply information that he believed would please the interrogators, even though, he now claimed, he actually knew nothing incriminating from firsthand experience.

To do this, Šteins adduced a complicated series of educated guesses, logical deductions, extrapolation from ordinary background knowledge commonly available, and information suggested by fellow inmates or based on cues he received from the investigating officers themselves.

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Footnote 86 (continued)

in their file for years? I have demanded them all the time up to now. Why have they been hidden from me up to now? I'm sorry, I'm upset, but I really am upset... Your Honor, I must respectfully submit that this is an outrage. Exhibits 12, 13, and 14 are clearly exculpatory and I'll bet you the Government has had them for a whole year and I have not been given those and I have been asking and asking and asking. THE COURT: All right, Mr. Berzins. Let's control ourselves. All right.

StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 40, pp. 6925-6927. Department of Immigration and Naturalization, File No. A 10303 336. Albany New York, 9 March 1979.

<sup>87</sup>BStU ZUV 63 Band 25, pp. 37-38. Stanislavs Šteins. "Venehmungsprotokoll." Berlin, 30 January 1979.

He attempted to show that his “*seeming*” familiarity with details of the organization of, and various crimes committed by, the Arajs Kommando came not from personal memory, but from a whole set of relatively innocent or innocuous sources. He announced that: “All of the statements about that [the second half of 1941] are based on some information from the investigating officers and on thought-out compositions [“ausgedachten Kombinationen”] I developed on my own.”<sup>88</sup>

In a number of instances, Šteins claimed that the investigators themselves directly related certain pieces of information to him, which he was later to regurgitate and present as his own knowledge or memory. For example, Šteins explained away one bit of his apparently detailed knowledge of killing operations at the level of the ordinary trigger puller this way:

Answer: You had asked me what sound is produced by the impact of a bullet with a head. Because I didn’t know that, you said to me that it is a muffled, splashy [“dumpf klat-schendes”] sound. Thereupon, I said ‘yes, so it was,’ even though I had really never heard something like that. I cannot offer anything else in answer to this question.<sup>89</sup>

Because the prosecution gradually allowed its case to become so reliant on the self-condemnation of the accused, leading their star witness (the accused himself) was a potentially debilitating Achilles’s Heel for the entire mission of the prosecution when the witness turned from cooperation to denial.

However, not all such contamination was as blunt as putting words in Šteins’s mouth outright, as he claimed. Beyond leading questions, the investigators, also according to Šteins, revealed satisfaction or dissatisfaction with his statements through body language. Šteins contended that the investigators’ leading questions as well as other behavior helped him

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<sup>88</sup>BStU ZUV 63 Band 25, p. 15. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 25 January 1979.

<sup>89</sup>BStU ZUV 63 Band 25, p. 33. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 30 January 1979. We must leave to one side the question of whether or not the East German representative of justice had himself acquired this piece of information from first-hand experience. Speculation might even be made as to whether or not this was, in fact, a means of articulating a threat.

to “construct” his narrative of the war years as the whole process wore on:

Answer: Captain sir! By way of dubious or quizzical follow-up questions [“zweifelnde Rückfragen”], facial expressions, and the like, you gave certain indications to me, out of which I could extract hints as to whether my answers to a given question were correct or incorrect.<sup>90</sup>

According to the new defense strategy of Šteins, he had also brought to bear deductive reasoning to render acceptable statements to the investigators:

Answer: Based on the allowance dropped by the investigator [“Untersuchungsorgan”] that two marksmen always fired upon each victim, I came up with how it may have been. I rationally arrived at the conclusion [“erriet praktisch”] that in each case there were twenty men in the firing squad and ten victims were shot at a time.<sup>91</sup>

He could have added that the idea of the Biķernieki victims being shot in groups of 10 is found in the deposition of Jānis Bedelis, one of the three convicted Kommando members who, by the lights of the East German prosecution, credibly testified against Šteins personally.<sup>92</sup> In addition to substantiating the claim that these victims were shot in groups of 10, one of Alexei Proškovičs’s depositions also says that the firing squad consisted of 20 shooters who divided themselves into two groups and alternated with one another.<sup>93</sup>

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<sup>90</sup>BSStU ZUV 63 Band 25, p. 12. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 24 January 1979.

<sup>91</sup>BSStU ZUV 63 Band 25, p. 17. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 25 January 1979.

<sup>92</sup>BSStU ZUV 63 Band 7, p. 123. Jānis Bedelis. “Zeugenvernehmungsprotokoll.” Rīga, 5 April 1978. This information might have been redacted so that Šteins would not see it, but it is impossible to tell.

<sup>93</sup>BSStU ZUV 63 Band 12, pp. 48, 47, 50. Aleksejs Proškovičs. “Zeugenvernehmungsprotokoll. Rīga, 6 April 1978. Again, these details may or may not have been withheld by the investigators. There is no way of knowing.

Šteins offered many examples of simply employing logical guesswork to reach his conjectures, which he had then presented to the investigators as firsthand memories, such as:

Answer: From the size of the [Rumbula] Action, I have calculated [“kombiniert”] that it must have begun very early. The columns of victims must have also been very large and brought to the shooting by the shortest path. The shooting site therefore must not have been at the opposite end of the street relative to the position of the Ghetto, but rather in its nearer environs. Otherwise I could not correctly have guessed, given the size of the Action, that multiple transport teams [conveying the columns] were active which, for reasons of time, were brought back to the city by truck [to receive their next column for escort].<sup>94</sup>

Somehow, Šteins had also apparently been routinely allowed by his captors to chat with his fellow inmates. Incredible as it sounds, he appears to have been incarcerated along with a population of more than one Ukrainian convicted of committing fascist crimes with whom he was evidently allowed to communicate during the investigation. From these persons, Šteins claimed to have learned a great deal about the details and logistics of killing operations, at least as they occurred in similar killings conducted in Ukraine:

Answer: If the location of the collection points—40 meters removed from the pits—was made known to me via suggestions [“Andeutungen”] from you [Captain Muregger] I don’t know anymore, but it’s possible. That the victims at the collection points were forced to sit before their murders, I know from my fellow inmates [“Zellennachbarn”], with whom I have often consulted.<sup>95</sup>

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<sup>94</sup>BStU ZUV 63 Band 25, p. 33. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 30 January 1979.

<sup>95</sup>Ibid., p. 19. Also see: Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 25 January 1979. These were Ukrainians convicted by the German Democratic Republic of Nazi crimes. These are also the same fellow prisoners Šteins alleged to have told him about how many victims would fit in a truck from the period, among other advice. See: BStU ZUV 63 Band 25, p. 14. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 25 January 1979.

The record offers no indication that Captain Muregger or Major Engelhardt attempted to discover the identity of these “fellow inmates.” Perhaps they already knew to whom Šteins was referring, or their efforts in this direction were simply omitted from this record group.

Furthermore, enough general information was floating around in the ordinary press and in literature, Šteins maintained, not only to provide a general framework upon which to build his descriptions of the crimes, but also to allow him to offer seemingly intimate details:

Answer: It was likewise given me to know from post-1945 literature that before a dangerous assault, alcohol would be distributed to the soldiers. Since the [mass] shooting of people is also not an everyday affair, I thought to myself that the marksmen of the firing squads, in order to suppress their inner impulses, also received alcohol. That this was actually the case is purely coincidental.<sup>96</sup>

This is also how he claimed to have correctly told investigators about the distance between the perpetrators and their victims during the actual moment of shooting.<sup>97</sup>

Also, like basically all men of his generation and from that part of the world, Šteins had a certain knowledge base regarding military hierarchies, equipment, administrative procedures, and the like—not only from his experiences in other German-organized formations, but his pre-war military training in independent Latvia, as well.

Answer: I took from my knowledge of the military from my term of service with the bourgeois Latvian Army—about the structure of military units of the period—and thought to myself that such a thrown together [“zusammengewürfeltes”] Kommando at first could only have had a ramshackle [“lockere”] structure that was modeled after standard units like platoons and companies... I would have had to have

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<sup>96</sup>BStU ZUV 63 Band 25, p. 19. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 25 January 1979.

<sup>97</sup>Ibid.

understood absolutely nothing about military units not to have ‘accidentally’ guessed this [“um nicht so einen Zufall zu treffen”].<sup>98</sup>

Šteins simply adduced general recollections from the war. He said that his statements had also been informed by recollections of wartime conversations, rumors, general impressions, and the overall Zeitgeist. Furthermore, Šteins claimed, the lies he was telling investigators about the wartime events he was supposed to have taken part in snowballed over time. One lie, once established as correct, naturally led to the need to fashion a new series of lies which were the logical corollaries to the first. Once begun, there was no way to apply the brakes.

For example:

These statements are based on the fiction already set forth by me about the instruction to shoot weak Jews who remained behind [during the Ghetto clearing that was the first phase of the Rumbula Action]. Since during such large transports there are always some who hang back, I couldn’t suddenly just say that none were shot in our transport. That would have been completely illogical. So I had to make up that during the transport that I was allegedly with, Jews were shot on the roadside. I went on to preempt the question and straight away, as self-condemnation, said that I too had shot some on the side of the street.<sup>99</sup>

Cobbled together, all of these things, asserted Šteins, enabled him to create what only *seemed* like a credible firsthand account of the atrocities of the Arajs Kommando and his supposed participation in them.

At the same time he was making these retractions, Šteins also stood by most of his prior admissions, perhaps truthfully or perhaps tactically, of having committed lesser offences during that critical six-month period in 1941, such as the denunciation of pro-Communist students with whom he had been acquainted during the preceding year of Soviet rule, or

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<sup>98</sup>BStU ZUV 63 Band 27, p. 5. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 3 March 1979. When pressed, Šteins added that this only applied to the “bourgeois” Latvian army organizationally—it was not meant to condemn that institution as in character similar to the Arajs Kommando.

<sup>99</sup>BStU ZUV 63 Band 25, p. 47. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 1 February. 1979.

the overseeing of Jewish forced labor. The effect, he must have hoped, would be to enhance the seeming credibility of his other denials, even though the evidence for these other charges (in contrast to his proven membership in the Schutzmannschaft battalion) were even flimsier, lacking even witnesses such as the three Arajs Kommando men and were instead based only upon his own prior confessions.

As to his false post-war identity, Šteins claimed that he had feared for his life as an officer in the fascist armed forces first and foremost. In particular, this status made him subject to capricious abuse or revenge punishment or even summary execution by any member of the Red Army who felt inclined to mete it out, telling his questioners that “I used this document to save my skin: if someone, namely from the Red Army, had discovered me as a years-long opposing officer, the least that I had to fear was that someone in the first understandable [moment of] fury would mercilessly beat me up.”<sup>100</sup> This generic reason is not, as his first original defense strategy would have had it, because he feared that his specific deeds from 1941 might be uncovered and that he would, as a result, face specific charges and possible execution. Now, he offered instead the story that he had gotten stuck with the false name after adopting it simply because of his status as an ordinary officer fearful of grassroots proletarian vengeance. Even when the danger had passed, after having built his new identity in the years following the war, he said he realized that there was no way to simply resume using his real name.

Now there was no going back, I had to stay with this saving name. In the course of the following years, when it was necessary on various occasions to make specific statements on the period 1941–1945, I was forced to make these statements up. I had to stand by these statements as long as the Schrams name retained validity. This is the explanation for my persistent lies.<sup>101</sup>

In other words, he had become irreversibly trapped in what had begun as simply an expedient for personally avoiding collective punishment at the hands of the Red Army. Yet, this hardly explained his foresight in 1944

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<sup>100</sup> BStU ZUV 63 Band 1, p. 90. Stanislavs Šteins. “Erklärung.” Berlin, 22 September 1977. Also see: BStU ZUV 63 Band 2, pp. 72–73. Stanislavs Šteins. “Persönliche Niederschrift.” Berlin, 22 September 1977.

<sup>101</sup> *Ibid.*, pp. 90–91.

in procuring the false documents which he would only use much later. Few Legionnaires, including officers, would have taken pains to adopt a false post-war identity unless compromised by their past before joining the Legion.

As for his remarkable sketches produced during his cooperative phase, Šteins explained, for example:

On the basis of instructions from you, Captain sir, I made a sketch of the locations of the shooting positions in the Biķernieki Forest. Bearing in mind theoretical considerations [“gedanklicher Berücksichtigung”], I correctly identified [“richtig getroffen”] the location of graves 4, 5, and 12, as the sites of mass shootings in the summer of 1941 on the Soviet sketch provided for me with more than 30 graves [on it]. Thereupon I was additionally given [to understand], that at that time [summer 1941], shootings were conducted close to the street [“an der Strasse beginnend”] and thence ever deeper into the forest, and deduced from that the graves numbered 4, 5, and 12 on the Soviet sketch, which lay closest to the street. [The fact] [t]hat these logical considerations accord with the actual findings does not lie with me.<sup>102</sup>

As the investigators doggedly did their duty trying to deconstruct the denials in detail, the tone of Šteins’s replies gradually took on a repetitive and weary—or perhaps even impatient—tone. More and more frequently, rote declarations begin to appear in the transcripts that this or that statement was not based on personal experience but rather a fiction and that he could, therefore, not offer any factual enhancement.<sup>103</sup> Šteins’s increasingly bold attitude as he flaunted his cleverness for months on end obviously shows that he was not subjected to physical coercion and felt safe from immediate repercussions. Reading the questions of the interrogators during these months, it takes little imagination to detect marked frustration on the part of Captain Muregger and Major Engelhart regarding their by then quite familiar and previously compliant captive.

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<sup>102</sup>BStU ZUV 63 Band 25, pp. 19–21. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 25 January 1979.

<sup>103</sup>For one of countless examples, see: BStU ZUV 63 Band 25, p. 9. Stanislavs Šteins. “Venchmungsprotokoll.” Berlin, 24 January 1979.

On 22 February 1979, close to two months after his total embrace of the new strategy, Šteins decided that he had had enough. “I am of the opinion that I have been sufficiently [“genügend”] deposed on [the subject of] my actions in the second half of 1941 and on my retractions in connection with these. I will not answer further questions in connection with this.”<sup>104</sup> If the terror of his investigators and the extradition to the USSR that he first presumed awaited him had ever been real, it had clearly vanished by early 1979. These are not the words of someone afraid of his interrogators.

Indeed, at that point the interrogations of Šteins largely ceased.<sup>105</sup> The investigators gave up on the idea that he had anything else useful to say. While Šteins awaited his fate over the following months, they concentrated their efforts instead on deposing other witnesses in preparation for the trial.

To the very last, Šteins denied having ever shot anyone.

### *The Reasoning of Stanislavs Šteins*

What had changed? Why did Stanislavs Šteins suddenly turn his entire previous cost-benefit analysis—such as it was—upside down and abandon the strategy he had been using for well over a year? Attempts to mentally reverse engineer the reasoning behind his change in strategy must necessarily remain speculative, but some hypotheses do recommend themselves by way of explanation. First, Šteins himself put forward a multilayered accounting of his sudden change of heart. However, there is a more persuasive explanation.

To begin with, Šteins does not seem to have chosen his timing based on any specific objective. For example, he could have tried to maximize the disruption caused to the prosecution’s case by unveiling his new strategy right before, or perhaps even during, the Main Proceedings, once the dates were set. Instead, he seems to have simply plunged into full-scale denial randomly one day, after some months of extending more

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<sup>104</sup>BSStU ZUV 63 Band 25, p. 58. Stanislavs Šteins. “Ergänzung zum heutigen Vernehmungsprotokoll.” Berlin, 22 February 1979.

<sup>105</sup>There were still a few scattered depositions. See, for example: BSStU ZUV 63 Band 27, pp. 2–7. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 3 March 1979.

or less cautious feelers to determine what his opponents actually knew beyond what he had been telling them.

On ordinary days, Captain Muregger alone handled Šteins's interrogations. Evidently, with the turmoil Šteins's abrupt reversal was causing to the investigation, his superior, Major Engelhart, began to take an ever more active and hands-on role. His signature on the bottom of the depositions, very rare when the case was being smoothly constructed with the cooperation of the accused, appears more and more frequently at this terminal stage. Many times, he asked Šteins why he had been so eager to falsely incriminate himself. And many times, the same reply would be made:

When I was arrested, I knew that I was living under a false name and was actually a Soviet citizen. I told myself that if I made no statements, I would be evaluated as stubborn [“als verstockt eingeschätzt”] and extradited to the Soviet Union for treason [“Vaterlandsverrat”]. I could not do that to my family. My wife wouldn't have survived it. I was afraid that witnesses would possibly testify about things that I have forgotten and that it would be easier for me to pre-empt you with confessions [“ich ihnen mit Geständnissen zuvorkomme”]... I know that I am in a Catch-22 [“daß ich in der Zwickmühle sitze”]. The Captain has already put that very same question to me.<sup>106</sup>

To the bewildered and fearful mind of a suddenly arrested Stanislavs Šteins in 1977, if perhaps not in actual reality, the Soviet Union implicitly served as a giant ‘bad cop’ to the East German ‘good cop.’ His initial fear of extradition and possible execution in the USSR can probably be taken at face value. Although the record nowhere shows that it was ever actually explicitly threatened by the authorities, Šteins frequently adduced his fear that he would be sent to the Soviet Union as punishment if the investigators were not satisfied with his level of cooperation.

As his fear of extradition to the USSR had gradually abated, Šteins explained, he felt more confident that he could tell the actual, self-exculpatory truth:

Today I have so much trust in the investigating officials that I no longer fear extradition to the Soviet organs. Were this trust to be disappointed,

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<sup>106</sup>BStU ZUV 63 Band 25, pp. 4–5. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 12 January 1979.

it would be very tragic for me and for my family. To have extenuating circumstances be considered [“mildernde Umstaende zugerechnet zu bekommen”] is, in my opinion, only possible if one tells the truth without reservation. I did not think this way in 1977.<sup>107</sup>

In giving his explanation for his dramatic reversal, Šteins apparently did not find it beneath himself to flatter his interrogators and appeal to their mercy. For that matter, Šteins also admitted that he was never actually told what to say, nor physically abused by the East German agents of justice, and that he was never even called a liar.<sup>108</sup> But nevertheless, he said that he *felt* intimidated at first.

With his fear of extradition apparently assuaged, Šteins felt secure enough to further elaborate on his original reasoning: “In addition [to attempting to avoid extradition to the USSR], I also believed that I would be sentenced more mildly by the Court if I spoke about participating in crimes against humanity.”<sup>109</sup> By this, he meant that he at first anticipated a negative reaction—with correspondingly negative consequences for him—unless he was willing to indict himself, so great had been his fear of being dealt with by Soviet justice. Evidently, his increasing familiarity with his assigned East German interrogators over the course of his first year in custody gradually diminished his terror. As he acclimated to his new situation, he became more and more comfortable.

