

THE MERTEN AFFAIR

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Abstract of
THE MERTEN AFFAIR

by

William D. Archer

Dr. Max Merten, a German military official during the Nazi occupation of Greece, methodically participated in the destruction of Salonika's Jewish community. His actions during the Second World War aided the Nazi regime in extorting, deporting, and ultimately exterminating the Greek Jews of Salonika. In 1957, Merten returned to Greece and was arrested, tried, and convicted of war crimes. Two years later, under the guise of an economic agreement between West Germany and Greece, he was released despite his conviction and twenty-five year prison sentence. New archival research, however, indicates Merten's release from prison was specifically arranged in order to prevent disclosures of Nazi collaboration involving West German State Secretary Hans Globke, and separately, Greek Prime Minister Konstantinos Karamanlis. Information gathered and shared by the American and West German intelligence services discloses that Merten likely possessed, and continuously sought, information implicating both eminent political figures. Archival evidence additionally indicates that Merten used the war-period information as leverage for blackmailing both government officials in order to maintain his freedom and receive compensation.

_____, Committee Chair
Dr. Katerina Lagos

Date

Dedication

For Amelia

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LIST OF ABBREVIATIONS AND CRYPTONYMS

BfV	<i>Bundesamt für Verfassungsschutz</i>
BND	<i>Bundesnachrichtendienst</i>
CALLIKAK	CIA Surveillance Program
CAUSA	Hans Globke
CIA	Central Intelligence Agency
DCI	Director Central Intelligence
EDA	<i>Eniea Dimokratiki Aristera</i>
ERE	<i>Ethnike Rizospastike Enosis</i>
FEDREP	Federal Republic
FOIA	Freedom Of Information Act
NSDAP	<i>Nationalsozialistische Deutsche Arbeiterpartei</i>
SS	<i>Schutzstaffel</i>
UPHILL	BND Cryptonym
UTILITY	Reinhard Gehlen
WINTERSTEIN	Kurt Weiss
YDIP	<i>Yperesia Diacheiriseos Isrilitikis Periousias</i>
ZIPPER	Gehlen Organization

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CHAPTER ONE

INTRODUCTION

The Merten Affair, which gripped West Germany and Greece in the early 1960s, has long been the subject of speculation and conjecture. Certain overt aspects of the affair, including Dr. Max Merten's activities during the Second World War in occupied Greece, his high-profile arrest and conviction for war crimes in the late 1950s, and his surprising release from Greek custody thirty months afterwards, are undisputed matters of record.¹ However, a careful re-examination of the reasons that led to Merten's premature release from prison, and his own covert machinations of retribution, warrants a reassessment of the scandal's current explanation.

The Affair, which unfolded in the midst of a deepening Cold War in Europe, demonstrated an unmistakable ambivalence in the United States, West Germany, and Greece towards former Nazis and former Nazi associates linked to Western governments. Concerned with the larger and more immediate danger of Soviet expansionism, the US and West Germany peppered their governments with former Nazis—often in the intelligence field. Historians Norman Goda and Richard Breitman note regarding war crimes that “the United States’ judicial record was unique, innovative, and substantial. It was not the policy of a state sympathetic with Nazism, indifferent to the Holocaust, or soft on war criminals.” However, this was not the case in the American intelligence

¹ Wolfgang Breyer, "Dr. Max Merten - Ein Militärbeamter der deutschen Wehrmacht im Spannungsfeld zwischen Legende und Wahrheit" (PhD diss., Universität Mannheim, 2003), 12, accessed 15 May 2016. <https://ub-madoc.bib.uni-mannheim.de/77/>. Breyer asserts Merten's first name is Max, not Maxamilian. Breyer notes: “Max Merten wurde am 8. September 1911 als Sohn des stellvertretenden Leiters des Berliner Stadtkontors Max Merten und seiner Frau Rosa , geb. Ries, in Berlin-Lichterfelde geboren. Er wurde evangelisch getauft und bekam die Vornamen Max Kurt.

community where “Intelligence operations represented a different facet of American policy—a cold world where *Realpolitik* trumped idealism.”² The *Realpolitik* of the Cold War involved recruiting and using former Nazis in the fields of science, engineering, and intelligence. In addition to affirmed Nazis, West Germany’s postwar government contained several highly placed individuals formerly associated with the Nazi regime, though not Party members. The use of former Nazis was not solely limited to US and West German governments. The Soviet Union, and its communist ally East Germany, utilized former Nazis as well. In some famous instances, former Nazis worked for both West and East Germany as double agents.³

In addition to the use of former Nazis by several postwar governments, the acceptance of wartime collaborators appears common and widespread. Both West Germany and Greece turned a blind eye toward Nazi wartime collaborators and accomplices in the period following the Second World War. This was particularly evident during the Greek civil war, where the Greek communists, who had carried out the largest portion of the resistance to German occupation, were pitted against the newly returned Greek government forces (assisted by the United Kingdom and the United States). Collaborators, both civilian and military, joined the newly-returned government in order to defeat the communists and secure their own futures. Several known collaborators successfully joined the post-civil war Greek government. As with West Germany, many achieved high office. While many in the West German and Greek governments remained

² Richard Breitman et al., *U.S. Intelligence and the Nazis* (Cambridge ; New York: Cambridge University Press, 2005), 444.

³ *Ibid.*, 308.

indifferent to the use of Nazis and collaborators within their respective governments, Merten saw an opportunity to leverage the past wartime activities of certain individuals to further his own agenda. It was this purposeful political indifference on the part of United States, West Germany, and Greece, set against a background of escalating Cold War tensions, that framed and sustained the Merten Affair to its ignominious conclusion. In September 1960, an incendiary article in the German news magazine *Der Spiegel* titled “*Her Uncle Constantine*” brought the collaboration of Merten and several prominent officials before a broad public audience. The article related a lawsuit between former Military Administrator, Dr. Karl Marbach, and his successor in occupied Greece, Merten. Aside from describing Merten’s superficial efforts to implicate Marbach for his wartime activities in Salonika, (presently known as Thessaloniki) Greece, the article offered revelations produced by Merten regarding political figures within the West German and Greek governments. Statements made during the course of the Marbach trial focused specifically on the wartime activities of West German *Staatssekretär* (State Secretary) Hans Globke, Greek Prime Minister Constantine Karamanlis, Greek cabinet ministers Dimitrios Makris and George Themelis, and Makris’ wife Evdoxoula. Evdoxoula Makris, née Leontidou, for whom the article is entitled, had allegedly worked for Merten and introduced Nazi administrator to the future Prime Minister, Karamanlis, during the wartime occupation of Greece. These allegations, conveniently exposed during the trial, directly implicated these members of the West German and Greek governments as wartime Nazi collaborators.