Šteins also self-servingly and rather audaciously cast his retractions thusly in an attempt even to lay claim to the moral high ground:

*Out of pure love for truth* and because of the thought that these false statements of mine could give a false picture of my reality before the Court, as I made clear to the prosecutor on 12 January 1979, I have withdrawn my statements about the eviction [“Vertreibung”] of Jewish business owners, the arrest of Communists, all of the circumstances of the actions related to the Biķernieki Forest, as well as the liquidation of the Rīga Ghetto [emphasis added].<sup>110</sup>

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<sup>107</sup>BStU ZUV 63 Band 25, p. 35. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 30 January 1979.

<sup>108</sup>BStU ZUV 63 Band 3, pp. 11–12. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 26 September 1978.

<sup>109</sup>BStU ZUV 63 Band 25, p. 35. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 30 January 1979.

<sup>110</sup>Ibid., pp. 35–36.

Lastly, he also said that he had been thinking about his family and possibly his own legacy: “Were the answer for my family to remain ‘guilty,’ I cannot reconcile [“vereinbaren”] this with myself: then why didn’t you later recant?”<sup>111</sup>

There is of course another, more likely, explanation. Realizing how little actual evidence the prosecution possessed, while all along becoming increasingly familiar with and less fearful of his prosecutors, Stanislavs Šteins decided to roll the dice. Deciding that he had nothing to lose, rather than go down as a self-convicted patsy, Šteins tried to see if he could get away with a clever but contrived recantation.

### *The Verdict and the Penalty*

No doubt chagrined, but apparently undeterred by Šteins’s radical, comprehensive, and consistent disavowal of the most damning of his previous admissions, the prosecutors stubbornly stuck with their indictment, which remained completely unchanged despite the shifting evidentiary ground. The prosecution refused to be persuaded by Šteins’s representations that he had falsified his testimony in order to ensure that the authorities were satisfied by his cooperation, saying that these were “insufficient [“untauglich”] to compromise [“beeinträchtigen”] the evidence.”<sup>112</sup>

The prosecution’s counterargument to Šteins’s retractions mentioned only four examples of things that Šteins would never have been able to guess had he not been a member of the Arājs Kommando: the location of Arājs’s office and the sleeping quarters within the Valdemar Street headquarters; that the Kommando initially wore civilian clothes with, eventually, two different types of armband; what those armbands looked like; and that initially, Arājs’s exact rank was ambiguous and therefore he was simply referred to as “the Chief.”<sup>113</sup> Mention of any of the rest

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<sup>111</sup>Ibid., p. 36.

<sup>112</sup>BSStU ZUV 63 Band 27, p. 17. Der Generalstaatsanwalt der deutschen demokratischen Republik. “Anklageschrift.” Berlin, 5 June 1979.

<sup>113</sup>BSStU ZUV 63 Band 27, p. 318. “Hoher Senat! Die Beweisaufnahme in der Strafsache gegen Stanislavs Steins ist abgeschlossen.” Berlin, ca. September 1979.

of the examples was simply omitted from his statement to the Court. Unfortunately, the closing argument for the defense, if one took place, does not appear in the records.

After a two-year investigation, the two-week trial of Stanislavs Šteins lasted from Tuesday, 18 September 1979 until Monday, 1 October 1979, meeting in seven sessions.<sup>114</sup> Of the main charges for the period July through December 1941: denouncing four Communists; confiscating and occupying a Jewish family's apartment; being a member of the Order Police; taking part in shootings in Biķernieki; guarding the columns in the Rumbula Action—and, most significantly for our purposes, being a member of the Arajs Kommando for an unspecified period of time, Šteins was found guilty at the *Bezirksgericht*, or District Court, at Potsdam and sentenced to life imprisonment, the seizure of some of his property by way of paying the court's expenses, and the forfeiture of his rights as a citizen of the German Democratic Republic, such as they were.<sup>115</sup> The *Obersten Gericht*, the Supreme Court of the GDR, upheld the sentence, with some insubstantial adjustments regarding the justifications.

### *The Probable Truth*

What can be said to have been most provably established over the course of this East German process? Are the claims that Šteins had ever been a member of the Arajs Kommando convincing? What actually happened?

If one sets aside the self-incriminating and subsequently recanted testimony of the defendant, the remaining evidence is inconclusive. The

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<sup>114</sup>BStU ZUV 63 Band 27, p. 24. "Verfügung." 29 July 1979. Also see: BStU ZUV 63 Band 27, p. 83. "Öffentliche Hauptverhandlung des Bezirksgerichts Potsdam." Potsdam, 18 September–1 October 1979.

<sup>115</sup>BStU ZUV 63 Band 27, p. 83. "Öffentliche Hauptverhandlung des Bezirksgerichts Potsdam." Potsdam, 18 September–1 October 1979. The Court was convinced that he promptly turned informant on his fellow editors and denounced at least four students (functionaries of the CPSU or Komsomol [All Union Leninist Young Communist League/Vissavienības Ļeņina Komunistiskās Jaunatnes Savienība, VĻKJS]), two of which fell into the fascists' hands and were killed: Antons Bruwers and Jānis Logiņš, the latter of whom was sent to the Salaspils camp as a result, and died there. The actual name of Stanislavs Šteins was never connected to these events. See, among other examples: BStU ZUV 63 Band 22, pp. 95–99. *Padomju Students*. "Es gab keine unbekanntenen Helden." 24 February 1960.

documents prove his membership in the Order Service in the autumn of 1941 and sufficient connections with or services rendered to some kind of collaborating police unit to have received a Jewish apartment quite early in the German occupation, but not membership in the Arajs Kommando or personal participation in killing Jews at Biķernieki and Rumbula. The only evidence bearing on his possible service in the Latvian Auxiliary Security Police was two problematic testimonies and three documents. These will be evaluated in detail below. The point is that the evidence can neither confirm nor deny Šteins's membership, the prosecution's insistence notwithstanding. No piece of evidence or witness testimony was ever produced that proved directly his participation in any specific crime, for that matter, although the volume of circumstantial evidence makes it extremely probable that he did.

Of the two convicted former Kommando members who claimed to recognize him from the unit and whose statements were considered valid by the GDR's Supreme Court, Bedelis wildly contradicted the documentary evidence regarding Šteins's supposed exit date. He placed Štein's discharge in the summer of 1942 at the earliest, a date which the documents clearly refute as incorrect by at least ten months. While errors in dating are common, if not practically universal, in such testimonies, Bedelis's testimony also offers more serious reasons to treat it with extreme skepticism. For instance, he himself did not generate the name "Šteins" during his questioning: it was given to him. Nor did he recall one of Šteins's most important features: his multilinguism. For his part, the only other key witness, Proškovičs, could not remember Šteins's name even *after* it was supplied to him and, as we have seen, eventually conceded that he might not actually even recognize the man. Besides these flawed and problematic perpetrator-witness testimonies, no extant documents tie Šteins to the Kommando. It might be mentioned here that the name also never appears in Professor Andrew Ezergailis's exhaustive investigation into the Latvian SD—a one-man investigation seemingly superior to the entire Stasi effort, it may also be said.<sup>116</sup> Also,

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<sup>116</sup>Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga: The Historical Institute of Latvia in Association with the United States Holocaust Memorial Museum, 1996. Appendix 2. "German and Latvian SD in Latvia: Members of the Latvian SD, 1941–1944," pp. 284–391. The list contains the names of 1188 individuals and represents our most comprehensive estimate of the personnel composition of the Latvian SD, including naturally the Arajs Kommando.

although meaningless on many obvious levels, Viktors Arājs himself, when asked, denied knowing Šteins. Upon request, the Hamburg Court asked Arājs about Šteins on behalf of their East German colleagues, to which Arājs simply replied:

I do not know this man. I neither met him as a student at the University of Rīga [sic.] before the German invasion, nor do I remember him as a member of the Latvian Auxiliary Security Police unit in Rīga as of July 1941.<sup>117</sup>

Perhaps thinking of his own fate, with his own trial in its final months, Arājs was not willing to say anything more. Virtually on the eve of the passing of their respective judgments—on 1 November 1979—Šteins issued one last eleventh hour appeal “for the clarification of my activities in the second half of 1941 in Rīga” to call Arājs once more to the stand.<sup>118</sup> This second request was denied.

Turning to the three documents: the first is the July 1941 entry in the house book of Šteins’s formerly Jewish-owned apartment where his occupation is listed as “policijas palīgdienests,” literally: “police auxiliary service.”<sup>119</sup> According to the registry dutifully maintained by the superintendent of the apartment building, Rebeka Gurevičs, age 54, and Mozus and Urijs Gurevičs, ages 29 and 27, had moved into apartment 30 at Brīvības iela (“Freedom Street,” later successively “Adolf Hitler Street” and “Lenin Street”) Number 35 on 29 November 1939. Together, this group would tenant the apartment until 7 August 1941, at the latest, on which date Alberts Pūdņiks, Vladislavs Siņiņš, and Stanislavs Šteins took up residence there. When he was asked by his East German investigators about his knowledge of the fates of the previous residents of the apartment, Šteins told them that “I can only explain this such that these persons had either left Rīga before the occupation or

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<sup>117</sup>BSStU ZUV 63 Band 27, pp. 63–65. “Protokoll über die Vernehmung des Viktor Arajs.” Hamburg, 3 August 1979. Perhaps strangely, this brief deposition does not appear in the trial records in Hamburg, but it does appear in the East German records. Also, Arājs incorrectly gives the wartime German occupants’ name for the University of Latvia, which he attended in the 1930s.

<sup>118</sup>BSStU ZUV 63 Band 27, pp. 412–413. Stanislavs Šteins. “Betrifft: Meine Berufung.” Berlin, 1 November 1979.

<sup>119</sup>LVVA. Fond 2942. Apr. 1, p. 2145. “Mājas grāmata, Brīvības iela 35 dz. 30.”

were deported [“verschleppt”] somewhere in the first days of July 1941. I myself had nothing to do with it.”<sup>120</sup>

Listing their occupations, all three of the new residents, Pūdņiks, Siniņš, and Šteins wrote “police auxiliary service.”<sup>121</sup> Šteins’s potentially criminal wartime activities are concealed behind that enigmatic phrase, translated by the East Germans as “Polizei Hilfsdienst.” Certainly it could be applied to the Latvian Auxiliary Security Police, but it could equally have applied to the Order Police. The probable criminal wartime activities of Stanislavs Šteins, as well as those of his roommates, are strongly suggested but also effectively concealed as to any of their specifics behind that imprecise phrase, which is broad enough to encompass the widest possible array of German-organized police and paramilitary units that proliferated in the period immediately following the switch in occupation regimes. In short, Šteins’s employment as a police collaborator from the earliest days of the German occupation *is documented*, even if the exact nature of the unit and any particular crimes he may have committed are not. However, to get a Jewish apartment that quickly at least strongly suggests deep involvement and prominent standing in a unit dealing with the killing of Jews at a very early date. For such a quick transfer of the spoils, the deal most probably had to have been lined up even before the apartment became “available” by those in the know. In other words, this document is damning, irrespective of his unproven membership in the Kommando.

Secondly, there is the January 1945 Waffen-SS document sent to the Rasse- und Siedlungshauptamt, or “Race and Settlement Main Office,” where it is written that Šteins was a member of “the Schutzmannschaft”—specifically *not* the Arajs Kommando—beginning on 5 August 1941.<sup>122</sup> When first asked about it in the earlier months of the investigation, Šteins actually tried to *explain away* this evidence,

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<sup>120</sup>BSStU ZUV 63 Band 2, pp. 147–148. Stanislavs Šteins. “Vernehmungsprotokoll.” Berlin, 27 September 1978.

<sup>121</sup>Neither Siniņš nor Pūdņiks are anywhere documented to have been members of the Latvian SD. Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Rīga: The Historical Institute of Latvia in Association with the United States Holocaust Memorial Museum, 1996. Appendix 2. “German and Latvian SD in Latvia: Members of the Latvian SD, 1941–1944,” pp. 388–389.

<sup>122</sup>BSStU ZUV 63 Band 18, pp. 142–144. Stanislavs Šteins. “Dienstzeitbescheinigung.” 20 January 1945.

even though it was extremely favorable to him in terms of proving that he had not been a member of the Arajs Kommando.<sup>123</sup> This document was shown to Šteins on 18 April 1978 and should have settled that part of the case which concerned his membership in the Arajs Kommando.<sup>124</sup> If he *had* indeed joined the Arajs Kommando on day one, as it were, Šteins still could not have been a member for more than 36 days, or five weeks. The totality of the records on the subject of the Arajs Kommando gives no reason whatsoever to believe that one could be a member of the Arajs Kommando *and* another police or paramilitary unit simultaneously. Therefore, this Waffen-SS document *alone* proves that as of 5 August 1941, Šteins was in the Schutzmannschaft, not the Arajs Kommando. Moreover, it lists no service prior to that date.

The fact is that the document sent to the Race and Settlement Main Office puts Šteins's enlistment in the Schutzmannschaft—5 August 1941—two days before his move-in date at a freshly confiscated Jewish apartment, proving that at least some Schutz männer were generously compensated with the poisoned fruits of the persecution of their countrymen, the Latvian Jews. Since Himmler only approved the creation of the Schutzmannschaften in late July 1941, Šteins must have been in the very first wave of official recruits. The exact mechanism by which apartments and other booty were doled out to the perpetrators in Latvia—whether it was controlled centrally by the Germans or on a micro-level by Latvians—remains to be established by historians. Either way, given the time needed to process such things, it is at the very least possible that Šteins was already in some collaborator unit before joining the Schutzmannschaft in early August. If Šteins was already in the Arajs Kommando as he initially confessed, the transfer of an experienced volunteer of proven reliability to help form the cadres of a new Schutzmannschaft unit would have been neither an implausible career path nor inconsistent with the existing evidence.

Thirdly, a certificate was obtained from the archives in Rīga proving that Šteins was in the service of German security forces dated 29 November 1941. It was signed not by Arājs but by Osis, the Latvian Order Police commander. That is, he received his documents not from the “chief” of the Latvian Auxiliary Security Police, but instead from the

<sup>123</sup>BStU ZUV 63 Band 3, pp. 165–169. Stanislavs Šteins. “Vernehmungprotokoll.” Berlin, 18 April 1978.

<sup>124</sup>Also see the related: BStU ZUV 63 Band 18, p. 148. Stanislavs Šteins. “Gebühniskarte.” 21 March 1945.

commander of the Rīga Schutzmannschaft—right in the middle of the period between the first and second Rumbula shootings, no less. Asked how this could be so, Šteins himself waffled during his “cooperative” phase, but proposed that at the time, acknowledgment of membership in the Kommando may not have been permitted for security reasons. Confronted immediately by the investigators with a document reproduced in *Daugavas Vanagi—Who Are They?* of precisely such a document, this one issued to another man by the Latvian Auxiliary Security Police on 18 December 1941, Šteins was unable to answer.<sup>125</sup>

These several most important pieces of evidence point to this conclusion: if Šteins actually belonged to the Kommando prior to signing up with the Schutzmannschaft, then he can be said to have voluntarily abetted and almost certainly personally committed terrible crimes. This was, of course, one reason the prosecutor insisted that he had been. But he could only have belonged to the Kommando for a maximum of 36 days. In the Arajs Kommando, between 1 July and 5 August 1941, however, an eager man could certainly have made his mark in the annals of atrocity. Perhaps the apartment was even a bounty for especially gratuitous participation in the crimes, which compensated for his possibly ‘losing his nerve’ and requesting transfer to a less blood-soaked outfit, if that is what happened. Likewise, *even if Šteins had never been a member of the Kommando, he could very easily still have committed like crimes of equal gravity.* As an example: the Order Police were as instrumental in the commission of the sweeping of the Rīga Ghetto and the Rumbula Action as the Arajs Kommando—possibly more so, in view of their greater numbers. And the false identity that he adopted after the war virtually underwrites his guilt in some capacity.

Puzzling in particular is the insistence of Busse and Krüger, the East German prosecutors, upon Šteins’s membership in the Arajs Kommando given the evidence that nearly contradicted and certainly failed to corroborate the claim. Yet this alleged affiliation ranked as the very first charge in the indictment before the Court, although it was, as this chapter has shown, flimsy in the extreme—especially compared with his provable membership in the Schutzmannschaft and the proven rewards

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<sup>125</sup>BSStU ZUV 63 Band 3, pp. 106–107. Stanislavs Šteins. “Venehmungsprotokoll.” Berlin, 22 September 1978. It should be pointed out that the document in question is not itself reproduced in the record group, making it impossible to verify its authenticity.

he gained at the expense of Jews. Probably, the East German prosecutors did not want to get into the business of selectively accepting Šteins's retractions. Why risk their credibility by respecting his claim not to have been in the Kommando but ignoring his claim, for example, not to have participated in the shootings in Biķernieki and Rumbula? At the same time, in Hamburg, the prosecutor dropped far and away the greater number of possible charges against his defendant that were more difficult to prove than his participation on the second day of Rumbula because the maximum penalty could be still obtained without them, rendering them superfluous from a punitive—while not, of course, an historical—standpoint. The same penalty was sought by prosecutors in both East and West Germany. It seems incredible given Soviet efforts to establish the Schutzmannschaften as roughly equivalent criminal units to the Arajs Kommando as in, for example, the 1965 Rīga Trial and attendant promotional media that have already been discussed, that the East German prosecutor did not behave similarly.

The insistent fixation on Šteins's supposed membership in the Arajs Kommando beyond the earliest weeks—ostensibly because the two best, though still dubious, witnesses claimed Šteins was with them in the Kommando long thereafter—caused the investigators and the prosecution to miss other potentially valuable avenues. For instance, the case could at least have provided a highly valuable window into the Schutzmannschaften—a controversial subject—if the red herring of Šteins's possible (but at most very brief) involvement with the Arajs Kommando had not fruitlessly and to no purpose consumed so much energy and attention.

#### SUMMARY

*The mishandling of the case and the unsubstantiated conclusion of the verdict on the question of his membership in the Latvian Auxiliary Security Police in no sense exonerates Stanislavs Šteins.*

The evidence virtually assures that Šteins was at least present at criminal events in Rīga in the second half of 1941, although the form and extent of his personal participation and in which particular collaborating killing unit is now indeterminable. Nevertheless, that he somehow took part, probably in an exceptional way, can be practically regarded as proven by dint of the fact that he was installed in an apartment from which a Jewish family had been forcibly ejected barely a month into the

German occupation. He also felt compelled to change his identity at the war's end, indicating strongly that he was guilty of something. Ordinary legionnaires, even officers like him, were not preparing false identities in 1944 as cover in case of Soviet victory.

However, the East Germans simply tried to prove too much, and when they could not prove everything, they proceeded with the whole list of charges anyway and still obtained the desired conviction. This is all the more disappointing because there was perhaps enough circumstantial evidence on specific points to justify a conviction without insisting on the inviolability of a needlessly inflated indictment. The inflexibility of the investigators combined with Šteins's bizarre 'defense' strategy of enthusiastically admitting to everything and more, in effect trying to convince his investigators of his own guilt and, premeditatedly or not, stringing them along—only to pull the rug out from under them—ultimately renders the verdict of the East German Courts and their various findings almost useless for the purposes of historians trying to learn about the Holocaust in Latvia.

Some surprising insights can, however, be gained from the Ministry for State Security's treatment of this one suspected Nazi criminal in the 1970s. The Stasi's general odiousness has been well documented.<sup>126</sup> While it must be remembered that the Stasi personnel who investigated, prosecuted, and convicted Stanislavs Šteins were themselves members of a notorious secret police apparatus, this case reveals a quite different glimpse of that larger picture.<sup>127</sup> For one thing, Šteins received far more prolonged investigation than he would have in a Soviet summary trial immediately after the war. Indeed, he was accorded an extraordinarily painstaking, years-long process of investigation that was taken very seriously, even if handled badly, by the authorities. Secondly, Šteins was not physically coerced, and the threat of death or extradition, even if it existed at one point in his own mind, was never actually threatened or even insinuated by the interrogators. This is certain because he admitted as much himself when trying to explain his sudden decision to cease cooperating. That he was not subject to violence is further proven by his

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<sup>126</sup>For a powerful story of one person's encounter with the Stasi, see: Timothy Garton Ash. *The File: A Personal History*. New York: Vintage Books, 1998.

<sup>127</sup>Amongst the literature, see especially the dispassionate and fair: David Childs and Richard Popplewell. *The Stasi: The East German Intelligence and Security Service*. New York: New York University Press, 1996.

increasingly brazen behavior toward the investigators that showed anything but fear. Thirdly, while much Communist rhetoric appeared in the documents prepared by the prosecutors for the Court, ideology did not play much of a role in the actual investigation itself or distort its conclusions beyond the semantic level—with the consistent exception of the partial or total elision of the identity of the victims as Jews.

Ultimately, the investigators were not very skillful, and after he reversed his strategy, Šteins seems to have been much cleverer than they were. If anything, the GDR interrogators and prosecutors here appear far more incompetent than sinister.

### *The Last Case Study*

All of this was taking place outside of the public eye.

Elsewhere, trials related to former members of the Latvian Auxiliary Security Police would soon be taking place in the light of day. Many in the Latvian exile communities in the West took a hard line towards any Soviet involvement, deeming all Communist procedure corrupt, all Communist evidence bogus, and all Communist testimony coerced and falsified. This chapter has shown that while “due process” by Western standards was not met in East Germany, the evidence was not faked and the testimony, while flawed and otherwise problematic, was not coerced. Indeed, if fakery and coercion had been employed, the outcome of the investigation would not have been so obviously muddled, inconclusive, and unsatisfying.

This study now turns to the efforts of the United States to deliver justice to the former members of the Arajs Kommando living in its jurisdiction.

## The United States: Perjury, The Public, and The Passport

### OVERVIEW

Internationally, the United States was the latecomer to the process of judicially settling accounts with the criminal actions of the Arajs Kommando. Neither the Nuremberg Trials nor any commission under American aegis in the immediate post-war period undertook to specifically investigate the Kommando and its crimes. Unlike the governments of the Soviet Union and what became West and East Germany, after the initial legal reckoning with the Nazis in the middle and late 1940s, the government of the United States by and large considered the whole matter of Nazi crimes closed. While unfortunate, there are fairly simple explanations for this lapse.

In the first instance was the Cold War against the Soviet Union. The Nazis and sundry collaborators who were confidently known by the authorities to be on American soil—most famously, men like the rocket engineer Werner von Braun, but also a host of other men working for the clandestine services in the struggle against Communism—were safely on the government's payroll.<sup>1</sup> In this connection, two intertwined issues rendered Latvian Holocaust perpetrators virtually invisible in the Unites

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<sup>1</sup>Vilis Hāznerns and Edgars Laipeniekis, two Latvians living in the United States against whom charges were eventually filed, did work for the CIA, as did likely quite a few more—both in the CIA and other capacities. US prosecutors failed to prove their case against either man.

States into the 1960s. First, there was the conscious use of known Nazis and collaborators as Cold War tools against the Soviets. And second, there was the tendency to see all refugees from Eastern Europe and especially the Baltic states, as understandably fleeing from Communist tyranny—rather than, as some of them were, fleeing from post-war justice. Thus, the Cold War was a key factor.

Another reason that a systematic attempt was not organized until the trial of Viktors Arājs himself was already nearly concluded in West Germany was that the events in question were fairly remote from American public consciousness and seemed disconnected from the United States and its government in a way that they were not in either Germany or the Soviet Union. The crimes of the Nazis' Eastern European collaborators like those of the Latvians in the Arajs Kommando seemed especially distant from the realm of American legal competency, jurisdiction, or concern. The relevant offenses were, after all, committed on foreign soil by other nations' citizens against people who were not Americans. If such men were still living free somewhere, it seemed to be someone else's problem. Nuremberg was supposed to have done the job of dealing with the main Nazi criminals. European and Soviet courts, it was presumed, could be relied upon to deal with any smaller fry as the need arose. The 1950s and the 1960s mostly passed quietly for the American Latvian community in exile in the United States. Neither the Holocaust nor the Eastern Front was yet at the center of American memory and consciousness about the Second World War, so Eastern European collaboration in the Holocaust was doubly distant.

In the 1970s, however, two sweeping trends in public opinion dramatically recast the relationship between the American Latvians on the one hand and both the mainstream American public and the US government on the other. First, the American public's consciousness of the Holocaust dramatically increased. An expanding volume of scholarship was emerging, survivors generally were more willing to speak, and popular culture was being affected by events like the release of the *Holocaust* television miniseries. A commission under the Carter administration recommended the foundation of what was to become the United States Holocaust Memorial Museum. At the same time, attitudes toward the Soviet Union were softening considerably for a variety of reasons to do with diminishing appetites for military adventures abroad after Vietnam and the terrors involved with mutually assured destruction. The Latvian American community found its former special victim status in American

society much diminished and its aggressive anti-Communism reduced to an increasingly fringe position.

Even then, tiny Latvia was not on anyone's mind. It was only with the gradual realization that some, and perhaps many, of the lower level perpetrators of the Holocaust had successfully eluded justice in Europe and, instead of dwelling in some benighted South American autocracy, had in fact settled in the United States of America—and *were enjoying their rights as naturalized American citizens, no less*—that a whole new method of yet again legally dealing with the backwash of Nazism had to be, and was, devised.

Thus three and a half decades passed after the end of the Second World War before determined and coordinated efforts were resumed, this time designed to mete out a measure of justice to those criminals who had slithered through the net the first time. To identify and punish such persons, Congress, largely due to the initiative of Congresswoman Elizabeth Holtzman, established the Office of Special Investigations (OSI) in 1979, just months before the Arājs verdict was read. Those who belonged to this all-volunteer agency of the Criminal Division of the United States Department of Justice, became America's dedicated "Nazi Hunters." The OSI officials in charge of this effort put forward fairly wild initial estimates of the number of "Nazi persecutors," as they were officially termed, residing in the US. This figure was placed at the level of approximately 10,000. By 2006, cases had been brought against exactly 134 individuals, out of a total of about 1500 persons who were investigated.<sup>2</sup> All told, 83 people would be denaturalized and 62 would permanently depart the United States as the result of US efforts.<sup>3</sup>

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<sup>2</sup>Allan A. Ryan, Jr. *Quiet Neighbors: Prosecuting Nazi War Criminals in America*. San Diego: Harcourt Brace Jovanovich, Publishers, pp. 26–27. Mr. Ryan was the Director of the Office of Special Investigation from 1980 to 1983. Much more will be said about Ryan and this agency below. Not only Ryan, but other OSI personnel as well, including both his predecessor and successor as Director, in the early days also promoted the number. See: Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. v. The actual figure of 134 is found in *Ibid*, p. 569. For the 1,500 number, see: *Ibid.*, p. ix, fn. 4. When the report was published, the agency still had several more years of existence before it was folded in with another unit, and thus this figure does not necessarily represent the exact final total.

<sup>3</sup>*Ibid.*, p. v. The phrasing in the report makes it unclear whether the 62 who permanently left the United States were a subset of the 83 who were denaturalized, or overlapped with that group, or were in addition to that group. The numbers add up to 145, or more

Among the charged were 13 men of Latvian origin living in America, a figure representing almost exactly 10% of the total prosecutions of the OSI and its predecessor, the less effective Immigration and Naturalization Services (INS) Special Litigations Unit that it replaced. Most of the remainder consisted of Ukrainians and Germans or Austrians, together with a moderate proportion of Lithuanians and a smattering of Poles, Romanians, Hungarians, and “Yugoslavians”—in the day’s parlance—who were mainly of Croatian background. Of the Latvians, two men were convicted in court; one fled the country and was essentially presumed to be guilty; four died before their respective cases could be resolved; two reached settlements with the government, forfeiting their citizenship in return for being left alone until their health improved or they died; and four won their days in court. Seven cases of this baker’s dozen were brought against suspected former members of the Arajs Kommando, but only one of them was convicted outright.<sup>4</sup> That case, against Konrāds Kalējs, will be one focus of this chapter.<sup>5</sup>

Suspects in the Soviet Union had been accused of high treason against the Soviet people or the Motherland, war crimes, and—as also in East Germany—crimes against humanity; in West Germany, they had been tried simply for murder as defined by the pre-war penal code. An outstanding peculiarity of the American experience in the context of this study was that in the United States, suspected “Nazi persecutors” were merely accused of perjuring themselves on their immigration and citizenship application documents with regard to their wartime activities. As a

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Footnote 3 (continued)

than the total numbers of cases filed, meaning that if the latter were true, some suspects fled the country when they realized they were under investigation.

<sup>4</sup>As to the other accused Arajs Kommando members: Arnolds Trucis (d. 1981), Boļeslavs Bogdanovs (d. 1984), and Edgars Inde (d. 1988) died while the proceedings against them were ongoing. Both Miķeļis Kiršteins and Valdis Didrichsons relinquished their United States citizenship, while the government agreed to refrain from prosecuting them unless their respective health conditions improved. Kārlis Detlavs actually never became a citizen and deportation proceedings against him failed in District Court and again on appeal. For summaries of these cases, see: Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 573, 577, 584, 596, and 587.

<sup>5</sup>For some reason, his first name is occasionally given as Kondrāts. In such cases, the identical Kalējs is meant.

consequence, if convicted, they did not face imprisonment for the felony of murder or even worse. Rather, their citizenship was to be revoked and then they could be deported to their country of choice, should it be found willing to take them. The legal stakes—and concomitant repercussions that existed outside of the formal law, it must be remembered—in the Communist trials were high. There, the accused faced decades of dangerously hard labor or sometimes even outright execution while their families could rely on becoming *personae non grata*. In West Germany, a conviction could result at maximum in the imposition of a life sentence and individual public mortification and disgrace, though for most such convictions the prison sentences were much shorter. In the United States, the maximum penalty by law was loss of citizenship and possible eventual deportation—quite distinct from extradition—and, obviously, a perfectly blackened reputation and associated unofficial social and familial fallout.<sup>6</sup> Incredibly, even a deportation order from a court did not legally brand a respondent as “criminal” because, as immigration cases, the suits against these men were civil in nature, rather than criminal.<sup>7</sup> Still, much can be made of the moral significance of the state casting such individuals out of the circle of citizenship and banishing them in opprobrium.

But however relatively trifling these penalties were in view of the gravity of the mortal offenses involved and the small number of people to whom they were eventually applied, the trials themselves had a dramatically outsized effect on the Latvian exile community living in the United States. Excerpts from this author’s interview with the solitary figure of the American Latvian defense attorney who virtually single-handedly represented the American Latvian respondents will be interspersed throughout the chapter to discover something of the motivations behind this often overlooked category of participants in the process. *The only interview this gentleman, Mr. Ivars Bērziņš, has ever granted to any*

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<sup>6</sup>A Ukrainian-born naturalized citizen, Albert Deutscher, committed suicide the day after the OSI filed a denaturalization case against him in December 1981. Michael Popczuk, also born in Ukraine, committed suicide in June 1983, six days after the OSI filed an action against him. In total, at least seven men committed suicide in response to the OSI’s investigations or filings—rather a remarkable statistic. Another was killed by police after he produced a firearm and threatened reporters. Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 561, 567 fn. 14, 577, 598.

<sup>7</sup>Ibid., p. 540.

*representative of the press or the academy* contains several highly interesting and important insights from *by far* the least understood perspective of the multifaceted subject of these trials: that of the legal defenders of those who technically were charged with fraudulent entry into the country but in the wider sphere of the press and public opinion in fact stood accused of the most terrible crimes. The objective here is to use the legal aftermath of the Arajs Kommando's crimes as a prism through which to view not only the American justice system as it was constituted to combat Nazi fugitives, but also to understand the American Latvian community with which it was necessarily in dialogue. The self-concept and self-justifications of this segment of the population, of which Bērziņš was a prominent part, in the midst of the latter stages of the Cold War, are as poorly understood as he is and merit an investigation in order to fully comprehend how America reckoned with the Holocaust in Latvia. The attitudes of this increasingly lonely and fearful group towards the Second World War, the Holocaust, the Soviet Union, and the United States government will be another major area of exploration in this chapter. It will show that if the American Latvian community behaved badly in terms of its response to the trials and with hearts hardened to the past suffering of others, then there were at least fathomable reasons for this response.

An important underlying theme of this chapter, therefore, is the complicated relationship between law and public opinion in a free society. Political volatility can spring from the least expected quarters, even the seemingly uncontroversial proposition of prosecuting suspected Nazi war criminals. The investigations and trials at hand uniquely crystalized Cold War America's ethnic and political cleavages. As the belligerent Cold War paradigm gave way to an era that recognized the Holocaust and sought briefly at least some level of accommodation with the Soviet Union and then revived during the American right's reinvigoration in the 1980s, these trials revealed hidden political alliances, ethnic prejudices, and previously unnoticed passions. They all tested the impartiality and independence of American justice and some actually ignited violence.

Also deserving of some description is the role of the indigenous American allies of the American Latvian community regarding the OSI's investigations, the Soviets, and the Holocaust. The trials themselves, and the attendant hullabaloo, mainly took place in the 1980s in the era of the Reagan Administration. Various right-wing pundits, politicians, and organizations threw in with the Latvian exiles for their own political reasons, maintaining their familiar hardline anti-Soviet stances.

Lastly, this chapter will assess the success of the OSI with regard to those cases involving Latvians and, especially, the Arajs Kommando. It will do so firstly on the OSI's own terms, and then according to two major metrics of this study, namely the justice system's contribution to future historical understanding as well as the education of the public. Taking place at such a great temporal remove from the events and involving so few suspects, the investigations uncovered comparatively little new information to enhance our overall picture of the crimes of the Arajs Kommando. With all of the background already solidly established, however, the OSI was still, in some cases, able to discover new information about individuals which in turn helped flesh out the overall picture. Perhaps most significantly, the investigations and trials drew the attention of the American public and the American Latvian community to the hideous wartime past and served a broader educational purpose.

This chapter will show the limitations of the organs of American justice as well as their saving graces, using the examples taken from the INS and OSI prosecutions against Latvian immigrants. In summary, compared to the other national cases of this study, the prosecutions in the United States were temporally retarded, their number was relatively tiny, and the punishments were relatively light. Equally as important for this study, however, is that unlike the Soviet investigations and their results that were segregated from the regime's official history or the documents ultimately destined for East Berlin's paper shredders, the records of the OSI and its cases have always been and will remain public. The volunteer agents of the OSI still stand behind their work.<sup>8</sup> After closing its doors, the agency turned over all information to the United States Holocaust Memorial Museum in Washington, DC, and to Yad Vashem in Jerusalem. With exceptions made to protect the innocent, the record of the OSI is an open book for anyone who wishes to read and learn.

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<sup>8</sup>Here this author must add a note about the startling transparency of the OSI while the research for this study was taking place. In particular, this author fondly recalls exceedingly helpful and gradually more informal meetings with Dr. Steven Rogers, one of the agency's in-house expert historian-researchers who worked with the agency virtually from its inception until its closure. These meetings took place during the fall of 2009 on a nearly weekly basis at OSI headquarters in Washington, DC, and later in the winter and spring of 2010–2011 after Dr. Rogers's retirement and the closing of the office.

THE AMERICAN LATVIAN MINORITY AND THE MAINSTREAM  
PUBLIC

*American Latvians and the Court (of Public Opinion)*

The relationship between the majority of the US population and the tiny ethnic Latvian minority had several historic ups and downs which must be laid out to contextualize the general American Latvian response to the trials. Before the 1970s, American Latvians had been basically subsumed within the general category of “victims of Communism,” together with their compatriots from other “captive nations” such as Lithuania and Estonia—and they embraced this identification.<sup>9</sup> This was a privileged position in America at the zenith of the Cold War. Over the 1970s, however, this automatic Cold War-inspired sympathy and deference lessened appreciably. The official government policy became one of détente with the USSR. This reflected a growing willingness among the population to accept the existence of the Soviet Union, avoid costly efforts to combat Communism abroad, and halt the kind of reckless brinksmanship that could lead to nuclear Armageddon. Simultaneously, consciousness of the Holocaust and sympathy for its Jewish victims steadily heightened. Thus, after the 1960s, the balance, in the arena of popular consciousness, tipped firmly against American Latvians. They lost their status as a favored category of victims of Communism; had that special victim status actually supplanted by Jews; and were seen as out of step and behind the times in their obsessive anti-Soviet attitudes. As part of an easily stigmatized outgroup and identifiable ‘other’ of whom the public at large was almost totally ignorant, American Latvians felt themselves to be in a uniquely vulnerable position as a community. These developments opened the door to legitimate US prosecutions of Latvian immigrants but at the same time triggered the community’s reflexive, but understandable, defense mechanisms.

A brief word about this community is necessary. In terms of self-identification, members of this community rather insisted upon describing themselves as “exiles” and not as “émigrés,” the former moniker underscoring the involuntary nature of their estrangement from their homeland. Furthermore, the choice of the term “American Latvian,”

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<sup>9</sup>See, for example: Juris Rozītis. *Displaced Literature: Images of Time and Space in Latvian Novels Depicting the First Years of the Latvian Postwar Exile*. Dissertation. Stockholm University, 2005.

rather than “Latvian American,” was supposed to emphasize its bearer’s heightened identification with Latvian heritage while remaining a loyal American.<sup>10</sup> They seem to have been one of the few ethnic groups, like some self-identified “American Jews” as opposed to “Jewish Americans,” that reversed the usual word order when it came to self-description.