While Globke's activities during the Nazi era have been the subject of many scholarly studies,⁴ the larger issue of Greek collaboration has recently attracted attention in Greece. In October 2015, the *Mixanitouxronou* media outlet published a CIA document entitled "The name of the Prime Minister, Mr. Konstantinos Karamanlis indeed included in the list of agents of the German occupying forces, as Merten's collaborator for the destruction of Jews," illustrating a continuing interest in the actions of Karamanlis.⁵ According to the CIA held document, Karamanlis was on a German list of Nazi collaborators provided to Israel during the trial of Adolf Eichmann. While this information caused a stir in the Greek media, suspicions regarding Karamanlis's activities during the Axis Occupation had long existed.

In the *Spiegel* account of the Marbach trial, Merten first directed his attention toward Globke, an integral member of Chancellor Konrad Adenauer's West German government.⁶ Globke, who functioned as advisor and chief of staff for Adenauer, as well as overseer of German intelligence, held far-reaching powers within the West German government. In a letter to the US State Department, Embassy counselor Coburn Kidd noted, "Another little-publicized function of Globke has been his role, on the one hand, as supervisor of the German intelligence system and on the other hand, as top coordinator

⁴ Jürgen Bevers, *Der Mann hinter Adenauer. Hans Globkes Aufstieg vom NS-Juristen zur Grauen Eminenz der Bonner Republik*. (Berlin: Links Berlin., 2009), John P. Teschke, *Hitler's Legacy: West Germany Confronts the Aftermath of the Third Reich* (New York: Peter Lang Publishing Inc., 2001).

⁵ Central Intelligence Agency Freedom of Information Act Electronic Reading Room, "Max Merten," accessed 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0081.pdf.

⁶ David Messenger and Katrin Paehler, *A Nazi Past: Recasting German Identity in Postwar Europe* (Lexington, KY: University Press of Kentucky, 2015), 17-9.

of the German intelligence services with the Allied intelligence community.”⁷ Despite Globke’s significant standing, Merten publicly denounced the State Secretary in *Der Spiegel* claiming that Globke had been an important and active participant in the wartime deportation of Jews from Salonika, Greece.⁸ Merten’s selection of Globke, with his taint of wartime anti-Semitic activities, rendered the State Secretary politically vulnerable to public disaffection and personally vulnerable to blackmail. Merten, as related in archival documents, sought compensation for his time in prison and amnesty from any West German war crimes prosecution—providing Globke cooperated. This was essential; Merten was vulnerable to prosecution in West Germany, even though he had been convicted and sentenced as a war criminal in Greece. Globke, however, remained unmoved. He refused to associate himself with the convicted war criminal.

After publicly disparaging Globke for his work during the Nazi era, Merten disclosed details regarding alleged Greek wartime collaborationists. Specific accusations, within the context of the Marbach lawsuit, primarily implicated Prime Minister Karamanlis. Merten testified that Karamanlis, as well as Interior Minister Makris and Defense Minister Themelis, had been informants during the war and were rewarded with the contents of a warehouse confiscated from a Jewish merchant.⁹ Though

⁷ Central Intelligence Agency Freedom of Information Act Electronic Reading Room, “Hans Globke,” accessed 28 July 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE,HANS_0183.pdf.

⁸ CIAFOIAERR, “Max Merten,” accessed 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN,MAX_0012.pdf.

⁹ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN,MAX_0011.pdf.

conclusive evidence had yet to be provided by Merten, these inflammatory accusations seriously rattled Karamanlis and his political associates as well as the Greek public.

The information drawn from Merten's testimony, regarding officials in both the Greek and West German governments, illustrates his attempt to discredit and cast suspicion on officials associated with his postwar incarceration. In most respects, Merten's motivations for implicating Greek officials, regardless of factual evidence, appeared retaliatory. Merten did, to a great extent, consider himself a friend of the Greeks and was undoubtedly disturbed by his arrest, trial, and conviction. The attacks on Globke however, in addition to being retaliatory, were preemptory. Merten believed the West German government could have done more regarding his arrest and incarceration in Greece. After returning to West Germany, he leveraged Globke's own dubious war time record in order to obtain a permanent amnesty. His veiled accusations also opened the way for further litigation and a basis for compensation, both covert and overt, from Karamanlis, Globke, and the West German government. In this respect, the Marbach lawsuit only provided a means to an end.

While the existing narrative relates some aspects of understanding regarding Merten's activities during the war, it is incomplete. A close examination of archival evidence reveals a pattern of activities aimed at placating the former Nazi in order to obtain his silence. While it has been generally acknowledged previously that West Germany used leverage, in the form of a large development loan, to obtain Merten's release from Greece, the loan was merely the means by which Merten returned to West Germany. Recently assembled documents indicate both governments feared he would

implicate the German State Secretary and the Greek Prime Minister as former Nazi collaborators.

Following his return to West Germany, Merten quickly aired his accusations regarding both prominent officials. The Merten Affair was conceived. And while the scandal received a significant amount of attention in the press, and in later scholarship, the majority of Merten's behind-the-scenes machinations remained undiscovered. These machinations include Merten using, or threatening to use, information about either prominent official in order to receive compensation and amnesty from future war crimes prosecutions. To this end, Merten and his unusual array of associates were successful. Merten received payments, both overtly and covertly, and was never again prosecuted for war crimes.

CHAPTER TWO

MERTEN IN SALONIKA

In 1937, five years prior to his assignment in Greece, Max Merten entered the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP), or Nazi Party, as member No. 4363153. He also belonged to the *Nationalsozialistische Rechtswahrerbund* (National Socialist Lawyers Organization).¹⁰ After receiving an advanced degree in law, he acquired the honorific Doctor. His training as an attorney would serve him well. In August 1942, after holding a few minor positions in Germany, he was posted to Salonika, Greece as *Kriegsverwaltungsrat* (Military Administrator). Though primarily tasked with the organization and administration of Salonika and the surrounding area, Merten took an active role in the extortion and destruction of the Jewish community.

At the time, Salonika had been a center for Jewish culture in Europe. Known as *Malkha* Israel (Mother of Israel) for its burgeoning Jewish population, Salonika grew over the course of the last five hundred years into a distinct and prosperous Jewish community. A significant part of the growth and distinction can be traced to the inclusion of Sephardim refugees from Spain following the *Reconquista* four hundred and fifty years earlier. The city's Ladino-speaking Jews comprised a large contingent of the Salonika's population. Despite Greece's annexation of the city from the Ottoman Empire following the Balkan Wars, and a large influx of Greeks from Asia Minor in the 1920s,

¹⁰ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0029.pdf. Merten later vigorously denied his membership.