Critics have understandably charged that the group withdrew into a shell of ethnic solidarity and proclaimed the innocence of each suspect without review. Indeed, the community came together to uncritically fund the legal defense of every accused Latvian, including those eventually proven guilty. This fact lends considerable credence to the charge of automatic ethnic solidarity in total disregard of the possible guilt of a single, individual Latvian.

Nevertheless, despite this surface impression of uniformity, the American Latvian community’s attitudes to the proceedings against Konrāds Kalējs and other indicted Latvians were complex and need to be placed in context. For convenience, this chapter has, and will continue, to refer generally to “American Latvians” as a relatively monolithic group, at least insofar as their historical origins and ideational backgrounds were similar. However, some of the relevant splits must be outlined here and should be borne in mind.

Said Ivars Berziņš, the Latvian defense counsel:

Well, I think you always had the completely rational element. People like Ezergailis who studied the subject and made pertinent observations and published reasonable studies of it. You had people who roundly condemned any involvement by Latvians in assisting the Germans in carrying out the Holocaust. And, of course, you had the other extreme. You know: people who said ‘this is all totally Soviet propaganda and we shouldn’t stand for it; we should oppose it.’... And of course, there were people who were just simply – [it was] their friends or relatives who were accused. So it was a mixed bag. It was not – I have no recollection of there being a monolithic, you know, one-sided opposition to it... I would judge that the reaction of the community was quite normal under the circumstances.<sup>11</sup>

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<sup>10</sup>For a detailed cultural dissection of the appellation “American Latvian” from a sociological angle, see: Ieva Zaķe. *American Latvians: Politics of a Refugee Community*. New Brunswick and London: Transaction Publishers, 2010.

<sup>11</sup>Ivars Bērziņš, Author’s interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

When the indictments started being filed in the late 1970s and 1980s, perhaps the majority of the members of the community—which by the time of the trials was composed substantially of natural-born American citizens rather than first-generation immigrants—could be called “low-information” American Latvians. These people were largely or completely ignorant of the Arajs Kommando and its crimes, specifically, and even about the Holocaust in Latvia in general. Since these were topics not only not widely discussed but virtually taboo within the community, this ignorance can be explained if not excused. The Holocaust, much less what Latvians had to do with it, not only was not talked about but was generally not even thought about. Repression had been the pervasive response to an uncomfortable and disturbing historical issue.

There was surely a minority who did know something about the Arajs Kommando, or at least that the slaughter of the Jews of Latvia at the hands of some Latvians had occurred during the war—because they were there. Regardless of how they had felt about Latvian participation in these actions at the time, dealing with them all these decades later seemed not only an embarrassment to Latvian honor and a threat to their relationship with the rest of American society but also *a distraction from an atrocity that one was not powerless to reverse or remedy: the ongoing occupation of Latvia by the Soviet Union*. It was more comfortable and too tempting to see these belatedly-instituted investigations as simply being within a framework of the United States cooperating with the Soviet Union against *them*, rather than an attempt to achieve justice and punish the guilty. This created something like a defensive whiplash effect in the attitudes of American Latvians who should have known better. The leveling of charges against any of their number was often automatically seen as an extension of omnimalevolent Soviet efforts to disgrace the “émigrés” by every means they could think of. It was regarded merely as the latest manifestation of the uninterrupted Soviet hostility since the initial occupation, annexation, and Sovietization of their country in 1940.

Finally, for those American Latvians of the second and third generation for whom Latvian identity was increasingly reserved for holiday visits to grandmother’s house and who may not have even spoken Latvian, these trials were of less central concern. Even so, this younger generation in general still shared a far higher degree of the routine anti-Soviet sentiment than prevailed in American society at large.

On a more general level, the Latvian immigrant community in the United States was numerically larger and certainly far more visible in its concentrated enclaves and on the political stage than its counterpart in West Germany (there simply was no analogous community in East Germany, much less—obviously—in the USSR). At the same time, mainstream American society knew much less than its German counterpart about World War Two and the Holocaust—not to mention about Latvians and Latvian history. Once the prosecutions gained media attention, the public was thus more easily tempted to resort to filling their gaps in knowledge with stereotypes. The Germans generally were also in a worse position from which to engage in public moralizing on the subject of the Holocaust and war crimes than were Americans. Compounding this vulnerability, the exiles also had, in the world's rival superpower, the Soviet Union, a powerful and irascible political enemy invested from the start in their undoing.<sup>12</sup> Unsurprisingly, the community was intensely cognizant of this state of affairs.

### *The Vagaries of Public Opinion*

The 1960s saw the usual baseline of ambient nativism of the US population towards the immigrants start to change into something new, with much Soviet encouragement. Interest in the Holocaust grew and, correspondingly, information about Latvian participation in it spread. This process was bolstered heavily by reportage of the bombastic Soviet trials in Rīga in the 1960s, described in an earlier chapter, which included among others a Latvian defendant who was living in the United States. The Soviet megaphone amplified these trials and pumped peripheral materials such as, among a basket of others that gained somewhat less traction, *Daugavas Vanagi—Who Are They?* and *Political Refugees—Unmasked* into the public discourse to demonize their exiled political adversaries.

One public person who, for example, seems to have been influenced by these booklets is Len Deighton, the famous pioneer of the spy novel genre writing at the height of the Cold War in the early- and mid-1960s.

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<sup>12</sup>For a lengthier description of the unique position of American Latvians between the two superpowers, see: Ieva Zaķe. "Controversies of US–U.S.S.R. Cultural Contacts During the Cold War: The Perspective of Latvian Refugees," in *The Journal of Historical Sociology*, Volume 21, Number 1 (2008), pp. 55–81.

True, he was an Englishman, but his books were ravenously consumed by American audiences and sometimes were even adapted to film. In 1966, he published a book that provoked outrage in the American Latvian community and presaged their dramatically waning fortunes to come. The premise of this book, *The Billion Dollar Brain*, was that a megalomaniacal American billionaire, in collusion with racist ex-Nazi Latvian hypernationalists, steals a biological weapon from an arsenal in Great Britain and is attempting to use it to trigger World War Three with the Soviet Union, the whole operation being perfectly and coldly directed by his massive supercomputer—the titular “Billion Dollar Brain.” And it is up to a cynical, hard-bitten, chain-smoking, misogynistic British operative to put an end to the conspiracy and save the world, all while maintaining the classic annoyingly studied aloofness of the spy genre’s prototypical flawed hero.<sup>13</sup>

At one point during his investigation, the unlikeable protagonist encounters the highly agreeable figure of KGB “Comrade Colonel” Stok in a café in Rīga. Referring to the Latvians, the invented Soviet security man asks if there is a word in the English language for “unlucky people.” Comes the reply from our hero:

Losers.

Ah, that’s a good word. Well, this is a land of losers. It’s a land where doom hangs upon the air like *poison gas*. You have no idea of what awful things have happened here. The Latvians had Fascists who were more vicious than even the Germans. In Bikernieki Forest they killed 46,500 civilians. In Dreilini Forest five kilometers east of here, they killed 13,000. In the Zolotaya Gorka, 38,000 were murdered [perhaps Rumbula is meant, since the figure conforms to that given by the Soviets for that massacre, though shootings did take place in September 1941 at Zeltkalna, the Latvian name for Zolotaya Gorka]... The Germans were so pleased to find such enthusiastic murderers that they used Riga as a clearinghouse for people they wanted killed. They sent them here in trainloads from Germany,

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<sup>13</sup>In fairness, the film adaptation, directed by Ken Russell, did not receive the same plaudits earned by the novel. See, for example: Bosley Crowther. “Michael Caine Stars in ‘Billion Dollar Brain,’” in *The New York Times*. 23 December 1967, p. 29. “This is all so grotesque and incredible – not to mention anti-American and pro-Soviet by virtue of a chuckling, sympathetic performance of a Soviet counter agent by Oscar Homolka – that it tempts a rational, adult viewer to a great big disgusted yawn.”

Holland, Czechoslovakia, Austria, France, from all over Europe, because the Latvian-recruited SS units were the most efficient killers... We have dossiers on hundreds of Latvians. War criminals now living in Canada, America, New Zealand and all over the world. You would imagine that people guilty of such terror would remain quiet and be thankful that they have escaped justice, but no. *These scum are the foremost trouble-makers* [emphasis added].<sup>14</sup>

The historical errors contained in the paragraph are manifold but conform to the Soviet official version of reality and, hence, betray their certain provenance. After all, the numbers are identical to those given by the Soviet Extraordinary State Commission's reports, and the claim that Jews were deported from "all over Europe" similarly appears in the official Soviet account. The sly metaphorical allusion to poison gas was likewise probably no accident. Furthermore, in what one wants to say is a gratuitous insult, Deighton situated the café in which this conversation was taking place on "Soviet Boulevard." The building faced "the old Liberation monument [sic.] that had been built there several regimes back and—so it was said—was something of a milestone in municipal graft." Doubtless, the structure being sneeringly described is the Brīvības Piemineklis, or "Freedom Monument," the most hallowed symbolic site in all the domain of Latvian politics and the physical representation of the idea of Latvian national sovereignty, here a target of mockery.

Near the end of *The Billion Dollar Brain*, it is revealed that the wicked, warmongering Latvians were members of the "Free Latvia Movement" and were in the employ of some presumably rogue section of the United States government.<sup>15</sup> They are thwarted and unmasked by the hero, with plenty of help from the polished and deeply philosophical KGB officer. For the cathartic delight of the readers, the main Latvian villain is bloodied up by military police of the British Ministry of Defence and made to write his confession.

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<sup>14</sup>Len Deighton. *The Billion Dollar Brain*. New York: G.P. Putnam's Sons, 1966, pp. 138–139.

<sup>15</sup>*Ibid.*, pp. 250–251. It is likely that Deighton was given this idea by the tiny, CIA-funded organization under Secretary of State John Foster Dulles during the 1950s called the Committee for a Free Latvia (CFL). This organization was concerned with public opinion in the United States rather than with parachute drops over Soviet territory and was run largely by Vilis Hāznērs. Gertrude Schneider named Hāznērs as one of the top three

This work, described on the dust jacket of the 1966 edition as being “as topical as tomorrow’s headlines” was not disseminated by a Soviet publishing house but had to have been inspired by the contemporaneous Soviet trials and the release of tracts such as *Daugavas Vanagi—Who Are They?* and *Political Refugees—Unmasked*, perhaps along with other lesser-known Soviet public relations publications aimed at alienating the Latvian immigrants. The Extraordinary Commission’s reports were obviously consulted. In view of popular publications such as this, the American Latvian community feared that anti-Latvian sentiment was taking root in the West, and was probably right.

Beyond the sphere of popular entertainment, the exiles’ basically ineffective struggle to preserve Latvia’s national reputation and some hope for its restoration as an independent state was also being fought in the arena of international politics. Serious political commentators and analysts were occasionally proposing real-world policies that would do devastating damage to the American Latvian cause. More or less overt hostility, or at least callous indifference, toward Latvians was not limited to popular culture.

Writing in 1961, several years before Deighton, none other than Cyrus Leo Sulzberger II, for decades the chief international affairs correspondent for *The New York Times* and a scion of the Ochs-Sulzberger family that owns America’s “newspaper of record,” argued in favor of abandoning hope for the future independence of the Baltic states in the name of hard-headed foreign policy realism.

And it is worth considering among offers we could make to reinsure our tenure in Berlin, whether as a *quid pro quo*, we might legally recognize Russian absorption of the Baltic states and also agree on the Oder-Neisse border between Germany and Poland, a concession already made by France. This idea will not be popular among Americans who are, thank heaven, idealistic. Yet there are certain grim realities in political life. If, in exchange for this gesture of goodwill we could obtain reaffirmed

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Footnote 15 (continued)

instigators of the burning of synagogues in Rīga in early July 1941. He was tried in the United States and acquitted. See: Ieva Zaķe. “Multiple Fronts of the Cold War: Ethnic Anti-Communism of Latvian Émigrés,” in *Anti-Communist Minorities in the US: Political Activism of Ethnic Refugees*. New York: Palgrave-Macmillan, 2009.

guarantees of West Berlin's freedom until Germany is reunified, wouldn't the sacrifice be worthwhile?<sup>16</sup>

From the perspective of Latvians living in the United States, Sulzberger's proposal would have seemed a frightening portent. The official sacrifice of their nation's future for "reaffirmed guarantees" from the Soviets seemed no "gesture of goodwill," much less a "worthwhile" one to them. That this 'realist' recommendation advocated selling out the hope for a restored independent Latvia in perpetuity in order to temporarily enhance the protection of a few extra Germans in Berlin was just the icing on the cake. No matter the specifics, however, the idea of officially abandoning the Baltic states and recognizing their de facto incorporation into the USSR in exchange for geopolitical favors elsewhere on the global chessboard of the Cold War was always current in serious 'realist' political discourse. Even if this was only proposed by a member of the 'chattering class' of foreign policy commentators who were not held to account for their statements by the mechanism of elections, such statements frightened the American Latvian community. The would-be grand strategists of the new American empire were willing to consider bartering away the future of Latvia for their own strategic purposes, never mind the actual people whose home was being wagered.

Of course, whole books could be written on the cultural and political relations of this particular minority community with mainstream American society. The brief preceding examples are intended to serve here only as a descriptive shorthand sketch. The point is that America's wartime public and governmental empathy for the Latvians was gradually transmuted from the 1960s forward into increasing indifference and even impatient annoyance.

After the upheavals in both blocs that culminated in 1968, Moscow and Washington increasingly saw eye to eye: they were more willing than at any time since the Second World War to put aside their ideological differences in favor of maintaining the stability of the status quo. Hopes for détente were replacing the fervid anti-Communism of the McCarthy era and the "roll-back" rhetoric of Dulles, with both Kennedy and Nixon ready to deal. Many Americans, across partisan lines, saw détente as a

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<sup>16</sup>C. L. Sulzberger. "Foreign Affairs: Berlin Bird and Baltic Bush," in *The New York Times*. 12 July 1961, p. 30.

positive development, which as a consequence marginalized the previously lionized anti-Communist exiles. Thus, amid the natural clash of differing perspectives and priorities, the American Latvian minority within wider American society saw their previously disproportionate influence drastically dwindling. Latvians living in the United States, for whom even the international status quo was anathema, were well aware of this shift towards accommodation and felt correspondingly ever more isolated, besieged, and hopeless regarding the future prospects of regaining their homeland.

A tiny and increasingly friendless community in exile, most American Latvians saw their homeland, torn from them in war, as being subjected to the totalitarian world Communist idea of the eventual extirpation of all national differences. Physical elimination of opponents was terrifying enough, yet it was only one instrument in the Soviet toolbox as they saw it. The imposition of the Russian language, the political indoctrination of children, the eradication of religious observance, the permanent settlement of large numbers of Russians in Latvian cities, the sealing of the borders, and other measures were viewed as arguably even more insidious than outright killings and mass deportations (although these also took place). The majority of American Latvians believed themselves to be facing a type of extinction: cultural genocide. Therefore the leaders of the community considered as their charge nothing less than the existential defense of Latvian culture and identity. They conceived of their mission as a sort of holding action: to preserve what they had saved while promoting captive Latvia's eventual liberation from Red tyranny and the restoration of its political independence.<sup>17</sup> Although only two

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<sup>17</sup>Throughout the entire period from the end of the Second World War to the end of the Cold War, Latvian and other Baltic exiles in West Germany, Sweden, Canada, and especially, the United States, published a stream of anti-Communist, Latvian nationalist jeremiads targeted at the publics of their respective host countries to counteract Soviet propaganda and promote their own cause. See, for example: RT.H. Voldemars and K.M. Viciš. *We Accuse the East, We Warn the West*. Germany: Dzintarieme and Scholar, 1948. Albert Kalme. *Total Terror: An Exposé of Genocide in the Baltics*. Walter Arm, ed. New York: Appleton-Century-Crofts, Inc., 1951; Adolfs Šilde. *The Profits of Slavery: Baltic Forced Laborers and Deportees Under Stalin and Khrushchev*. Valdemars Kreičbergs, trans. Herman Stein and Peter Williams, eds. Stockholm: Latvian National Foundation in Scandinavia, 1958; and August Rei. *The Drama of the Baltic Peoples*. Stockholm: Kirjastus Vaba Eesti, 1970. Since the renewal of the independence of the Baltic States, patriotic and/or nationalist scholars are still seeking meaning from the events. See, for example: Valentins Silamikelis. *With the Baltic Flag Through Three Occupations*. Mirdza Eglite, trans. Rīga: Jumava, 2002.

small examples among many, books like Deighton's and articles like Sulzberger's are emblematic in the way that they threatened these goals: they implied, in the first instance, growing Soviet influence over Western minds and, in the second instance, a willingness to make concessions toward or even peace with the Soviet order.

Arguably as bad, from the American Latvian perspective, was the even more broad-based sentiment against the Cold War amid the American public at large. Not only apparent dupes of Soviet propaganda like Deighton and self-styled hard-headed 'realists' like Sulzberger were making the calculation that the USSR needed more circumspect treatment. In the wake of the Doomsday Clock coming close to striking 12 midnight in the near-Armageddon of the Cuban Missile Crisis, ordinary Americans were losing their taste for Cold War brinksmanship. Given the deepening quagmire of the Vietnam War, they were losing their taste for hot proxy wars to combat the Communist order as well. There were very legitimate reasons for desiring a normalization of relations or at least a quelling of tensions with the USSR. This did not, however, accord with the goals of the Latvian exiles.

It was precisely within this context of an intensifying American Latvian siege mentality that the organized American prosecution of suspected Nazi criminals, Latvians among them, began. American Latvians interpreted the opening of these investigations as a warning signal: their status as welcomed supplicants sheltering under the indomitable shield of a compassionate champion was officially rescinded and they now felt themselves more friendless than ever.

## THE OPENING OF THE INVESTIGATIONS

### *The "Holtzman Amendment"*

Elizabeth Holtzman was a four-term Democratic United States Congresswoman who represented the 16th District of New York. It was in her capacity as a member of the House Judiciary Committee that she arguably made the two biggest marks of her career. First, in 1974, she participated in the impeachment hearings of President Richard Nixon, helping prompt his humiliating and merciful resignation. Then, on 10 October 1978, House Resolution 12509, which Congresswoman

Holtzman sponsored with six other Representatives, became Public Law 95-549—colloquially known as “the Holtzman Amendment.”<sup>18</sup>

This legislation modified the Immigration and Nationality Act “to exclude from admission into, and to deport from, the United States all aliens who persecuted any person on the basis of race, religion, national origin, or political opinion, under the direction of the Nazi government of Germany, and for other purposes.”<sup>19</sup> In effect, the new language of the law meant that the attitude of the government towards the enforcement of the Immigration and Nationality Act, as applied to this category of immigrant, would be one of zero tolerance.

Even before the founding of the Office of Special Investigations, the Special Litigation Unit of Immigration and Naturalization Services had already brought cases against three American Latvians: Boļeslavs Maikovskis, Vilis Hāznērs, and Kārlis Detlavs.<sup>20</sup> The first was convicted; the other two were acquitted. Immigrants from other Eastern European countries, of course, were also similarly charged. However, before the passage of the “Holtzman Amendment” and the strengthening of the law, many such early prosecutions faltered. Frequently, “discretionary relief” was offered to respondents owing to extenuating circumstances.<sup>21</sup> Pleas for grace were heard and often respected by judges that a respondent should not be deported because he was married to a native spouse, or because he had a history of model behavior, or even that he claimed asylum from the Soviet Union. The Immigration and Naturalization Service actually possessed lists of potentially deportable suspects with dubious wartime backgrounds and Nazi connections. However, since the cases were so difficult to prove in court, INS prosecutors preferred to devote their time to lower-hanging fruit elsewhere on their considerable

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<sup>18</sup>This information comes from her memoir. Elizabeth Holtzman. *Who Said it Would Be Easy? One Woman's Life in the Political Arena*. New York: Arcade, 1996.

<sup>19</sup>1978 Holtzman Amendment to the Immigration and Nationality Act: Nazi Germany (P.L. 95-549). 8 U.S.C. § 1182(a)(3)(E).

<sup>20</sup>For an account of how one Latvian criminal, Boļeslavs Maikovskis, was captured and tried during the pre-OSI days, see: Howard Blum. *Wanted! The Search for Nazis in America*. New York: Quadrangle/The New York Times Book Co., 1977. The book is based on eyewitness interviews, written like a spy novel, and lacks academic apparatus. The American Latvian community by and large regarded it with derision and as an attack.

<sup>21</sup>Jerome S. Legge, Jr. “The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics,” in *Holocaust and Genocide Studies*. Volume 24, Issue 2, Fall 2010.

list of underfunded priorities. They may also have had an aversion to pursuing potentially politically volatile cases. Whatever the reason, the INS brought relatively few such cases.

On 4 September 1979, the Office of Special Investigations was brought into existence. Its mandate was to enforce Congresswoman Holtzman's amendment to the law. The INS lists were part of the hand-off when the OSI was established and contained the names of 73 individuals, some Latvians among them.<sup>22</sup>

### *The Representatives of the State*

Part of the United States Justice Department's aggressive Criminal Division, the Office of Special Investigations was a dedicated taskforce for identifying, denaturalizing, and deporting former Nazis and their collaborators living in the United States who had falsified their wartime record in order to immigrate and, in most cases, also gain citizenship. The agency was composed of volunteers; it would be superfluous to explain here their honorable motivations. As the OSI was constituted only in the waning days of the Arājs trial in 1979, official US government participation or even assistance in that trial or others abroad was negligible. On the other hand, owing to its late inception, OSI lawyers had access to a ready-made trove of solid information collected by their colleagues abroad over the course of their many previous investigations.

However menacing the organization soon became to many members of American Latvian society, it by no means started out inauspiciously from their perspective. In fact, its first Director was a figure already long known to and well liked by the Baltic community: Walter Rockler. His wife was an Estonian Displaced Person whom he met while working as an investigator in one of the Nuremberg trials involving financial crimes.<sup>23</sup> It is not unthinkable that his connections and warm relationship with the community could have been advantageously employed by the OSI.

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<sup>22</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 3.

<sup>23</sup>Ibid., p. 7.

In the late 1970s—at virtually the moment the first cases were opened by the INS—the American Latvian community rallied and established the Latvian Truth Fund.<sup>24</sup> Donations were collected and placed in the fund, which was then used to underwrite the legal defense of eligible applicants—in practice, all those who stood accused.

While easily interpreted as the reflexive product of ethnic solidarity or, at worst, an active attempt to thwart justice for Nazi criminals, in fact some legitimate legal and constitutional concerns were put forward by the group about the INS prosecutions. Procedurally in the case of civil suits, for instance, respondents were not accorded the same rights as those being criminally charged, which often disadvantaged them. Hearsay evidence against them could be permissible. They did not receive jury trials but rather their fates were decided in an immigration court by the presiding judge alone. Eventually it would be established that they were not even completely protected against self-incrimination under the Fifth Amendment to the Constitution, and the prosecution was always free to ask for “adverse inferences” against anyone who chose to invoke it.<sup>25</sup> Lastly, the respondents were not guaranteed legal representation because they were technically not being charged with a crime—the original *raison d’être* for the Latvian Truth Fund.

As unlikely as it seems, the people who ran the Latvian Truth Fund, established at first to resist efforts on the part of the INS considered unconstitutional, might conceivably have been brought around by the brand new agency headed by someone with Walter Rockler’s credentials. The OSI could have offered the potential for a fresh start. A known quantity with personal ties to the Baltic immigrant community, he might have gained the trust and hence the cooperation of substantial sections of the Estonian, and perhaps, even Latvian and Lithuanian immigrant

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<sup>24</sup>The fund was established immediately upon learning of the planned opening of cases by the INS. See, for example: “Lūzdu ziedoĶiet patiesĶbas fondam,” in *Laiks*, Number 199, 1978, p. 31. “Please donate to the Truth Fund.” The advertisement contains no information other than the address to which checks should be sent, and to whom they should be made out. Even that early on, the purpose of the fund already literally went without saying.

<sup>25</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 120, 540. For an example of the prosecution attempting to undermine Fifth Amendment protections, see: Transcript of the trial of Konrāds Kalējs, p. 742.

communities. Unfortunately, Rockler's tenure as the Director of the OSI was very brief—only about a year.

His replacement, Allan Ryan, Jr., shared Rockler's zeal for a righteous cause, but lacked his knowledge, delicacy, and first-hand contact with the exiles. Perhaps partly out of frustration with the skeptical and uncompromising attitude he encountered on the parts of the various Eastern European immigrant communities, in 1984 Ryan published a book. It came out shortly after his own tenure as Director of the agency was over. It can be regarded as the point of no return for the ever more poisonous relationship between the agency and the exiles.

### *The Gauntlet Seemingly Thrown Down*

Allan Ryan, Jr., from 1980 to 1983 the second Director of the Office of Special Investigations, gave American Latvians much cause for concern when he published his book, *Quiet Neighbors: Prosecuting Nazi War Criminals in America*, in 1984.<sup>26</sup> The book and its author quickly gained considerable notoriety.<sup>27</sup> The launch of this book was likely intended to be a public relations offensive, by means of which the praiseworthy purpose of the OSI was to be presented to the American public and its noble and necessary mission promoted. If so, it seriously misfired in at least one sense: to the exiles' wary eyes, in those parts of the book touching directly on Latvian issues, Ryan came across as a vehement and singularly undiscerning *opponent*. His attitude seemed to be one of cavalier hostility to the ethnic group at large—an attitude anathema to the core precepts of American individual justice and understandably regarded as highly threatening by the exile community.

For instance, Ryan alarmingly chose to use scare quotes to suggest as problematic the idea that the Baltic states were “forcibly incorporated” into the Soviet Union, even though this had been the official diplomatic stance of the United States government virtually since the moment Stalin,

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<sup>26</sup>Allan A. Ryan, Jr. *Quiet Neighbors: Prosecuting Nazi War Criminals in America*. San Diego: Harcourt Brace Jovanovich, Publishers, 1984.

<sup>27</sup>See, for example: “Kā notiek izmeklēšanas kara noziegumos ASV tieslietu ministrijas un padomju iestāžu sadarbība?” in *Laiks*, Nr. 19, 1984, p. 4. The meaning is: “How does it happen that, in matters pertaining to war crimes investigations, there is cooperation between the US and the Soviet judiciaries?”

with Hitler's odious blessing, first annexed them in 1940.<sup>28</sup> Raising this point was also completely extraneous to the prosecution of war criminals and was seen as a heedless attack on the community at large and a strangely ingratiating gesture for a former American government employee to make towards the USSR. As far as his professional relationship with his counterparts in the Soviet justice system—the real bone of contention from the Latvian perspective, the reasons for which are readily apprehended—he wrote of them fairly warmly and sometimes almost admiringly, meanwhile referring uncritically to Rīga as one of the Soviet Union's "provincial cities."<sup>29</sup> Even according to the Soviet idiom, Rīga at least qualified as the capital of a republic, not to mention a very cosmopolitan one by the standards of the USSR. Notions such as these were read with much foreboding. Most charitably, Ryan may have been attempting to unofficially court the Soviets for the benefit of his former office's mission, although he would have perhaps done better to court the American Latvians.

In fact, Ryan unapologetically defended the OSI's good relationship with Soviet legal authorities. As the exiles could never forget and Jerome Legge reminds us, OSI cooperation with the Soviets was "a test of the US policy of 'non-recognition' of the Soviet annexation of Estonia, Latvia, and Lithuania."<sup>30</sup> Once depositions began to be taken in Rīga, since the Soviet Union never once let a person travel to the United States to testify, government officials from the OSI were forced to defend the slightly embarrassing circumstance that witnesses for the United States government were testifying under a portrait of Lenin. Even though American procedure was otherwise followed in the Soviet courtrooms, the fact that witnesses in the Soviet Union were not sworn in also tended to project a poor image of the process.

Some more mundane byproducts of working with the Soviets also rankled American Latvians and were generally interpreted by them as signs of ignorance and insensitivity on the part of American officials. For instance, the inclusion of the patronymics of Latvian witnesses and others was completely foreign to Latvian custom but *de rigueur* in official

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<sup>28</sup>Ibid., p. 325.

<sup>29</sup>Ibid., p. 87.

<sup>30</sup>Jerome S. Legge, Jr. "The Karl Linnaas Deportation Case, the Office of Special Investigations, and American Ethnic Politics," in *Holocaust and Genocide Studies*. Volume 24, Number 1, Spring 2010, p. 26.

Russian and appeared regularly. Also, Russian names were used for places in Latvia in general throughout the proceedings. For example, the eastern Latvian city of Daugavpils virtually always appeared with its Russian name transliterated into English as Dvinsk—or worse, was somehow borrowed from a German transliteration of the Russian and was rendered as Dwinsk—as though the place was not even Latvian.<sup>31</sup> Small signs such as these did not build confidence among the Latvians that ‘their’ respondents would be given a fair shake. Whether out of American ignorance or acquiescence, Latvians perceived inefaceable Soviet fingerprints on much of the OSI’s work.<sup>32</sup> They felt that the Soviets were subverting American justice and also poisoning their relationship with the nation that had hitherto been the most steadfast in giving them succor.

For Ryan’s part, that he was personally unsympathetic to the cause of the Latvian exiles was somewhat more than subtly suggested by the title of his book’s very first chapter: “DISPLACED PERSONS: ‘You’ve Got Everything in this Camp Except Hitler.’” Ryan claimed that it was simply common knowledge in the aftermath of the war that the “Balt [DP] camps were thick with collaborators.”<sup>33</sup> He may have been referring to Latvian Legion POWs who crowded the DP camps, but if so, it only

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<sup>31</sup>Indeed, the defense adeptly used quibbles over translations to draw out proceedings and stall for time, hoping to get lucky. See, for example: Transcript of the trial of Konrāds Kalējs, p. 684.

<sup>32</sup>To an extent, the official 2006 government report assessing the totality of the OSI’s record unconsciously reproduces some of the very causes for complaint that American Latvians had had against the OSI all along. For example, it uses scare quotes around the term “‘captive nations’” and consistently refers to their community as “‘émigré’” instead of the preferred term of “‘exile’” which underscores the involuntary nature of their position. Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 533. The report also describes post-Soviet independent Latvia using a rather mindbending contradiction in terms: “[Russia’s] former Republic.” *Ibid.*, p. 474. The entire sentence reads: “Russia went so far as to threaten economic sanctions against its former Republic.”

<sup>33</sup>*Ibid.*, p. 325. In Ryan’s usage, the latter term is left rather undefined. To gain a more realistic sense of the nature of the Latvian Displaced Persons population in the American Zone, see: National Archives and Records Administration (NARA) II. Record Group 319, Investigative Records Repository (IRR) Case Files: Impersonal Files, 1940–1976. Box 64: Dossier ZF015118—Latvian Waffen SS, and Box 76: File Number ZF011655—Latvian Legion, 1946–1950. The documents include a number of pleas of friendship and appeals for aid by various prominent Latvians largely on behalf of the captured Legionnaires of

further highlighted his illiteracy of the subject. The Legion as such was exonerated by the US government—his former employer—very shortly after the war.

Even casual readers of *Quiet Neighbors* will not fail to note that for all of the innuendo against the refugees of Baltic origin that the text contains, neither Ryan's organization nor its less effectual INS predecessor had successfully concluded its first case against any Latvian at the time this book went to press. By 1984, when Ryan published his book, the OSI had filed charges against one Estonian, eight Latvians, and thirteen Lithuanians among the tens of thousands of immigrants from the Baltic states. In fact, among all of the accused whose cases were underway or pending that year, only one Latvian, Boļeslavs Maikovskis, was eventually found to be deportable, and rightly so. Several years later, after Ryan had left the stage, a second Latvian would most deservedly be found deportable as well: Konrāds Kalējs, a former Arajs Kommando officer who is discussed in more detail below.

As to overall numbers, Ryan's estimate of about 10,000 individuals liable to prosecution among the immigrants, including those from the Baltic, proved to be wildly inflated. The government's retrospective assessment itself acknowledged that the 134 cases eventually opened by the OSI as of 2006 would, indeed, have been scandalously "de minimus" if the original semi-formal appraisal had been accurate.<sup>34</sup> This comparatively modest record does not justify the indiscriminately accusatory tone taken by Ryan against the refugees.

These considerations begin to make comprehensible the mentality of the American Latvian community, which in turn reflexively leapt to the defense of any of its members who stood accused—a fact which the final government assessment of the OSI's successes and failures

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Footnote 33 (continued)

whom the Americans were understandably the most suspicious. The Latvians were generally found to be cooperative, peaceful, and almost uniquely ardent in their pro-American attitude. In the interests of full disclosure, it must be stated here that this author's paternal grandfather was among these former Legionnaires living in the DP camps. His immigration to the United States was sponsored by a US Army colonel after having served him as a driver and eventually aide-de-camp for several years.

<sup>34</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. v.

reports but does not attempt to explain.<sup>35</sup> This response did not happen because the Latvians—the majority of whom by the 1980s were probably natural-born US citizens anyway—were just innately fascistic and primitive Eastern Europeans. Rather, there was a fairly predictable dialectic between their community and their government as represented by the OSI. *Quiet Neighbors* was perceived by the American Latvians as an attack on their entire community and was taken especially seriously because *it emanated from a high-level former agency director and thus seemed to represent a quasi-official position statement of the government with which American Latvians had been losing ground for over a decade*. From their perspective, a gauntlet had been irrevocably thrown down, their worst suspicions about the OSI and the anti-exile and pro-Soviet bias of its personnel confirmed. For its part, the OSI itself seems to have been caught completely backfooted by Allan Ryan, Jr.'s book. Chances for cooperation, if any had existed, had been destroyed as of 1984.

The publication of this book, *Quiet Neighbors*, was thus an act of some recklessness considering its consequences. Trial in the court of public opinion is part of living in an open, democratic society. But the public is not a jury, which fact Ryan should have more carefully minded. For a government agent charged with the administration of real justice to debase it by using his credibility as a former officeholder to enflame negative sentiment against a whole category of fellow citizens was inappropriate and counterproductive. Justice would have been better served without suggesting the collective guilt of the exile community at large—an innuendo possibly motivated at least in part to hype his former agency's mission and inflate its stature. An OSI director who possessed greater sensitivity and discernment might have contrived instead to enlist the help of members of the exile community in the search for criminals rather than do them rhetorical violence. This could have boosted the success rate of the OSI, kept open the door to cooperation with the American Latvians, and better promoted the cause of justice. Rather than seriously attempting to open a dialogue, however, the agency's former chief wrote a book that fairly foreclosed the possibility for future assistance from the American Latvian community, quasi-formally recast its relationship to the United States government as oppositional, and thus also did a tremendous disservice to the OSI by finally depriving it of

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<sup>35</sup> *Ibid.*, pp. 533–534.

possible future American Latvian cooperation. Feeling nakedly attacked, the Latvian exiles naturally closed ranks.

Perceived attacks such as Ryan's only spurred more generous donations to the Latvian Truth Fund. The difficulty was finding a lawyer willing to accept the unpopular assignment of defending accused Nazi persecutors. In the end, only one was found.

### *Little Birch, Attorney at Law*

Beginning in the 1970s and lasting through the 1980s, Ivars Bērziņš became the go-to defense attorney for immigrants from the Baltic states who stood accused by the INS or, later, the OSI. His success record may be better than any other lawyer who undertook such a duty in any country. He was paid largely by the Latvian Truth Fund.

Ivars Bērziņš, whose last name means “Little Birch,” spent five years growing up in displaced persons camps in Germany. In 1950, his parents received permission to move to the United States with their son. After first earning a college degree in civil engineering, Bērziņš went to study law—something he had desired since high school. While the unforeseen course of his career quickly turned him into a minor celebrity in American Latvian society, rarely did Bērziņš go on the public record except in the courtroom.

Ivars Bērziņš: Well, I don't think that my career is that newsworthy. During all of the time that I was doing defense work, I never, never, spoke to any reporters. I always recognized that no matter what I said, it would not help my clients. I could stand on my head and it would not help. I recall one little newspaper in New Jersey. I was in US District Court in New Jersey. We won a case. And the next day, the headline read: ‘Nazi Wins.’ Well [laughs]! He was not a Nazi! He was a poor Lithuanian schmuck accused of shooting Jews! You know [laughs], well: what Nazi? The fact that the government couldn't prove its case against him sort of escaped the headline [laughs]. In other words: he was not a Nazi [laughs]! So the press uniformly was picking on my clients... So talking to the press, a long time ago I decided, was counter-productive and I never, never gave – matter of fact, I think you are the first interview in my life.<sup>36</sup>

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<sup>36</sup>Ivars Bērziņš, Author's interview with Ivars Bērziņš. Babylon, New York, 11 June 2011. Bērziņš is not off base with this assertion. Not guilty verdicts were ignored by the

Despite the acclaim he earned in the relatively insular world of the American Latvians, his decision to defend this set of clients was hardly a boon to his legal career.