Salonika retained a significant Jewish presence. Approximately 56,000 Jews resided in Salonika in the years prior to the Second World War accounting for a quarter of the city's population.¹¹ The city's sizable Jewish presence made Salonika one of the largest Jewish communities in southern Europe.¹²

The German occupation of Salonika began 9 April 1941, some four months before Merten's arrival. The large Jewish population of Salonika suffered extensively. By the time the German military forces withdrew on 30 October 1944, the majority of city's Greek Jews had been summarily extorted of their wealth and exterminated in the death camps of Auschwitz.¹³ The homogeneous Sephardic culture and Ladino language of the city's long established Jewish residents made it particularly vulnerable to the anti-Jewish policies of the Nazi occupiers. As opposed to the heavily assimilated Greek-speaking Jews in Athens, Salonika's Jewish population was less able to disguise its distinctive Hispanic heritage and unique language. Dr. Max Merten's posting to Greece in August 1942 proved potentially lucrative and providential for Merten, but not so for the Jewish community. Merten was transferred to the war administration department in Greece where his training as a lawyer, specializing in the disposition of property, would be used to expropriate the possessions of Greek Jews in the Saloniki-Ägäis military administration district.

¹¹ Roni Stauber, ed., *Collaboration with the Nazis: Public Discourse after the Holocaust* (Routledge, 2014), 139.

¹² Nicholas Stavroulakis, *The Jews of Greece: An Essay* (Athens: Bosphorus Books, 1990), 38-55.

¹³ Steven Bowman, ed., "Isaac Matarasso," *The Holocaust in Salonika: Eyewitness Accounts* (New York: Bloch Publishing, 2002), 130.

After his arrival in Salonika, Merten worked in the war administration office with Dr. Karl Marbach. Marbach, who insisted after the war that he had never met Merten, had actively participated in the Nazi regime's heavy-handed occupation of northern Greece. Evidence, partially put forward by Merten himself following the war, indicates that Marbach had a hand in the brutal round up and registration of males from Salonika's Jewish population in the infamous *Plateia Eleftherias* (Freedom Square) action of 11 June 1942.¹⁴ The very public nature of Marbach's policies and actions likely distressed the occupied Greek population causing unrest and instability. The potential destabilization of German plans for control of the region came to the attention of the German high command and subsequent Jewish labor registrations avoided public spectacle.

Jewish Forced Labor

On 13 July 1942, a second registration of Jewish forced labor occurred. Salonika survivor Dr. Isaac Aaron Matarasso recounts: "This time—following an order from higher-up, as rumored—there were no spectators in the balconies." In the following months, the remaining Jewish workers received cursory medical exams, disinfections of themselves and their clothing, and transportation to the construction sites. With minimal food provisions, inadequate living conditions, and few medical resources, disease swept

¹⁴ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

through the ranks. While some returned to Salonika, “others were left dead by the roadsides” and other construction sites.¹⁵

Dr. Marbach quickly fell out of favor following the Freedom Square events and was removed from his position shortly afterward.¹⁶ He was then demoted and sent to fight the Soviets on the Eastern Front. During Marbach’s time in Russia, he contracted polio and became wheelchair bound for the remainder of his life. Merten’s lawsuit against Marbach in the West German courts after the war was an apparent effort to shift culpability of Occupation atrocities away from himself and onto Marbach.¹⁷ After Marbach’s dismissal, Merten succeeded the seemingly disgraced bureaucrat as Military Administrator on 6 August 1942. And as administrator, he continued to implement Germany’s forced labor policies and programs in Salonika and the surrounding area.¹⁸

The Plan for Extortion

At the end of August 1942, the chief road-building contractor for the Germans, I. Müller, and the leadership of the Jewish Community agreed to meet to discuss an organizational framework for the provision of forced laborers. The Jewish Community assumed

¹⁵ Steven Bowman, ed., “Isaac Matarasso,” *The Holocaust in Salonika: Eyewitness Accounts* (New York: Bloch Publishing, 2002), 135-7.

¹⁶ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0012.pdf.

¹⁷ Unfortunately, details regarding Marbach’s removal and Merten’s elevation to his former supervisor’s position are poorly documented and often rely on conflicting statements, many of which only came to light during Marbach’s trial.

¹⁸ United States. 1946. *Nazi Conspiracy and Aggression*. Washington: U.S. G.P.O, 606-19; CIAFOIAERR, “Max Merten,” accessed December 3, 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

responsibility for drafting Jewish laborers and their subsequent care. Additionally, the Community was allowed to grant exemptions based on special overriding conditions or the payment of an exemption fee. A liaison office between the contractor and the Community would be established with its decisions approved by the Saloniki-Ägäis Military command. Merten signed and immediately implemented the agreement on 29 August 1942.¹⁹ While the assumption of responsibility over the forced laborers carried the potential benefit of improving their conditions, it inevitably provided a precedent for the extortion of the Jewish Community.

Now that the Jewish community assumed the responsibility for supplying Jewish forced laborers, exemption fees began to accumulate, but not without problems. The funds deposited in the Community bank soon became the nexus of an argument between Community President Saltiel and the Administrative Committee. The Administrative Committee decided that all community account withdrawals would need to be approved by the executive committee. The idea of having his personal prerogative diminished by committee oversight chafed the Community President. Saltiel accused the members of the Administrative Committee of undermining his authority. Saltiel subverted the Committee and approached Merten to complain. Following Saltiel's entreaty, Merten placed a call to Müller ordering the suspension of the Committee's work. Müller, reasonably offended by Community President's action now argued with Saltiel at their

¹⁹ Giomtōv Giakoel, *Apomnemeumata, 1941-1943* (Thessalonikē: Parateretes, 1993), 66. Author is alternately referred to as Yomtov Yakoel. I. (Ioannes) Müller is referred to as Johannes Miller.

next meeting.²⁰ In order to resolve the infighting, Merten threatened, “to shut the members [of the Administrative Committee] up in a concentration camp,” which led to a swift conclusion of the argument.²¹ This seemingly inconsequential confrontation illustrates Merten’s use of the essential element of extortion: threat of force. When faced with the disruption of ransom payments, Merten responded with the threat of imprisonment in order to resolve the dispute. Merten continued to threaten, and carry out his threats, throughout the war and afterwards.

While in the midst of finding workers to labor under increasingly dire working conditions, the German paramilitary construction group, Organization Todt, required additional Jewish laborers from the community for its construction and engineering projects in the area of Chalkidiki. Once delivered to the sites, the Jewish workers experienced abuse and mistreatment.²² This further encouraged the desire for a swift and more amenable arrangement for laborers within the Jewish community. The German contractor Müller indicated to Yakoel that the terrible working conditions and ill-suited laborers presented an opportunity for the Community to ransom all of the forced laborers, supposedly in favor of hiring qualified Greek non-Jewish workers from outlying areas and the islands.²³ The idea rapidly found favor within the suffering Jewish Community.