Richards Plavnieks: *So, before we talk about some of these cases: I was wondering if you could sort of fit them into your overall career. How important, or how salient, were these cases over the entire arc of your practicing your profession?*

Ivars Bērziņš: Well, in a sense, they were devastating. Because once you touch a subject as ugly as this, people tend to shy away from you. Because they don't want to be tainted. I had quite a few experiences where I was trying to get local counsel in other areas and no attorney would come into act as local counsel for me because they didn't want to get tainted with this. In one instance, I had to go to the local bar association just to see if someone would undertake to act as local counsel. And there were no takers, so the court permitted me to proceed without local counsel. So, in a sense, it was a sacrifice to do this, because I got some – ostracized maybe is the word. So it's: it did not – did not – benefit me.<sup>37</sup>

After hesitating and finally declining to answer whether or not he would undertake the task of defense counsel again, should, hypothetically, another such case against an accused Latvian arise, the interview with Bērziņš proceeded thusly:

Richards Plavnieks: *Okay, well. Maybe I could put it a different way, then. If you could go back in time, would you accept the cases? Especially in view of – as you've mentioned before – that it was damaging, ultimately, to your career, by and large.*

Ivars Bērziņš: Well, that again is a sort of philosophical – calls for a philosophical answer. You know, when you undertake to become an attorney, you sort of undertake to give people a defense, regardless of what they

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Footnote 36 (continued)

press more than once. For instance, the government's 2006 report on the OSI states in the case of another Latvian, Edgars Laipenieks, that "Although nothing in OSI's investigation substantiated such a claim, Laipenieks' local paper linked him to the deaths of 60,000 Latvian Jews." Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 118.

<sup>37</sup> Ivars Bērziņš, Author's interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

have done or not done. Everyone is entitled to counsel and the constitutional protections are meaningless if, as a practical matter, you are denied counsel. And in a lot of instances, these people would have been denied counsel if someone didn't step forward and undertake the defense. I have in mind that attorney in Israel who undertook to defend Demjanjuk. I really have a lot of respect for him. Admiration, even. And I feel sorry for what happened to him. So in that sense, yes, I don't really regret it because if I had rejected all of these – well, at least, you only reject the first couple. Afterwards, no one asks you. If I had rejected and looked back today, I would have said, 'Boy, you know. I was a coward.' [laughs] So, today at least I can look back and say 'No, I was not a coward. I did what my profession calls for, and so I should not have regrets.' And I, in that sense, I don't have regrets. Because I can look back and say 'Well, yes I could have disengaged myself and not have been a part of this and lived happily ever after,' but then I would always have to look back and say 'Well, I was a coward. I didn't have the courage of my convictions.'<sup>38</sup>

While perhaps his Latvian background suggests to some that Bērziņš took the cases out of a misplaced sense of national solidarity, he refutes this. The background he shared with these clients was, however, more than simply incidental: it actually made him a logical choice for completely rational reasons:

Richards Plavnieks: *Do you think that your ethnic background may have militated against your clients in the courtroom? Might they have been in, you know, in a hypothetical, better served by someone who wouldn't be seen as having a dog in the race?*

Ivars Bērziņš: Yeah, that is difficult to say. Because at the beginning and actually throughout these cases, I think my background was very, very helpful. Because I had a much better grasp of where to look for information and to sift the irrelevant from the relevant than someone who had absolutely no background in that time period in history. So I think in that

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<sup>38</sup>Ibid. Here, Bērziņš refers to the Israeli lawyer Yoram Sheftel. Acid was thrown into Sheftel's eyes while he was attending the funeral of a colleague who worked with him on the John Demjanjuk defense and who had committed suicide. Sheftel subsequently published a book expressing his belief in Demjanjuk's innocence and alleging malfeasance on the part of the OSI and Israeli and German prosecutors, all of whom, using evidence of Soviet provenance, took their respective turns prosecuting him between 1977 and his death in 2012. See: Yoram Sheftel. *Defending 'Ivan the Terrible': The Conspiracy to Convict John Demjanjuk*. Haim Watzman, trans. Washington, DC: Regnery Publishers, 1996.

sense, my background was helpful. Also my command of the Latvian language was in some instances quite useful. Because I could question the witnesses in Latvian. Whether some results would have been better if it had been another attorney, who did not have this background, you know, that's difficult to say.<sup>39</sup>

Certainly, the relationship between Bērziņš and his West German defense attorney counterparts was not without some professional friction. For cooperating with Bērziņš, they wanted something in return. Throughout the months of March, April, May, and June 1979, Steinacker and other attorneys on Arājs's team engaged in a prolonged process to obtain testimony from one of Bērziņš's clients, Kārlis Detlavs.<sup>40</sup> They wanted him to testify that "executions were carried out exclusively by German personnel" and that "if ever he [Arājs] was present at such executions in individual cases, he had no command authority whatever, which was exclusively in the hands of the Germans, and did not develop any activities on his own."<sup>41</sup>

Each of the attorneys was doing his duty to the respective clients, "safeguard[ing] his interests zealously within the bounds of the law" as Ivars Bērziņš phrased it.<sup>42</sup> Arājs's lawyers were obligated to make the request, and Detlavs's lawyer had an obligation to refuse it. As the demand persisted, Bērziņš eventually wrote a sharp and defensive letter to Judge Wagner in Hamburg, explaining that "There is no way he could go to Hamburg, because he would never be permitted to return to the United States. When his great-granddaughter was being baptized in Canada, I could not even arrange with our Government to permit him

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<sup>39</sup>Ivars Bērziņš, Author's interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

<sup>40</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 42, pp. 7177–7185. "An das US-Distrikt-Gericht." 2 July 1976.

<sup>41</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 41, pp. 7011–7015. Hamburg Superior Court. "Ref.: Your telephone conversation with the Embassy of the Federal Republic of Germany in Washington, DC on April 12, 1979." Hamburg, 30 April 1979.

<sup>42</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 42, pp. 7080–7081. Ivars Bērziņš. "Betrifft: Strafverfahren gegen Viktors Arajs." New York, 15 May 1979. It should be pointed out that in this case, however, Arājs's lawyers seemed—very problematically—to be seeking testimony from a witness that was in fact of their own making.

to come back to the United States if he should visit Canada for a day. They would have barred his entry at the border.”<sup>43</sup> The resolution of this disagreement will be treated below.

The court records show that Bērziņš, like many other American Latvians, sometimes wore his politics on his sleeve. Even in the midst of defending his clients he referred, for example, to the Latvian Soviet Socialist Republic as “Soviet-occupied Latvia,” to the mild annoyance of the Court.<sup>44</sup> Likewise, Bērziņš often corrected mistranslations in the transcripts of videotaped depositions from Latvian into English and complained that the translators were furnished by the KGB. This attribution usually prompted chiding from the Court, which corrected him by averring that the witnesses had been furnished by “the Soviets.”<sup>45</sup>

Bērziņš was also a wit in Court. Complaining once about what he viewed as the uncritical entrance into the record of documents of Soviet provenance that he mistrusted and which had not been forensically tested to his satisfaction, he remarked: “In other words, a ham sandwich could be certified.”<sup>46</sup> During one INS prosecutor’s direct examination of his client, the following exchange took place that shows Bērziņš’s exasperation at the deficit of nuance in the government’s historical understanding:

- QUESTION: Let’s go to July of 1941. The disbanded Latvian Army was called up to assist the Germans to consolidate their hold of Latvia.
- MR BERZINS: Objection, Your Honor.
- THE COURT: On what grounds?
- MR. BERZINS: That question has umpteen assumptions in it.
- THE COURT: Break it down into components.<sup>47</sup>

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<sup>43</sup>StaH. 213-12. Staatsanwaltschaft Landgericht—NSG. 0044-018. Handakten-Sonderbaende “Arajs.” Band 3, pp. 449–450. “Ivars Berzins: Attorney at Law.” May 15, 1979.

<sup>44</sup>Transcript of the trial of Konrāds Kalējs, p. 1185.

<sup>45</sup>Ibid., p. 399.

<sup>46</sup>Ibid., p. 303.

<sup>47</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-1. “Arajs Verfahren.” Sonderband 40, pp. 6854–6855. The hearing in question is that of Vilis Hāzners in Albany, New York. 8 and 9 March 1979. Department of Immigration and Naturalization. File No. A 10303 336.

Objecting to a critical translation, Bērziņš once exclaimed to the Court: “This is cockeyed. I saw it. It’s cockeyed.”<sup>48</sup> And Bērziņš frequently got his way in the courtroom. In the same hearing, shortly before adjourning, the judge concluded: “Well, do you have any more documents? Why don’t we have it translated? I think we better, instead of proceeding this way. It’s embarrassing to the Government.”<sup>49</sup>

Bērziņš followed the trial of Viktors Arājs on a virtually day-to-day basis throughout, both by means of the reports he paid Štāmers to generate, and via direct contact with the lawyers of Arājs’s defense team.<sup>50</sup> This close attention undoubtedly paid dividends to Bērziņš and the clients he would defend in the course of the following decade. It gave him as good a picture of the Arajs Kommando and its crimes as had anybody in the world save the former Kommando members themselves.

### *The Case of Konrāds Kalējs Begins*

Konrāds Kalējs, whose family name simply means “smith,” was born in Latvia on 26 June 1913. He attended the Latvian military academy during the years 1934 to 1937 and thereafter served in the peacetime Latvian army as a junior officer [“Virsleitnants”]. He was automatically inducted into the Red Army like everyone else in that position when the Soviet Union first absorbed Latvia in 1940.<sup>51</sup> In June 1941, his unit was stationed in Gulbene, a small provincial market town, but he, along with most of his unit, melted into the forest upon news of the German invasion.

While the government would prove that he became one of the top officers of the Arajs Kommando and a direct subordinate of Viktors Arājs himself, Kalējs naturally told a different story. He presented his activities during the war as those of a demobilized veteran turned university student making ends meet by the sweat of his brow as a part-time farm

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<sup>48</sup>Ibid., p. 6766.

<sup>49</sup>Ibid., p. 6869.

<sup>50</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. “Arajs Verfahren.” Sonderband 40, p. 6940. “Fernschreiben an die Botschaft der Bundesrepublik Deutschland, Washington, DC,” 21 March 1979.

<sup>51</sup>Transcript of the trial of Konrāds Kalējs, p. 1264. “Yah, that’s what I tried to explain, before German occupation, there was, I remember, because I was myself, which you never asked me, I don’t know why, I was, before Germans came in, I was Red Army officer, but that was never asked.”

hand—and no friend of the Germans.<sup>52</sup> He had only met Arājs, he claimed, late in the war during their mutual duty in the Latvian Legion. In fact, during the trial, testimony made by Viktors Arājs from prison was entered in which he attempted to protect his former lieutenant by agreeing that the two only first crossed paths during their Legion days.<sup>53</sup>

The post-war path of Kalējs took him to the displaced persons camps where he became the police chief of the camp near Rotenburg which housed Latvians.<sup>54</sup> After some years, he managed to relocate to Australia. He lived there until 1959, when he immigrated to the United States. He did not, however, petition for citizenship. He led a quiet life, finally retiring from A.G. Nielsen Company, the famous polling and marketing research firm, on 1 July 1983, age 70.<sup>55</sup>

How exactly he was discovered is under some dispute. According to the government report, the “OSI serendipitously learned of his presence when searching for another member of the AK (Arajs Kommando). They learned that he was dead but that his widow was in the country. She was living with Kalejs, a name OSI recognized from the AK roster.” Professor Andrew Ezergailis, however, contends that the name, which does not appear in any Soviet publication, was given to them by a Latvian named Herman Rediņš.<sup>56</sup>

Either way, what is remarkable is that all the way until October 1984, when the OSI first filed the deportation suit against him, Kalējs lived openly under his own name and apparently did so without drawing the slightest bit of legal or police attention to himself. In the United States and Australia at least, nobody was looking for him and he was not even trying to hide. There was no Soviet pressure either. At the time of his arrest in 1985, the recently-retired 71-year-old Kalējs was living in St. Petersburg, Florida. He was vacationing in Miami Beach in knowing

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<sup>52</sup>Ibid., pp. 1229–1231.

<sup>53</sup>Ibid., pp. 1024–1066.

<sup>54</sup>Ibid., p. 1279.

<sup>55</sup>Ibid., pp. 1133–1205.

<sup>56</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 467. Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: ‘Daugavas Vanagi—Who Are They?’ Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005, p. 189.

defiance of a court order to report to his immigration hearing.<sup>57</sup> Indeed, his brazen attitude at his trial and multiple acts of tempting the law outside of his trial afterwards suggests contempt for his prosecutors and a complete lack of remorse or fear.

### *The Threat of Deportation*

The United States had no extradition treaty with the Soviet Union.<sup>58</sup> However, OSI prosecutors did attempt to deport one denaturalized Latvian, Boļeslavs Maikovskis, to the Soviet Union where, in all parties' full knowledge, he had already been sentenced to death in absentia—a de facto extradition from his perspective at least. It is unclear what the provisions of the US offer contained, but in another such case the Americans required that the prior absentia verdict be set aside and that the deported defendant only be tried on additional charges and with guarantees of due process. Probably, the application of such provisions was the OSI policy. Maikovskis's own designated choice, Switzerland, barred him from entry. Instead, he managed to make it to West Germany, where a fresh trial against him was opened and quickly suspended because of his poor health.<sup>59</sup> The official US government report would later imply that the prosecution was originally undertaken by the West Germans in part because of political considerations: the decision was announced a few days before Chancellor Helmut Kohl's 1988 visit to Moscow, although this seems quite thin evidence for such a weighty accusation.<sup>60</sup>

As it happened, while the threat always loomed, only one Balt, the Estonian Karl Linnas, in 1987, was ever actually removed from the United States to the Soviet Union. Although he died in prison in the Estonian Soviet Socialist Republic of natural causes within three months of his arrival, he was deported having already been tried there in absentia in

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<sup>57</sup>“Latvian Native Arrested,” in *The New York Times*, 21 April 1985, p. 11.

<sup>58</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 288, fn. 7.

<sup>59</sup>*Ibid.*, p. 594. Judicially, Maikovskis must be presumed not guilty by Germany, as the case was suspended. He died in 1996.

<sup>60</sup>*Ibid.*, pp. 430–431.

1962 and had also been sentenced to be executed.<sup>61</sup> A Ukrainian, Feodor Federenko, was a former guard at Treblinka. A denaturalization case was brought by the United States Attorney's Office against him in 1977. The litigation had made it to the Supreme Court by 1981, not long after the OSI had gotten off the ground.<sup>62</sup> Ultimately, Fedorenko was deported to the USSR in 1984, where he also faced charges. His story ended with his execution in 1987—the year before Kalējs was given his deportation order.<sup>63</sup> This could never be forgotten in American Latvian society; there was precedent for the American Latvians' fear that the OSI's practices could lead to what amounted to de facto extraditions to the USSR.

That deportation to the Soviet Union, rather than a simple prison sentence of whatever duration, was the possible penalty faced by the respondents also struck a uniquely sour chord with American Latvians because of their particular history. The natural associated historical reference that leapt into the minds of Latvians living in the United States was the doom of the 300 Legionnaires, regarded as martyrs, who were executed almost immediately by the Soviets after being “repatriated” to the USSR in 1945. This transfer was made against their will by, in the view of the Latvian exiles, the craven and faithless government of Sweden, whence they had fled for their lives near war's end. The thought that the mighty United States, like the Swedes before, would deliver them into the hands of their enemies was, for American Latvians, revolting and terrible to contemplate. Bērziņš said of the OSI's attempt to deport anyone to the Soviet Union that:

I thought that was gross. That was just gross. [pause] I still think that is gross. I mean the Soviet Union, they tried to prosecute the Germans for the Katyn Forest, you know, at Nuremberg. To a regime like that, you treat them as if they were normal? They're not normal. And to treat them as such, I thought was a black mark on the United States. I still think that.<sup>64</sup>

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<sup>61</sup>For the complete story, see: Jerome S. Legge, Jr. “The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics,” in *Holocaust and Genocide Studies*. Volume 24, Issue 2, Fall 2010.

<sup>62</sup>Fedorenko v. United States, 449 U.S. 490, 505–06 (1981).

<sup>63</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 48–63, 578.

<sup>64</sup>Ivars Bērziņš, Author's interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

*The Burden of Proof and the Two Prongs of Chaunt*

The burden of proof for most civil cases is the well-known formula of “the preponderance of evidence” or “the fair preponderance of the credible evidence.” However, for the revocation of citizenship, there is a higher burden in that “the evidence must be ‘clear, unequivocal, and convincing’ so not to leave ‘the issue in doubt,’” because “To require less ‘would be inconsistent with the importance of the right that is at stake.’”<sup>65</sup> That the burden of proof resembled that of a criminal case, even though the charge was civil, proved a large advantage for the respondents and their counsel, and made things much more difficult for the INS and OSI prosecutors to prevail in court.

Various conditions were set forth in the Displaced Persons Act of 1948 that those hoping to immigrate to the United States were required to meet. Two relevant exclusions apply here, to wit, Sects. 10 and 13. Section 13 stipulated that “No visas shall be issued under the provisions of this Act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States,” while Sect. 10 stated that “Any person who shall willfully make a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person shall thereafter not be admissible to the United States.”<sup>66</sup> The prosecutors needed to prove that the respondent had disqualified himself for entry and subsequent application for citizenship on either of these clearly related provisions of the law.

Among the arcana in American jurisprudence is a legal formula known as the “Chaunt Test,” so named after a landmark immigration case in the Supreme Court in 1960 involving an immigrant who had failed to disclose his arrest record and membership in the Communist Party in his petition for US citizenship.<sup>67</sup> The legal reasoning behind the Chaunt ruling—the “test”—consisted of two “prongs,” or criteria that had to be

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<sup>65</sup>Juozas Kungys, Petitioner, v. United States of America, Respondent. United States Supreme Court Briefs No. 86-228. October Term, 1986. IV. A.

<sup>66</sup>United States Congress. *The Displaced Persons Act (An act to authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes: 1948)*. 80th Congress. 25 June 1948. Section 13. *Ibid.*, Section 10.

<sup>67</sup>Chaunt v. United States, 364 U.S. 350, 81 S.Ct. 147, 5 L.Ed.2d 120. 1960.

met by the government before denaturalizing a respondent. In essence, the test is simple: the prosecution must prove that the respondent, first, made a willful misrepresentation or concealment in his or her petition for citizenship, and secondly, that this misrepresentation or concealment was material to the petitioner's eligibility.<sup>68</sup> Various elaborations were also devised as the precedent congealed over the course of later cases.

Jack Liebhof, a veteran of the United States Army, did work for the Department of State after his discharge and became the US Consul in Melbourne, Australia, in the late 1950s. He had been in charge of visa operations. Over the course of his career, which also took him to South America, he estimated that he had issued about 1,000 visas. On 3 December 1958, he issued one to Konrāds Kalējs.<sup>69</sup> Liebhof testified at the immigration hearing in 1988 that "applicants with involvement, serious involvement in Nazi activities, we would consider them also [in addition to Communists 'under the provisions of the Immigration Nationality Act'] ineligible, basically."<sup>70</sup> Questionable cases would be sent to the Visa Office in Washington, DC, for an "advisory opinion." Yet the visa application of Kalējs raised no red flags and was approved without a hitch. Kalējs just lied.

Ivars Bērziņš: The identities were very difficult to establish. If the target itself did not incriminate himself, in some instances it was almost impossible to establish the case, I thought. And that brings us to a very interesting aspect of it all, namely: the Fifth Amendment.<sup>71</sup>

### *The Fifth Amendment*

Within a week of the opening of the proceedings in 1988, Konrāds Kalējs was called to the witness stand. On the advice of his counsel, Bērziņš, he repeatedly pleaded the Fifth Amendment to the United States Constitution, which states:

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<sup>68</sup> Juozas Kungys, Petitioner, v. United States of America, Respondent. United States Supreme Court Briefs No. 86-228. October Term, 1986. IV. A.

<sup>69</sup> Transcript of the trial of Konrāds Kalējs, pp. 794–796.

<sup>70</sup> Ibid., p. 794.

<sup>71</sup> Ivars Bērziņš, Author's interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice in jeopardy of life or limb; nor shall be compelled in any *criminal* case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.<sup>72</sup>

After stating only his name, to each of the questions during his direct examination by the OSI team, Kalējs repeated the sentence: “I decline to answer on the grounds that my answer might tend to incriminate me.”<sup>73</sup> After this persisted for a conspicuously long time, the judge intervened, but Bērziņš replied:

Yes, Your Honor, the Respondent, upon my advice, will decline to answer each and every one of the questions put to him by the OSI attorneys on the grounds that the answer might tend to incriminate him, and he is invoking his privilege against self-incrimination under the Fifth Amendment of the Constitution of the United States of America.<sup>74</sup>

In response, the prosecution asked that the Court make “adverse inferences” each time the respondent declined to answer on the basis of the Fifth Amendment. The prosecution could then frame questions in such a way as to more or less compel the respondent’s answer: the “adverse inferences” would have been too detrimental not to answer. Respondents could still lie, however.

Not peculiar to the Kalējs case, this was in fact a major strategy of Bērziņš across many of his cases. Bērziņš, almost ten years earlier, had vigorously opposed allowing his client, Kārlis Detlavs, to testify in the trial of Arājs. However, a compromise in that instance was eventually reached. Finally ordered by the United States District Court for the District of Maryland to place Detlavs on the stand, he did so. But the Hamburg Court would have to come to him; he would not leave the country out of fear of never being let back in.

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<sup>72</sup>United States Constitution, Amendment V. Emphasis added.

<sup>73</sup>Transcript of the trial of Konrāds Kalējs, Folder I.

<sup>74</sup>*Ibid.*, p. 765.

Judges Wagner and Görtz, along with the prosecution in the form of Lothar Klemm and the defense in the form of Fritz Steinacker and Hannelore Cermak-Schwanen, all flew to Washington, DC, where they stayed in the Watergate Hotel, no less. The proceedings did not take long: Detlavs merely informed the Court that “I decline to answer on the ground this might tend to incriminate me,” after which the transcript records that the judge asked “Does anybody of the members of the German Court being present wish to have any further questions asked of the witness? (Members of the German Court shake their heads.)”<sup>75</sup> For some reason—perhaps because adducing “adverse inferences” would be problematic in a German court—in this case, the matter was allowed to drop.

### *Bombings*

The frustrations of some members of the public with the US system’s treatment of suspected Nazi persecutors, seen alternately as inept or, more often, too indulgent towards the defense, eventually boiled over. In 1982, quite some time before the legal battle of Kalējs, charges were filed by the OSI in the Federal District Court in Long Island against Elmars Sproģis, who came to the United States in 1950. He was charged with having perjured himself when he signed the requisite form attesting that he had never participated in any persecution on the basis of race, religion, or nationality. It had emerged that he had been an assistant to the chief of police in the small provincial Latvian town of Madona, home to approximately 100 to 150 Jews who were murdered in short order, almost certainly by a detachment of the Arajs Kommando in a ‘Blue Bus’ action, after the German takeover in 1941.<sup>76</sup> The two witnesses produced by the Soviets upon request—one perpetrator and one victim, as it happened—were, in the Court’s judgment, not to be considered reliable as they seemed coerced and their testimony was contradictory. No additional proof could be found that Sproģis had actually participated in any

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<sup>75</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. “Arajs Verfahren.” Sonderband 4, p. 7274. “In the Matter of: Request of the State Court Hamburg, Federal Republic of Germany.” 2 July 1979.

<sup>76</sup>For more about Sproģis, see: Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: ‘Daugavas Vanagi—Who Are They?’ Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005, pp. 183–186.

specific criminal acts besides being a jailor of Jews and apportioning their property to their killers. He would confess to nothing more, although other alleged actions of his had been luridly described in various Soviet publications. The Court judged that his participation in the incarceration of Jewish people as Jewish people and handling the allotment of Jewish-owned property to the murderers was merely “magisterial” in capacity and did not amount to “active participation.” Furthermore, since he had honestly identified himself on his immigration application as having been a policeman in wartime Latvia, he was deemed not guilty of misrepresentation according to the law. Although this was an early case for the OSI and the judges in future cases would not much rely on the dubious finding with its extremely narrow definition of what constituted “persecution” as precedent, in 1984 the judge in this case did rule in favor of Sproģis.<sup>77</sup>

A bombing at the Sproģis residence followed this ruling in September 1985. The bomb “severely burned” an innocent passerby who saw the fire caused by the explosion and attempted to warn the occupants of the house.<sup>78</sup> Although both Elmars Sproģis and his wife were at home, unlike the Good Samaritan, neither was injured. According to news reports: “the Long Island newspaper *Newsday* received two apparently recorded telephone calls shortly after the explosion in which the voice said: ‘Listen carefully. Jewish Defense League. Nazi War Criminal. Bomb. Never Again.’”<sup>79</sup> Coincidentally, the victim of a similar early morning bomb attack died of his injuries—including the loss of one leg—within hours of the attack at Sproģis’s home.<sup>80</sup> Before and after this incident, it may be noted, Ivars Bērziņš lived in Long Island.

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<sup>77</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 101–105.

<sup>78</sup>Robert D. McFadden. “Blast at Home of Ex-War Crimes Suspect Injures One.” *The New York Times*. 7 September 1985, pp. 25, 27.

<sup>79</sup>Judith Cummings. “F.B.I. Says Jewish Defense League May Have Planted Fatal Bombs,” in *The New York Times*. 9 November 1985, pp. 1, 23.

<sup>80</sup>The government report mentions this: Tscherin “Soobzokov was murdered in Aug. [sic.] 1985 by someone who believed he was involved in Nazi atrocities.” Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 601. For more on the Soobzokov case, see: *Ibid.*, pp. 344–357. The attack itself occurred in August but its victim actually died the following month.

Later, when Konrāds Kalējs was in court in 1988, the prosecution had occasion to call a Los Angeles attorney, Jeffrey Mausner, who until January of 1986 had worked for the OSI. Exhibits in the form of the transcripts of two interviews that he had conducted in 1984 in the course of his duties with Elmars Sproģis were entered into the record. Here, Bērziņš objected, saying “I have not been taught how to cross-examine a piece of paper. I don’t know how.”<sup>81</sup> The Honorable Judge Patrone responded by asking him if Sproģis could be produced in person, in that case. To this the unflappable Bērziņš replied that “His house was bombed a little while ago, but he survived. Unless it was bombed again over the weekend, he should be alive.”<sup>82</sup>

While Bērziņš was indulging in a bit of black humor as he often did, this was obviously not a trifling matter. That such acts of vigilantism—or even a form of terrorism—occurred is disturbing. The violence indicates a certain perceived deficiency in the American judicial process, at least among those radicalized enough to see their own version of justice done by means of extra-legal violence. These acts were clearly the result of the frustration of some in the failure of the constituted authorities to punish these people who were seen as gravely guilty of capital crimes. In both cases, the attacks came not long after the acquittals of the intended targets. Needless to say, such acts also may have bolstered Latvian feelings of victimhood. Certainly, they generated greater sympathy for the perceived plight of the American Latvian community among its native right-wing political allies.

### *The Right Fights Back*

In general, as the more left-wing of the two parties in the American political system, the Democrats were mistrusted by many, if not most, American Latvians virtually by default. Instead, from Eisenhower through the McCarthy years, to those of Nixon, Ford, and especially the exalted Ronald Reagan, all the way to the presidency of George Herbert Walker Bush and the surprisingly pathetic collapse of their sworn Soviet foe, the Latvian exiles in America were a compact and reliable

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<sup>81</sup> Transcript of the trial of Konrāds Kalējs, p. 880.

<sup>82</sup> *Ibid.*, pp. 882–883.

Republican constituency.<sup>83</sup> As the community gained its footing in the new country, establishing its own churches and hobby and sports societies, sending its youth into the university and the armed forces, and gradually making appreciable economic headway, it also became something of a single-issue political lobby, often embodied in the form of the American Latvian Association (ALA). Their rigid anti-Communist stance brought a ready-made set of right-wing political confederates over to the Latvian immigrants' side.<sup>84</sup> The Reaganite campaign posturing against the "Evil Empire" and the cult of the Cold Warrior that saw its apotheosis in the 1980s solicited enthusiastic American Latvian activism and contributions to Republican candidates up and down the ballot.

In the 1980s, the trials became the subject of popular political debate and put the American Latvian community under the glare of the national spotlight. While the OSI itself responsibly refrained from wading into the political dispute, it was defended by an array of supporters who varied in their ardor. Allan Ryan, Jr., probably went the furthest beyond an appropriate defense of the OSI and instead endangered it by rhetorically attacking innocent people.<sup>85</sup>

Much more difficult to understand are the OSI's detractors. In return for its decades-long loyalty, the American Latvian community did not stand alone in its pushback against the Office of Special Investigations and the advocates of its prosecutorial mandate. Political pressure groups like Americans for Due Process and the Coalition for Constitutional Justice and Security sprang up overnight. Leading right-wing commentators like Pat Buchanan, to choose perhaps the most prominent example, took to the microphone not only to protest against the OSI, but actually to defend the accused. "I see these people as undefended. Someone is called a Nazi war criminal, and there is an automatic presumption of guilt, not of innocence," decried Buchanan.<sup>86</sup> Former CIA Director William Colby

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<sup>83</sup>For a sociological and political look at the American Latvian community, see: Ieva Zaķe. *American Latvians: Politics of a Refugee Community*. New Brunswick and London: Transaction Publishers, 2010.

<sup>84</sup>Bernard John Maegi. *Dangerous Persons, Delayed Pilgrims: Baltic Displaced Persons and the Making of Cold War America, 1945–1952*. Dissertation. University of Minnesota, 2008.

<sup>85</sup>Also see, for example: Christopher Simpson. *Blowback: America's Recruitment of Nazis and its Effects on the Cold War*. New York: Collier Books, 1989.

<sup>86</sup>Quoted in: Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 543–544.

praised one accused Latvian in a nationally televised interview for his service with the agency. The man had specialized with notable success in the recruitment of Soviet Latvian defectors.<sup>87</sup>

Overlapping the many Republican politicians and pundits among the active supporters of the American Latvian cause in public resistance to the OSI were also a great many military personnel. Numerous young American Latvians had fought in Korea and in Vietnam not only as draftees but as volunteers because they believed their sacrifice to thwart Communism and blunt its expansion in Asia would hasten the liberation of their own country in Europe, even if they had never yet set foot there. Their impassioned anti-Communist commitment—gained by many of them through searing firsthand experience on Asian battlefields, or through osmosis from their parents' experiences during the Second World War—was from the dawn of the post-war period until the final ruin of the USSR highly valued by the United States government. The military especially, and retired service members as well, naturally, tended to view American Latvians as completely faithful and reliable defenders of the American way and a rock-solid block of resolved enemies of Communism. This fond relationship extended past the realm of rhetorical platitudes. When cases against Latvians and exiles of other Eastern European nationalities began opening, the Veterans of Foreign Wars (VFW) moved to publically defend them. Indeed, as Jerome Legge found, in 1984 the VFW termed the Office of Special Investigations “the willing and subservient official American Government tool of the Russian empire.”<sup>88</sup> The military itself had no legal ability to express views on political matters, but non-governmental organizations such as the VFW could do so by proxy without controversy or risking very bad publicity.

More because of a specific confluence of interests rather than a formal and ‘principled’ alliance, the American Latvians also sometimes found themselves in the same room with more extreme and even less palatable

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<sup>87</sup>Quoted in: *Ibid.*, p. 119. The show was *ABC News Closeup*, “Escape from Justice: Nazi War Criminals in America.” 13 January 1980. Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 125, fn. 9.

<sup>88</sup>Quoted in: Jerome S. Legge, Jr. “The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics,” in *Holocaust and Genocide Studies*. Volume 24, Issue 2, Fall 2010, pp. 41–42.

allies: the writers and editors of the execrable Institute for Historical Review—the notorious pseudoacademic faction of America’s anti-Semitic Holocaust denier community. One “revisionist” of their number, Ted O’Keefe, criticizing the OSI and Allan Ryan, Jr.’s book, asked

What to make of a procedure so clumsy, and so shabby, that it would be laughed out of a police court if it ever so much as came to a hearing? Clearly it has little to do with the norms of justice in America. Then again, the OSI is scarcely an American body. It serves no American purpose, its investigations are dependent almost entirely on evidence supplied by the U.S.S.R. and witnesses produced from abroad, mainly from Israel, and nine-tenths of its activity is focused on events which occurred in countries far from America and which didn’t involve Americans. Only two aspects of the OSI’s activities are American: Americans foot the bill, and several hundred Americans are being stripped of their rights and driven from their country.<sup>89</sup>

Thus, some right-wing opponents of the OSI were only partially motivated by what they perceived as Communist-inspired attacks on fiercely anti-Communist exiles in the US, and their critiques bled easily into Holocaust denial. Here, they showed themselves to be dubious friends indeed. For schizophrenically, while condemning the OSI’s prosecution of suspect immigrants, the same people deployed the accused as alibis for the German perpetrators and for German policy, using them to whitewash German responsibility for the Holocaust at the expense of the “spontaneous” actions of putatively less civilized Eastern Europeans. A common claim of the promoters of the “Germanless” Holocaust thesis was that “The pogroms were evidently initiated by the Latvians themselves, as reprisals for what the outraged Latvians saw as Jewish oppression and murder during the Soviet occupation.”<sup>90</sup> While deploring the OSI, radical “revisionist” Holocaust historians like these were thus still happy to sacrifice the Latvians among others to their higher cause, claiming that whatever few killings had actually taken place, had occurred at

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<sup>89</sup>Ted O’Keefe. “Quiet Neighbors: Prosecuting Nazi War Criminals in America. Book Review,” in *The Journal for Historical Review*. Volume 6, Number 2. Summer 1986, p. 231.

<sup>90</sup>Brian A. Renk. “Christopher Browning: The State of the Evidence for the ‘Final Solution.’” Cincinnati, Ohio: Lecture presentation at the Conference on Real History, 26 September 1999.

the hands of primitive non-Germans. In the end of course, these dishonest, partial allies were not worth having. Their association with the American Latvian community not only besmirched Latvian honor but brought everlasting disrepute to their cause, as well.

### *The End of Konrāds Kalējs*

The legal defense of Konrāds Kalējs was hindered chiefly by two factors: first, his prominence in the Arajs Kommando meant that more documentary evidence and, especially, witnesses could be found in the Soviet Union. Second, since Kalējs was a citizen of Australia, not the United States, his prosecutors only needed to obtain a deportation—not a more difficult denaturalization—ruling.

Hearings began as early as 1985, but the main immigration proceedings themselves publically opened on 14 April 1988 and were completed on 3 August 1988. They left a transcript of around 1,400 pages. Kalējs was there in person every day.<sup>91</sup>

Although a number of survivors of the Holocaust in Latvia testified from around the world, the most damaging testimony came from a dozen male witnesses from the Soviet Union. These men, testifying on camera in Rīga courtrooms, were former Arajs Kommando members who had been convicted by the Soviets. All of them had served at least ten years in labor camps, some of them twenty-five years. In the event, some no longer felt much loyalty to former Lieutenant Kalējs.<sup>92</sup>

A handful of expert witnesses were also called, mainly to forensically verify the authenticity of a variety of wartime documents produced by the Soviets. These were top Immigration and Naturalization Services (INS) and Bureau of Alcohol, Tobacco, and Firearms (ATF) analysts who were able to confirm that the documents were physically authentic in terms of paper, ink, typewriter, glue, and so forth. Moreover, the

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<sup>91</sup>In fact, the courtroom seems to have been fairly boisterous at times. The judge often had to ask, for example, “Could the audience be quiet, please?” Transcript of the trial of Konrāds Kalējs, pp. 866, 1275.

<sup>92</sup>These were: Rudolfs Soms, Edgars Jurgitis, Kārlis Strazds, Jēkabs Kalniņš, Gennadij Murnieks, Ernests Kārklīņš, Osvalds Eliņš, Rolands Bahšteins, Viktors Enītis, Leonīds Jansons, Kārlis Rožkalns, and Georgijs Pimanis.

renowned Professor Raul Hilberg testified in order to establish the historical context, although he had nothing to say specifically about Kalējs himself.

Besides first opting for the Fifth Amendment and later testifying as evasively as possible, there was little Kalējs could do once the forensic and translation-based challenges to the evidence provided by the Soviets were dismissed. He managed to produce certificates of good conduct from US and British Armies from the late 1940s and early 1950s. Other attempts to introduce positive evidence to prove his good character ended in farce. For example, Erna Namgauds of Ontario, Canada, was on the stand when one of the prosecutors intervened: “Excuse me, your Honor. Can I ask the Respondent to try and refrain from shaking his head after the questions are asked and before the witness answers?”<sup>93</sup>

The story of Konrāds Kalējs did not end when he lost his case in 1988. Only in April 1994 was Kalējs finally deported to Australia, having exhausted the last of his appeals. Both later the same year and again in 1995, he attempted to enter Canada, presumably to be nearer to his surprisingly steadfast female “long-time acquaintance” who lived in Winnetka, Illinois.<sup>94</sup> The first time, he returned to Australia before any new legal proceedings could take place; the second time he was tried again and deported again, this time by the Canadians, although the process lasted well into 1997.<sup>95</sup> Late that same year, he was intercepted by American authorities on his way from Australia to Mexico via Los Angeles.

After he was refused entry, Kalējs briefly managed to drop off the map. With prodding from the American news program *20/20*, however, his fond female friend’s phone records were examined, which indicated frequent calls to Rugby, England. There, in 1999, Kalējs was discovered living in a Latvian nursing home under a false name.<sup>96</sup> With the OSI’s continued goading—“OSI worked to keep the spotlight on Kalejs”—deportation proceedings were brought against him by the British and

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<sup>93</sup>Ibid., pp. 1024–1066. For more character witnesses, see: Ibid., pp. 1067–1132.