²⁰ Giakoel, *Apomnemeumata*, 67-8.

²¹ *Ibid.*, 68.

²² *Ibid.*

²³ Giakoel, *Apomnemeumata*, 71.

Initially, the contractor Müller allowed the Jewish Community to purchase its forced labor obligations for two billion drachmas, according to Administrative Committee member Yomtov Yakoel.²⁴ This idea held immediate appeal to the Jewish Community whose workers were suffering severely from disease, malnourishment, and inhumane working conditions. The Jewish Community had also already gathered approximately three hundred million drachmas for prior individual exemptions. With this in mind, the proposal was forwarded to the German Salonika-Aegean Military Command where Merten would determine its permissibility.

On October 13, Merten went before the Jewish Community's Chief Rabbi and Administrative Committee with an announcement. Accompanying Merten was German interpreter Arthur Meissner, an important friend and associate of Merten's. Merten began speaking immediately without fanfare. Administrative Committee member Yakoel recounted Merten's address in his memoir.

Studying the condition of the drafted workers I realized that they are unsuitable for road building and are in danger of dying as soon as winter starts, if they continue working outdoors. Therefore I suggest to you to replace them with specialized workers, on the condition that the Community assume the cost involved in this replacement. The expense is estimated at 3-5 billion drachmas.²⁵ As soon as this amount is deposited at the Military Command, those drafted workers who are found working outside the region of the city of Salonika will be released immediately.²⁶

²⁴ Ibid.,71.

²⁵ The final amount was 3.5 billion drachmas with 2 billion paid directly and the ancient Jewish cemetery exchanged for the 1.5 billion drachma balance.

²⁶ Giakoel, *Apomnemeumata*, 72.

Following the announcement, and speaking through his interpreter, Merten explained to the assembly that he had “conveyed to the appropriate circles in Berlin his opinion that in Macedonia there were no reasons for the application of the racial program against the Jews, despite the repeated approaches and written memoranda of local circles inimical to the Jews of Salonika.”²⁷ Any trust the Jewish leadership placed in Merten comments was woefully misplaced. Merten’s goals had been, and would continue to be, an uninterrupted stream of Jewish wealth from the community into the Third Reich’s coffers. His efforts to placate the Jewish administration with promises he was incapable of fulfilling was meaningless. It was Merten, who at a later date, signed orders implementing the Nazi regime’s Jewish measures in Greece, and in all eventualities, the President and the committee would have to acquiesce.

The President of the Community and Administrative Committee tacitly accepted the proposal put forward by Merten but struggled over the amount of the ransom. Committee member and legal counselor Yakoel recalls the Community’s decision to negotiate the amount despite Merten’s warning to the contrary. Merten intended to remain unswayed regarding the veritable ransom demanded from the Community and issued a thinly veiled threat to undermine the confidence of the leadership. Before departing, Merten asked to receive a decision on the matter at a meeting scheduled for the following day. When Merten and Meissner arrived at the meeting, Rabbi Koretz announced the Committee’s request that the ransom amount be reduced to two billion drachmas and paid in installments over a period of two to three months. Additional terms

²⁷ Ibid.

of the payments included collecting funds from foreign national Jews and wealthy Jews from the community living in Athens.²⁸

At this point Merten reiterated that the amount was irreducible, but he would accept receiving two billion drachmas in cash and the balance in the form of property. In lieu of the remaining one and a half billion drachmas, he asked for the renunciation of any Jewish Community claim on the ancient Jewish cemetery of Salonika. The cemetery would instead be used for military purposes. Again he peppered his proposal with veiled threats. Yakoel recalls that both Merten and Meissner stating that “many around here are your enemies and they approach the German Military Command repeatedly asking for the destruction of the cemetery and the imposition of anti-Jewish measures.”²⁹ After meeting with Merten, the Spiritual Council of Rabbis convened and met with the Administrative Committee. Unanimously, they agreed on a response to Merten’s request; it was impossible to link the religious issue of the Jewish cemetery to the monetary exchange being negotiated. However, if military necessity required the acquisition and destruction of the cemetery, the Jewish community, always obeying the orders of the occupying forces, would comply.

Destruction of the Jewish Cemetery

On October 17, Merten and Meissner returned to hear the Community’s decision regarding the forfeiture of the cemetery. Faced with an untenable situation, the Community relented to Merten’s demands. With an agreement at hand, Merten returned

²⁸ Giakoel, *Apomnemeumata*, 73-4.

²⁹ *Ibid.*, 74.

later that night with a document outlining the agreed upon stipulations. After the required documents were signed and exchanged, Merten left shaking the hands of every Committee member.³⁰ While the Jewish Community struggled to collect the additional ransom payments in Salonika and further afield in Athens, the acquisition and demolition of the Jewish cemetery proceeded with the reluctant cooperation of the Macedonian Governor General, Vassilios Simonidis.

Simonidis, received notification of the cemetery negotiations and subsequent outcome from the Saloniki-Aegean Military Command. Placed in the guise of a public service, it notes:

For the rest of the 1.5 billion drachmas, the religious [Jewish] community of Saloniki has put at our disposal the Jewish cemetery located in Saloniki itself which in the past had obstructed the organic development of Saloniki and which anyway would have to disappear in the interest of public order and safety in Saloniki. This measure resolves a problem that has preoccupied Greek public opinion for many years.³¹

During November, Yakoel observed that the existing desire to repurpose the centuries old Jewish cemetery by the Greek government had now become an issue for the Germans. By moving the destruction forward and “designating it a military matter,” Yakoel states, the Germans would “satisfy the Christian sentiments of the population.”³² Leon Saltiel relates Merten’s instructions: “In a follow-up letter dated November 28, 1942, Merten instructed Simonidis: ‘A proposal for the establishment of a second substitute cemetery

³⁰ Bowman, *The Holocaust in Salonika*, 71-2.

³¹ Leon Saltiel, *Dehumanizing the Dead: The Destruction of Thessaloniki’s Jewish Cemetery in the Light of New Sources*, 8, accessed 3 June 2016, https://www.academia.edu/8343279/Dehumanizing_the_Dead_The_Destruction_of_Thessaloniki_s_Jewish_Cemetery_in_the_Light_of_New_Sources.