<sup>94</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 467.

<sup>95</sup>Ibid.

<sup>96</sup>Ibid., p. 469.

an inquiry was launched to determine how he had entered the United Kingdom in the first place. Kalējs returned again to Australia before being required to appear in a Crown court. Instead of a reprieve, he was greeted with legal pressure from yet another direction. The OSI energetically helped to stir up an international outcry, and the government of the independent Republic of Latvia issued an indictment of Kalējs in 2000 and requested his extradition. He was arrested by Australian police. Less than a year later, while the complicated extradition process was still in progress, he died.<sup>97</sup> All of that time, Australia, Canada, and the United Kingdom, in contrast to the US, could try, convict, and imprison Nazi criminals for the real crimes at issue, rather than just for fraudulent entry. Thus, ultimately it was potentially more dangerous for Kalējs to be in those countries than in the US. He was simply audacious and showed no fear.

#### SUMMARY

Professor Ezergailis argues in *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: 'Daugavas Vanagi – Who Are They?' Revisited*, that the reliance of the OSI on the Soviet press and propaganda arm led to the rather embarrassingly low rate of convictions in cases against Latvian immigrants. In other words, he says that Soviet interference sent US justice authorities on wild goose chases and, in effect, obstructed justice for political reasons. The American government, in his story, struggled with flawed cases against some innocent people while, he rightly points out, truly guilty parties not mentioned in the Soviet books, such as Konrāds Kalējs no less, roamed free. Ivars Bērziņš tends to dispute this, however. He believes that such literature was never taken seriously by the government, although its effect upon the public may have been corrosive to the American Latvians' reputation.<sup>98</sup> For

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<sup>97</sup>Ibid., p. 475.

<sup>98</sup>Ivars Bērziņš, Author's interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

Ivars Bērziņš: Well, I think it had an undue impact. People of good will read them and were misled into believing that they are reading reality. They were not reading reality. They were reading Soviet propaganda publications. Those booklets were published for a very specific purpose, and the purpose being to discredit the émigrés that

his part, the highly-respected Dr. Steven Rogers, one of the OSI's most experienced in-house investigative historians who worked for the agency literally from start to finish, relates that the OSI was aware of the publications and did scrutinize their claims, subjecting them to a rigorous fact-checking process and discarding everything that would not pass muster in an American court. The publications evidently did provide one starting point for the infant agency, but it was one that was more or less quickly outgrown.

Obviously, the prosecutors working for the OSI did not waste resources or risk their reputations or that of their organization by bringing charges against people they did not believe were guilty and who could not be convicted in open court. Systemic reasons, in fact, account for the greater part of the explanation for the very large proportion of the cases brought against American Latvians that resulted in the government's failure to convict. Firstly, the late date that efforts were undertaken meant necessarily that some worthwhile investigations were prematurely halted or were perhaps never even begun in the first place because the subject of that investigation was already dead or dying. Secondly, it should not be considered a mere coincidence that the most convincing conviction was that of an Arajs Kommando officer. Cases against less prominent members of less conspicuous formations were understandably more difficult for the prosecutors to prove. The evidence required to tie a specific respondent to a specific unit—much less a specific illegal act or acts—was much more difficult to produce when both the person and the unit were more obscure. Lastly, several cases were horribly and unambiguously botched by the Immigration and Naturalization Service before the Office of Special Investigations arrived on the scene, as Allan Ryan, Jr., rightly says. The OSI then faced

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Footnote 98 (continued)

were, you know, nagging the Soviet Union, in their own way, and the idea was to discredit them. Discredit them in the eyes of the Western society as being just Nazi collaborators and war criminals and whatnot, just to taint them with a broad brush. And in that sense, the Soviets succeeded and, up to a point, I suppose those booklets accelerated the hue and cry for expelling the Nazi war criminals. But later on, OSI, of course, recognized what these booklets are. I mean, those attorneys and historians are not dumb people. They did not rely on those booklets. They recognized them for what they are, so at the beginning, I suppose before the OSI, those booklets were read with undue interest, but thereafter I doubt that they really had any impact. They had an impact out in the public, but not within OSI. At least, I don't think so.

obstacles in retrying them because of laws against “double jeopardy”—the practice, prohibited by the Fifth Amendment, of the government simply charging a person over and over for the same alleged offense until it obtains the desired verdict.<sup>99</sup>

Although for the purposes of this chapter—that is, with respect to the American Latvian community more generally and the cases related specifically to the Arajs Kommando in particular—the record of the Office of Special Investigations may not seem very good, the set of cases brought against Latvian defendants was something of an exception. In fact, the OSI was overall a very successful agency in terms of fulfilling its mission, and a credit to the dignity of the United States and its sometime commitment to justice. Even their adversaries in the courtroom praised the lawyers, researchers, and historians of the OSI as “formidable opponents” who were “probably the most professional war crimes prosecutors on this planet.”<sup>100</sup>

The claim might be leveled that the United States behaved too assiduously, was too scrupulous in observing the rights of those who stood accused. Yet, the fruits of the United States legal process by the INS and, especially, by the OSI, are also to be found far beyond the walls of the courtroom. Beside their prosecutorial performance, the volunteers of the OSI were always aware of their agency’s secondary, didactic function, aimed explicitly at providing a public information service.<sup>101</sup> This aspect of its responsibilities was formalized in its charter. Later, the Nazi War Crimes Disclosure Act, passed on 8 October 1988, created a Nazi War Crimes Records Interagency Working Group.<sup>102</sup> The Justice Department

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<sup>99</sup>Allan Ryan, Jr. *Quiet Neighbors: Prosecuting Nazi War Criminals in America*. San Diego: Harcourt Brace Jovanovich, Publishers, 1984, p. 60.

<sup>100</sup>Ivars Bērziņš, Author’s interview with Ivars Bērziņš. Babylon, New York, 11 June 2011.

<sup>101</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, pp. 558–559. Although he does not comment directly on the OSI, Lawrence Douglas has written an excellent book on the crucial importance of trials to Holocaust education. Lawrence Douglas. *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*. New Haven and London: Yale University Press, 2001.

<sup>102</sup>National Archives and Records Administration. “Basic Laws and Authorities of the National Archives and Records Administration.” General Counsel / Policy and Planning Staff, National Archives and Records Administration, 2008 Revision. 5 U.S.C. § 552 note.

was represented in the group by the OSI, which thereby also helped to make the relevant documents in the possession of the United States government available to researchers and to the public.<sup>103</sup> According to the 2006 government assessment of the OSI, “As a repository of World War II knowledge, the office has been called upon by various parts of the government to prepare reports to assist in non-litigative matters concerning the Holocaust.”<sup>104</sup>

Besides these positive outcomes, the US justice system improved itself in its legal theory and institutions as all of this developed. Today, the OSI no longer exists but it does, in a sense, live on. In 2010, it was merged with the Domestic Security Section, also a part of the Justice Department. This new creation is called the Human Rights and Special Prosecutions Section (HRSP), and enjoys a broader mandate than OSI ever had. Its mission is to pursue and prosecute international criminals and human rights violators abroad as well as to keep them out of the United States and to expel any who enter. It also acts in an advisory role in shaping related policies.<sup>105</sup>

With regard to American Latvians, it might be said that before the investigations of the INS and the OSI, they were largely ignorant of Latvian complicity in the Holocaust. Compounding this fateful ignorance was the fact that the allegations and evidence were seen as originating in the detested Soviet Union. Even worse, the charges came precisely at a time when American Latvians saw their privileged status as pitied and honored victims of Communism slipping in a country that was simultaneously learning about the Holocaust and beginning to recoil from the superpower game of nuclear brinkmanship. The cooperation of the OSI with the Soviets carried the odor of American accommodation and seemed to entail a permanent US acquiescence to what they regarded as the criminal and forceful annexation of Latvia. Many even considered a public legal reckoning with the crimes that were committed during the war as an impediment to the overriding goal of defeating the USSR and restoring Latvian independence. These were almost certainly the main factors shaping American Latvians’

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<sup>103</sup>Judy Feigin. *The Office of Special Investigations: Striving for Accountability in the Aftermath of the Holocaust*. Mark M. Richard, ed. Washington, DC: Government Printing Office, 2006, p. 558.

<sup>104</sup>Ibid., pp. vi–vii.

<sup>105</sup><http://www.justice.gov/criminal/hrsp/>.

generally hostile and disgusted reaction to the trials, fairly or unfairly. The community's resistance to the government's honorable efforts, and its enlistment of dubious allies, is not to be excused, but it can be understood without resorting to denigrating stereotypes about Eastern Europeans with innate fascist propensities and without denigrating innocent people as Nazis. They behaved as one might expect any other group would have under this unique set of circumstances.

It is to be hoped that the OSI's educational mission will have had its influence upon American Latvians as well, in the final analysis. This author is proof that, to some extent at least, it has. As time goes on, the importance of the research and educational functions of the OSI will only become more apparent. In the 1990s, not only had the Soviet Union vanished, but the men of the generation who were of military age during the Second World War who might have been legally culpable for their actions at that time were also disappearing. Thanks to the OSI, that much more of the record has been preserved.

## Conclusion: Justice for Some, the Truth for All of Us

Concerning a crime of the magnitude of the Holocaust—and the manifold tributary crimes such as those committed by the men of the Latvian Auxiliary Security Police—something like real justice for the perpetrators and their victims could at the very best only be approximated. Combining the 356 men of the Arajs Kommando tried by the Soviets with the unknown but appreciable number of wartime combat deaths and the smattering of trials in the West, likely one-third to one-half of Arājs's men found some form of justice sooner or later. While a high proportion by the standards of justice visited upon the perpetrators of the Holocaust in general, this figure is nevertheless deeply unsatisfying. What is more, even those who did stand trial in whatever venue—a snap SMERSH or NKVD troika, a Red Army Tribunal being broadcast live, an exacting and scrupulous West German process, a secret Stasi inquisition, or a US immigration court—most faced penalties wholly incommensurate to the crimes of which they stood accused. Not only could some of the punishments faced have been more severe, but given the special nature of the crime of genocide, *appropriate sentencing was—in principle—impossible*.

The primary function of each individual trial was the weighing of evidence and the determination of individual guilt or innocence, followed by the sentencing of the guilty. One should not lose sight of this narrow but fundamental function of each trial. But the case of each individual defendant must be placed alongside the wider issues considering the gravity of the accusations—revenge, closure to the victims, rehabilitation, deterrence, and establishing the wider historical truth and educating the public about

it. Of these other possible objectives, the latter two were clearly the most successfully met. Revenge on behalf of, much less closure for, the few surviving Jewish victims was clearly nowhere a goal of the competent authorities. Neither was any sort of human rehabilitation of the convicted seriously contemplated or, indeed, even possible. Not even after a quarter century of hard labor served in the Arctic Circle could a convict fully regain his rights as a Soviet citizen, for example, and if convicted in the United States, the convict was merely reviled and banished. In view of the war crimes around the globe that took place subsequent to and, in some cases, even contemporaneously with these trials, they plainly failed as prophylactic deterrents to aspiring génocidaire. Regardless of one's philosophy, then, by process of elimination, aside from determining individual guilt, the subsidiary functions of the legal proceedings against the men of the Arajs Kommando have always been: first, the establishment of a historical record of their crimes, and second, the promotion of the public's awareness of them. It is mainly on this basis, then, that the present study has attempted to compare and judge the various systems of justice involved.

In early 1979, Viktors Arājs penned a letter to *Der Spiegel*, a major West German weekly news and opinion magazine. Although the magazine did not publish this self-proclaimed "correction" of its coverage, the Hamburg Court was startled that Arājs had contrived to open a direct dialogue with the media. The presiding judge himself, Dr. Wagner, wrote to *Der Spiegel* and upon request was provided a photocopy of the Arājs letter.<sup>1</sup> It read as follows:

Re: Correction to your report "War Crimes – War Graves" in *Der Spiegel* Issue 52, Page 55.

As a *Spiegel* reader of many years, I was very pleased with your coverage of the so-called war criminals. Allow me to quote briefly from my correction. Thirty years ago I was acquitted by an English War Crimes Tribunal because the so-called witnesses could no longer truly remember. [Yet] [t]oday – after 30 years – they can. Doesn't the unavoidable question pose itself, that this is happening only because of the pressure of certain press and media? Just to correct the record: you identify me as SS-Man and Obersturmbannführer [SS Lieutenant Colonel]. Neither of these

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<sup>1</sup>StaH. 213-12 Staatsanwaltschaft Landgericht—NSG—0044-13. "Arajs Verfahren." Sonderband 41, p. 6939. "An den *Spiegel*." Hamburg, 5 April 1979. Coincidentally, *Der Spiegel* had its headquarters in Hamburg.

corresponds to the facts. As a Latvian citizen, I could never become a member of the SS or Waffen-SS. My membership was in the Volunteer Latvian Legion, where, shortly before the end of the war, I was promoted to Sturmbannführer [SS Major]. Through the general negative press reportage about me, I get an ever stronger feeling that *I am the object of a public spectacle, not the subject of jurisprudence, as it truly should be.*<sup>2</sup>

The assertions that he had been acquitted by an Allied Commission and that he only attained his Major's rank near the end of the war, as well as the insinuation that he had exclusively served as member of the Latvian Legion, were totally bogus. Also untrue was his last statement to the effect that his trial was some kind of media-directed witch hunt being staged for the cruel amusement of the masses. The lies in this letter represent an extremely clumsy and squalid self-serving maneuver desperately or perhaps naïvely conceived as an appeal to the press, and thereby to the public at large, for sympathy.

This strange message can still, however, serve as a reminder that *an equitable society must balance justice between secrecy and sensation the better to discover the truth.* The cliché that “daylight is the best disinfectant” holds; transparency in the legal process is important to staving off corruption. But even this must be balanced in such a way as to keep said daylight from becoming a scorching blaze. Courts must keep themselves impartial, independent of and above ‘the mob,’ and justice must be kept, to use another cliché, blind.

The Soviet Union succeeded in alternately exceeding both extremes of this spectrum. First, it withheld the solid information gleaned from its captives and instead supplied a warped version of events for public consumption quite at odds with what its own investigations were establishing. Later it indulged in making trials into public spectacles turned to political purposes. Its East German satellite trespassed, for purposes that refer only to the legal aftermath of the Arajs Kommando's crimes, on the side of excess secrecy alone. Its inception was almost certainly purely political in motivation and it was handled extremely unskillfully, resulting in neither due process and a just verdict nor any enhancement to historical knowledge.

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<sup>2</sup>Ibid., pp. 6970–6971. “Betr.: Richtigstellung Ihres Berichtes ‘Kriegsverbrechen—Kriegsgräben.’ im *Spiegel* Ausgabe 52, Seite 55.” Hamburg, 8 January 1979. Emphasis added.

Despite Arājs's complaints, he received due process and a fair trial in West Germany. One essential aspect of this was transparency: the right of public and free press to observe and report as a check against injustice, without the interference of ulterior political purposes of the state. West Germany and the United States probably struck the proper balance: non-sensitive information was made available by the state, but it was left to a free press to set the level of coverage according to the interest (and in the interests) of the public. The media and public were free to observe from the gallery, pundits were free to say what they would, but the government did not officially promote or advertise the case. The records indicate that no party to the Hamburg trial—save Arājs himself, as was just shown—attempted to go beyond the walls of the courtroom and make its case before anyone but the judges.

It has been argued that a key defining feature for assessing the trials—beyond the justice faced by the individual men accused of committing crimes as members of the Latvian Auxiliary Security Police—is what those judicial efforts have contributed to our historical knowledge of that unit's crimes. The final fate of one additional member of the Arajš Kommando may serve to bring this thesis into relief. Despite all of the deficiencies of the Soviet and East German trials, very important evidence was gathered by the former and the latter at least respected some limits in terms of not torturing their suddenly uncooperative and even defiant suspect. In punishing the perpetrators, the alternative to trials, even highly flawed ones, was to focus solely on achieving the maximum revenge. The state-organized assassination of Herberts Cukurs represents the quintessential case in point.

On 23 February 1965, an international act of state vigilantism, if such is not a contradiction in terms, was committed. Herberts Cukurs, a former officer in the Arajš Kommando and a figure far more salient in post-war victim testimony than Arājs himself—especially when it came to wanton acts of hands-on brutality—was assassinated in Montevideo, Uruguay, by an Israeli Mossad team.<sup>3</sup> After a lengthy process of earning his trust and propositioning him with lucrative deals for his air tourism business, the Mossad agents lured him from his haven in Brazil to a small house in the Uruguayan countryside. There, the members of the squad

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<sup>3</sup>There have been various conspiracy theories concerning Herberts Cukurs and his relationship with Mengele and other former Nazis living in South America. See, for example: Jack Anderson. "Nazis on the Run," in *The Washington Post*, 28 Aug. 1977, p. 31.

waiting for him bludgeoned Cukurs to death with a hammer after their only firearm, a pistol, supposedly malfunctioned. The battered corpse was stuffed into a trunk with a note from “Those Who Shall Never Forget.” An anonymous letter was sent to the Associated Press office in Bonn, West Germany, including an address where his body could be found.<sup>4</sup>

As satisfying as the act probably was to the men who killed him, they could have done no greater disservice to their own cause and all of ours, more generally.<sup>5</sup> A trial for Cukurs, especially as a former Arajs Kommando officer, could likely have yielded untold information about the unit and its operations.<sup>6</sup> A lost opportunity, the case of Cukurs is the exception that proves the rule. Ironically, the last words of Herberts Cukurs, according to his executioners themselves, were “Let me speak! Let me speak!”

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<sup>4</sup>While the state of Israel remained coy for a time about the identity of the killers, the speculation around the world turned out to be correct. Later, the point man for the operation wrote a book about it. Anton Kuenzle and Gad Shimron. *The Execution of the Hangman of Riga: The Only Execution of a Nazi War Criminal by the Mossad*. Shlomo J. Shpiro, ed., Uriel Masad trans. London: Vallentine Mitchell, 2004. Also see: “Israeli Aide is Linked to Killing of Latvian Nazi in Montevideo,” in *The New York Times*. 10 March 1965, p. 17.

<sup>5</sup>Outrageously, because of this extrajudicial act, and despite the totality of the evidence against him, Latvians of an extreme chauvinistic nationalist bent can perversely but accurately claim that no court ever convicted Cukurs of any crime and attempt to blur the stark divide between mass murderer on the one hand and victim and even martyr on the other. For the current state of Cukurs-ology, see: Baiba Saberte. *Herberts Cukurs: Laujiet man runat!* Rīga: Jumava, 2010. The title means “Let me speak!”.

<sup>6</sup>Perhaps the political turmoil that resulted from the trial of Adolf Eichmann only a few years before had soured the Israeli leadership on that option.

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