³² Giakoel, *Apomnemeumata*, 75.

has to be handled in within a week We have to begin immediately with the flattening of the old cemetery.’ Merten concluded his letter with a strong warning to Simonidis: ‘The immediate execution of this order is an obligation. Delays in the work will be punished by the occupying power.’³³

The Jewish Community was ostensibly in charge of the moving the graves and remains to the alternate places of interment further outside the city, but as Yakoel points out, procrastination by Rabbi Koretz and his desire of to postpone the work a few months allowed the Greek municipal government to intercede and expedite the destruction.³⁴ Saltiel notes, “eventually the destruction process of the vast Jewish necropolis did begin on December 6, 1942, marked by a meeting of Merten, Simonidis, Koretz, and others on the cemetery grounds.”³⁵ During the meeting, the Jewish legation argued for preservation of certain areas and monuments within the cemetery whereas the municipal authorities asked for its complete demolition. Saltiel additionally notes, “Merten decided to expropriate the part of the old cemetery adjacent to the university and the populated areas and leave the rest intact. Merten’s new position — seemingly a compromise vis-à-vis his previous firm stance — was an attempt at pleasing both sides, but was short-lived. As Merten was

³³ Saltiel, *Dehumanizing the dead*, 9.

³⁴ Giakoel, *Apomnemeumata*, 75-6.

³⁵ Saltiel, *Dehumanizing the dead*, 11. (Author footnote: “Present: Dr. Merten, the governor general [Simonidis] and his general secretary [Almeidas], city engineer P., the main instigator of this vandalism which is about to be confirmed, Chief Rabbi Koretz, engineer Eli Modiano and the author of the present record [Molho], who was invited as an expert,” Michael Molho and Joseph Nehama, In *Memoriam: Dedication to the Memory of the Jewish Victims of Nazism in Greece (Greek)* (Thessaloniki: Jewish Community of Thessaloniki, 1974), p.414. Brackets added. The book was first published in French as Michael Molho and Joseph Nehama, In *memoriam: hommage aux victimes juives des Nazis en Grèce* (Thessaloniki, 1948–1953).

entering his car, the Greek authorities gave the order to demolish everything, even the historic and recent graves.”³⁶ In the end, the military purpose of the destruction served to ingratiate the non-Jewish Greek population to the German occupiers while achieving mutually-beneficial goals. This method of extorting the Jewish community of property and possessions for the benefit of non-Jewish Greeks became normal occupation doctrine. For his part, Merten supervised the stripping of wealth from Salonika’s Jewish community and its distribution to either the organizations of the Third Reich or non-Jewish Greek custodians. This additionally assured a steady stream of income for the German occupation and further secured the cooperation and collaboration of the non-Jewish Greek beneficiaries.

Despite the more pleasant euphemisms used by the Jewish community and the Nazi administrators, the ransom of Jewish labor in Salonika represented a common form of extortion visited upon the backs of a persecuted minority and demonstrated repeatedly throughout German-occupied Europe. Ransom, as demonstrated by prior events, was the price for short-term survival. Though Merten stated during financial negotiations that he did “not agree with the application of anti-Semitic racial policies in Macedonia,” he nevertheless diligently followed Nazi racial policies in the months that followed.³⁷ It has often been suggested (particularly by Merten himself), that Merten offered, and then accepted, the forced labor ransom out of a humanitarian concern for Jewish Community workers. Had this been the case, Merten could have readily accepted the two billion

³⁶ Saltiel, *Dehumanizing the dead*, 11.

³⁷ Bowman, *Holocaust in Salonika*, 58.

drachmas originally offered by the community. This would have greatly lessened the Community's financial burden and possibly saved the ancient cemetery. Despite the Community's pleadings, Merten obstinately demanded three and a half billion drachmas. And, in an effort to obtain local Greek subservience, Merten himself negotiated the acquisition and subsequent destruction of the ancestral Jewish cemetery. His behavior demonstrates unequivocally that he was not a savior of Jews, but rather, a friend to the Greeks, or more precisely, a friend to Greek collaborators. But, above all, he was an able Nazi administrator focused on pitting one group against another to achieve the aims of the Third Reich, and in the effort to extort the Jews of Salonika of their wealth was largely successful. In all, Götz Aly notes that Merten and "the Wehrmacht squeezed 25,000 gold pounds from Jews in Salonika to meet its operating costs for November and December 1942."³⁸ The value of the gold, disregarding inflation and other factors, equates to \$7.5 million presently. Though Merten was not a zealous Nazi, he was by all means a methodical one.

Though deportation and extermination of Salonika's Jews were the ultimate goals of the Final Solution in Greece, the extortion of the Jews, including their personal wealth, property, and businesses was the primary focus and work of Max Merten. The SS (*Schutzstaffel*) held ultimate responsibility for Jewish matters including transportation and extermination. Under the direction of Nazi war criminal SS-*Obersturmbannführer* Adolf Eichmann, Eichmann's subordinates SS-*Hauptsturmführer* Dieter Wisliceny and SS-*Hauptsturmführer* Alois Brunner were ordered to transport Salonika's Jewish

³⁸ Götz Aly, *Hitler's Beneficiaries: Plunder, Racial War, and the Nazi Welfare State* (New York: Metropolitan Books, 2008), 255.

population. It was Merten's goal to strip them of all their wealth prior to transportation. This was first accomplished by enlisting the men of the Jewish community into forced labor without adequate food, shelter, or medical care. The effect on the laborers was predictable; many fell ill while others died. It is against this backdrop of misery that Merten conceived his plan for extortion.

Immediately following the war, Wisliceny provided the details regarding the Nazi administration of Salonika to Allied interrogators. Wisliceny recounted how, in March 1943, the Jewish population of approximately 50,000 had been concentrated into ghettos for transport. In response to Allied interviewer Lt. Col. Burkhart's question "What arrangements were made through Dr. Merten and what actions were taken?" Wisliceny responded:

[A] teletype message from Eichmann to Brunner ordered the immediate evacuation of all Jews from Salonika and Macedonia to Auschwitz. Armed with this order, Brunner and I went to the Military Administration; no objections were raised by the Military Administration, and measures were prepared and executed. Brunner directed the entire action in Salonika in person.³⁹

When queried about Merten's request for laborers, Wisliceny answered, "The Military Administration had made a demand for about 3,000 Jews for construction work on the railroad, which number was duly delivered. Once the work was ended, these Jews were returned to Brunner and were, like all the others, dispatched to Auschwitz. The work in question came under the program of the Todt [Organization]."⁴⁰ After concluding the preliminary details with regards to Jewish laborers, Merten, Brunner, Wisliceny, and the

³⁹ United States. 1946. *Nazi Conspiracy and Aggression*. Washington: U.S. G.P.O, 606-19.

⁴⁰ Ibid.

Greek collaborator Papanaooum worked to form the Baron Hirsh Ghetto near Salonika's railway station. The first transport to Auschwitz departed 15 March 1943.⁴¹

The Nazi methods for extorting the Jews of their wealth were neither new nor unique to Greece. Adolf Eichmann had developed and perfected a similar scheme in Vienna during the period before Greece's occupation and had undoubtedly passed it on to his subordinates. Merten, who claimed to have been in contact with Eichmann often (Eichmann refuted this), used these same tactics when dealing with the Greek Jews and was to a large degree successful. Each of the programs heavily relied on the use of local collaborators, which in Greece was comprised of both Jewish and non-Jewish citizens.⁴²

One specific aspect of the extortion Merten initiated was the confiscation and transfer of Jewish businesses to non-Jewish custodians. The Jewish businesses, often looted or vandalized, were inventoried and documented for the benefit of the occupying authorities. Records maintained by the *Yperesia Diacheiriseos Isrilitikis Periousias* (Service for the Disposal of Jewish Property or YDIP) indicate that the allocation of homes and businesses to non-Jewish Greeks were, in several instances, granted to collaborators valued by the Reich. Specific rewards for services rendered to the Nazi occupation forces included informing on persons suspected of being Jewish and implicating members of the Greek resistance. Following the war and after his war crimes conviction, Merten used this practice as a basis to implicate several high-level Greek politicians of receiving confiscated properties in exchange for collaboration. This

⁴¹ Mark Mazower, *Salonica, City of Ghosts: Christians, Muslims and Jews 1430-1950* (New York: Vintage, 2006), 402.

⁴² "Max Merten contra Hans Globke," *Die Zeit*, 5 November 1965, <http://www.zeit.de/1965/45/max-merten-contra-hans-globke>.

arrangement had benefited the wartime collaborators with resources unavailable or in short supply, while at the same time providing Merten with leverage for potential influence and eventually fodder for blackmail.

The YDIP and Confiscations

In order to streamline the processing Jewish properties for the Reich's benefit, the German military ordered the formation of an administrative organization. Formed in the Spring of 1943 as the deportation of Salonika's Jews began, the YDIP was ostensibly set-up and administered by the occupied government. It remained, however, firmly under Nazi control.⁴³ Historian Mark Mazower notes that "the sole basis for YDIP's actions was administrative fiat. Wehrmacht administrator Max Merten, who was an expert on property law in the Reich, advised Simonides to use existing Greek legislation on the expropriation of enemy assets."⁴⁴ Movable and immovable assets were registered, catalogued, and assigned to non-Jewish caretakers who could rent or liquidate the properties as circumstances allowed. An untold measure of extorted wealth found its way into the hands of the Germans or collaborators; according to Mazower, "German officers and firms had confiscated buildings—sometimes for personal gain, sometimes not." Additionally, "Proceeds from the sales of Jewish shops were financing stool-pigeons,

⁴³ Mark Mazower, *Salonica, City of Ghosts: Christians, Muslims and Jews 1430-1950* (New York: Vintage, 2006), 413; Steven Bowman, *The Agony of Greek Jews, 1940–1945* (Stanford: Stanford University Press, 2009), 300. Historian Mark Mazower notes: "Wisliceny and Brunner ordered Governor-General Simonides to set up a new department to administer Jewish property on behalf of the Greek state." While historian Steven Bowman notes: "The governor general of Macedonia was ordered on Mar. 7, 1943, by the commandant of Saloniki-Ägäis via Max Merten to set up a framework to administer Jewish property."

⁴⁴ *Ibid.*, 415.

interpreters and the collaborationist militias.”⁴⁵ No single person in Merten’s circle of associates exemplified the reward for collaboration scheme more so than Greek collaborator Laskaris Papanoum.

In 27 April 1944, an American State Department report regarding the escape of Greek Jews to Turkey noted Papanoum’s activities during the war. The report notes: "The sinister Papanahoum" [sic] was the head of this [anti-Semitic Greek] group of torturers. He and his associates have amassed large fortunes from the confiscated Jewish property and they make a public display of that fact.”⁴⁶ In addition to plundering Jewish assets, Papanoum worked for the Germans as a spy and informant. Papanoum was one of three core Abwehr (German Intelligence) agents in Salonika during the German Occupation. Andre Gerolymatos explains, “At each military command, the Abwehr maintained an intelligence section (*Abwehrstelle*, abbreviated AST).”⁴⁷ Salonika was the AST headquarters for northern Greece. Following the war, US Army Intelligence arrested and interviewed *Hauptsturmführer* Rudolf Till regarding his assignment to AST Salonika. In a report dated 19 February 1946, Till revealed the following:

There were three Main agents, whose Office he [Abwehr agent Hauptmann Ripke] had to visit periodically. The principal agent was a Greek named Nikolaides...A second reliable agent was a Greek leather-merchant, Papanoum [sic]. His wife, a German woman, exerted great influence over him. He, too,

⁴⁵ Mazower, *Salonica, City of Ghosts*, 415-6.

⁴⁶ Report, American Consul General Burton Berry to the Secretary of State, “A brief history of the German persecution of Jews in Greece,” 27 May 1944, accessed 17 July 2016, Franklin D. Roosevelt Library and Museum Website; version date 2016, http://www.fdrlibrary.marist.edu/_resources/images/wrb/wrb1029.pdf. Consul Berry forwards a 27 April 1944 report from escaped Jewish merchant Samuel Ovavin in Izmir, Turkey.

⁴⁷ Andre Gerolymatos, *Guerrilla Warfare & Espionage in Greece, 1940-1944* (New York, N.Y: Pella Publishing Co., 1992), 179.

employed a great number of V-Leute (informers), who were active mostly in government departments and industrial enterprises. The third agent was the Greek Dinas, a man of criminal inclinations.⁴⁸

The report additionally relates Papanauou's escape from Greece. It notes "Nikolaides, Dinas, Papanauou [sic]... because of their service were brought into Austria early in 1944 by Oberleutnant Woebking, who became Ribke's successor."⁴⁹ Germany's assistance in protecting Papanauou allowed him to remain free and unmolested following the withdrawal German forces from Greece and in the years following the war.

Merten's association with Greek collaborators such as Papanauou was close and unapologetic. Mazower notes: "Papanauou, who later lived quietly in retirement in West Germany, was rewarded for his help in rounding up Jews in hiding by being given the largest tannery in the Balkans."⁵⁰ An ally and confidant of Merten, Papanauou visited Merten at his home in 1954 or 1955, as stated by Merten in a postwar affidavit for Adolf Eichmann. During the meeting, Papanauou and Merten discussed the German court-martial charges purportedly brought against Merten for "aiding and abetting the enemy and subverting the fighting spirit." Merten additionally recounted that Papanauou had confirmed the charges "were instituted on the basis of reports by the Security Service."⁵¹ The enemy in this context seems to indicate non-Jewish Greeks who benefited from

⁴⁸ CIAFOIAERR, Military Intelligence Service in Austria, "Preliminary Information Report," 19 February 1946, accessed 17 July 2016, [http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GERMAN_INTELLIGENCE_SERVICE_\(WWII\)%2C_VOL.3_0009.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GERMAN_INTELLIGENCE_SERVICE_(WWII)%2C_VOL.3_0009.pdf). Last names are uppercase.

⁴⁹ Ibid.

⁵⁰ Mazower, *Salonica, City of Ghosts*, 417.

⁵¹ "Testimony of Max Merten," 7 May 1961, accessed 3 June 2016, http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Testimony-Abroad/Max_Merten-01.html.

Merten's largesse. Mazower observes, "The buildings left behind by the deported Jews had thus rewarded local collaborators," as exemplified by subsequent Greek statements. For example, "a collaborationist civil servant after the war," noted that "many people were saved by Merten and praised him because he gave them Jewish properties."⁵² Merten's ability and willingness to enrich Greek collaborators such as Papanauoum, and others, likely contributed to Greek reluctance to hold Merten accountable for his actions following the war.

In the years after the war, Merten unsuccessfully attempted to paint himself as a benevolent bureaucrat and friend of the Jews, as was apparent by his subsequent postwar testimony. In the Spring of 1943, Merten claimed to have met with Eichmann in his office regarding the disposition of 10,000 Greek Jews. A 28 September 1960 Central Intelligence Agency (CIA) summary of the *Spiegel* article notes:

Merten related how he opposed the transfer of Jews from Salonika to Auschwitz death camp and was summoned to Berlin to discuss the affair with Adolf Eichmann (Obersturmbannführer-SS). He was able to persuade Eichmann that it would be a waste of scarce transportation to send the Jews back to Germany and suggested that they be deported to Palestine. Eichmann agreed and contacted, in Merten's presence, Dr. Globke, referent for Jewish affairs. Globke refused Eichmann's suggestion but Eichmann went ahead on his own and approved the deportation. The plan failed, however, because Lord Moyne, the responsible official for the British Mandate of Palestine, refused saying "They (the Jews) cause me only trouble."⁵³

⁵² Mazower, *Salonica, City of Ghosts*, 417.

⁵³ CIAFOIAERR, "Max Merten," accessed 31 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0012.pdf. Following CIA convention, surnames on original document were capitalized.

Merten's assertions that he tried to save Jews was an attempt to rehabilitate his postwar image while simultaneously smearing Globke; however, eyewitness accounts and archival documents portray Merten in an entirely different light.

Working with the Gestapo

Instead of saving Salonika's Jews, Merten worked actively with the SS on occasion to arrest and detain Jews fleeing the German occupied areas of Greece. One specific eyewitness account relates Merten working with the notorious SS-*Hauptsturmführer* Alois Brunner. A Holocaust survivor's recollection, as well as corroborating German and Italian diplomatic reports accurately, depicts an example of Merten's treatment of Jews. Rather than residing in his office dutifully administrating the occupation of Saloniki-Ägäis district as he had often claimed, Merten moved about the city instigating and enforcing the confiscation of Jewish property. One particular instance describes in detail how Merten halted and emptied a train departing for Athens in order to arrest a Jewish man for transferring his assets to another person prior to his departure to the Italian-controlled area of Greece.⁵⁴ Personal eyewitness accounts relating to Merten's own actions during the war are detailed and compelling. Salonika resident Rosa Miller née Modiano recounts the arrest of her father by Merten. She remembers:

And then we saw Dr. [Max] Merten—he was the Nazi in charge of the slaughter of the Jews in Salonika—accompanied by the very infamous Jewish traitor. So he started going over, looking at every man in the line, and he got to my father and he said, “You. Out.”...He didn't pull out anybody else. He said, “Now the train can leave.” Well, my mother wanted to stay because she wanted to be with my

⁵⁴ Carolyn Ellis, "Rosa Miller oral history interview by Carolyn Ellis, February 22, 2011" (2011). *Holocaust & Genocide Studies Center Oral Histories*. Paper 190, accessed 3 December 2015 http://scholarcommons.usf.edu/hgstud_oh/190.

father. So the Germans said, “You’re doing it at your own risk and peril, if you want to stay. You’re free to go, but if you want to stay, you have to know that it’s not”—it’s fraught with danger, in other words. But she decided to stay anyway. So my father was put in a Gestapo jail.⁵⁵

Merten’s account of the incident confirms Miller’s explanation of her father’s arrest. A document dated 26 April 1943 to the German Consulate recounts the confrontation.

At 11:45, SS Hauptsturmführer Brunner informed Merten of the discovery of 20 Jews about to leave the German zone in an Italian train carrying soldiers on furlough. In a telephone conversation with Merten, the Italian consul general protested the Italian citizens were being prevented from leaving Salonika. Merten went to the railway station, where he found out that there were 18 Jews on the train. Thirteen of them had all the requisite documents and were allowed to leave. Daniel Modiano, despite his Italian citizenship, was forbidden to leave, since he was accused of receiving gold from Greek Jews...His wife chose to remain with her husband. The children left on the train to Athens.⁵⁶

Since the arrest of Modiano by Merten and the SS created a diplomatic incident between the German and Italian foreign offices, the Italian diplomats involved recorded the confrontation. In a telegram dated 27 April 1943 (the day following the incident) Italian Consul General Zamboni wrote to the Italian Diplomatic in Athens.

Yesterday there was an incident involving the German army authorities who wanted to prevent the departure of a group of Italian Jews on an Italian military train. The travel documents of the passengers were examined in the presence of the Head of the Military Administration, the SS commander, and a representative from the Consulate. After the control, permission was given for their departure, except for two—one because of the suspicion that he was a Greek citizen and the other because he was criminally suspect. The German authorities suspect us of

⁵⁵ Ibid.

⁵⁶ Irith Dublon-Knebel, German Foreign Office Documents on the Holocaust in Greece (1937 - 1944) (Tel Aviv: Tel Aviv University, 2007), 129.

smuggling out Greek Jews; yesterday's incident proved their suspicions were groundless.⁵⁷

The validation of Merten's behavior from three independent viewpoints puts to rest any illusion that Merten was a passive bureaucrat interested in helping Salonika's Jews. The mere thought of an Italian Jew escaping with gold was enough to rouse Merten from his duties in order to facilitate an arrest—duties normally reserved for the Gestapo.

Merten's behavior towards the Jews and his desire to separate them from their wealth is evident in the recollections of other victims. Several days before their deportation to Auschwitz, Jews were confined in a temporary concentration camp. Salonika survivor Andreas Sefihas stated, "I alone had to pay [Merten] 1,000 gold British sterling in hope of winning my father's release from one of those camps."⁵⁸ Merten's Gestapo-like tactics contrasted sharply with his largely bureaucratic assignment.

Germany's defeat in May 1945 brought the automatic arrest of Merten by Allied forces. He was held at a camp near the German city of Bad Abling. There, he curiously received a glowing recommendation for release. "The Greek military envoy in Berlin General Andreas Ypsilantis, actually intervened with the U.S. occupation authorities in Germany to suggest that Merten be set free, emphasizing his 'blameless conduct' and the 'valuable services' that he had provided to Greece during the German occupation!"⁵⁹

⁵⁷ Daniel Carpi, *Italian Diplomatic Documents on the History of the Holocaust in Greece 1941 - 1943* (Tel Aviv: Tel Aviv University, 1999), 175.

⁵⁸ Jefferson Chase and Götz Aly, *Hitler's Beneficiaries: Plunder, Racial War, and the Nazi Welfare State*, (Metropolitan Books, 2008), 40-1. Brackets are author's.

⁵⁹ Mark Mazower, ed., *After the War Was Over: Reconstructing the Family, Nation, and State in Greece, 1943-1960* (Princeton, N.J: Princeton University Press, 2000), 294.

As the result of an unusual unwillingness by the Allies or the Greek government to prosecute Merten for his crimes in Greece, he was released from the American detention center and allowed to resume an unmolested life in postwar Germany. A short while after obtaining his freedom, Merten returned to practicing law eventually aligning himself with West German politicians and legal experts Gustav Heinemann and Diether Posser. Heinemann, who later became president of West Germany, worked closely with Merten serving both as advisor and attorney. Merten's well-placed West Germany connections likely gave him confidence to return to Greece should the occasion arise. Additionally, he may have been emboldened by the current treatment of notorious war criminals by the Allied governments. Norbert Frei comments on the pervasive feelings of the time:

By the summer of 1957, the French and British had emptied their war criminal prisons. That it took the Americans a year longer was a reflection not only of their painstaking parole system but also of the presence in Landsberg of some very nasty characters: doctors who had experimented on human victims and SS leaders of Mobile Killing Units. Such individuals constituted a special group of prisoners— and the whole group had in fact already received one form of pardon. This was in 1951, when John McCloy decided to commute their life sentences and death sentences.⁶⁰

Believing that his war criminal past in Greece would be overlooked, Merten planned his return to Greece.

⁶⁰ : Norbert Frei, *Adenauer's Germany and the Nazi Past* (New York: Columbia University Press, 2002), 226.

CHAPTER THREE

RETURN TO GREECE

Prior to his departure, Merten sought the opinion of Consul Thomas Ypsilantis regarding his being able to safely travel to Greece.⁶¹ Seemingly unaware of any obvious pitfalls, Ypsilantis made inquiries to Athens without reply. Regarding the lack of response as a continuing disinterest on the part of the Greek government, Ypsilantis assumed it was probably safe for Merten to enter the country. After additional repeated requests to the West German embassy by Merten himself, and the absence of any objections, Merten decided to proceed with his cryptic journey and travel to Greece facing an unknown and possibly unfavorable welcome.

The specific reasoning behind Merten's ill-advised return to Greece relates to an apparent effort to aid his former wartime interpreter Arthur Meissner. German journalist Gaby Weber notes, Merten "received a letter from his former interpreter's wife." Mrs. Meissner said that her husband, who lived in Germany, wanted to return to Greece but was unable to as a result of war crimes charges. In addition, the Greek authorities seized his house. Merten, in order to help, "announced that he would visit the [Greek] Attorney General Andreas Toussis."⁶² Explanations speculating that Merten was a tourist or intended to establish a tourist business between West Germany and Greece are seemingly without basis. The most plausible reason for his trip was to testify on behalf of his

⁶¹ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf

⁶² Gaby Weber, *Los Expedientes Eichmann* (Buenos Aires: Random House, 2013). Locations 1822-33, eBook.

wartime associate and translator Arthur Meissner. A less likely, though not inconceivable, reason for his return was to retrieve wartime loot believed hidden in the Megalo Karabournou area, near Salonika.⁶³ Though Merten's ultimate motivations for assisting his former colleague remain unclear, Meissner's immediate predicament seemingly compelled Merten to abandon caution and return to Greece.

Arrest for War Crimes

Prior to Merten's return, the governments of Greece and West Germany had agreed to have West Germany be "responsible for [the] investigation and prosecution of Germans accused of committing war crimes in Greece." Later, Greece renewed its demands for further war reparations threatening to resume war criminal prosecutions if none were forthcoming. Germany publicly balked.⁶⁴ Although the Germans had received Greece's war criminal files, little had been done in the form of tangible prosecutions. Sofia Spiliotis observed, "In the spring of 1957 Toussis, the Greek director of public prosecutions, responded to German inaction by warning that he would be forced to resume the investigation of German war criminals."⁶⁵ In the face of overwhelming German reluctance, Toussis reestablished prosecutions of war criminals prior to Merten's arrival.

⁶³ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf

⁶⁴ Ibid.

⁶⁵ Mark Mazower, ed., *After the War Was Over: Reconstructing the Family, Nation, and State in Greece, 1943-1960* (Princeton, N.J: Princeton University Press, 2000),297.

On 26 April 1957, Merten traveled to Greece to give evidence in Meissner's case, seemingly unaware of any immediate pitfalls. Spiliotis notes, "Before appearing in front of the Greek examining magistrate, Merten visited the legal section of the German embassy to confirm that his appearance would not have unforeseen consequences for himself. Reassured, he presented himself before the magistrate, gave his statement, and was arrested on the spot. Toussis confirmed that his arrest was amply warranted."⁶⁶ Merten's unexpected arrest set prompted an unusual commitment from Prime Minister Karamanlis. Spiliotis explains, "Karamanlis promised the Germans that he would at least influence the composition of the special military court. He also promised and this was even more important to grant amnesty to Merten and to hand him over to Germany, as soon after the trial as conditions permitted."⁶⁷ Despite the Prime Minister's assurances, West Germany began applying immediate pressure for Merten's release. While it has been speculated that Merten's release was tied to the resumption of economic aid from West Germany, CIA documents indicate that the probable underlying cause was an effort to shield politicians within both governments, specifically Hans Globke and Konstantine Karamanlis, from revelations regarding their wartime activities.

Greek Prime Minister Karamanlis, along with Interior Minister Dimitrios Makris, worked constantly behind the scenes to avoid having Merten brought to trial with little success. While any direct evidence linking either Karamanlis or Makris to Merten or any other German occupier remains to be discovered, both individuals worked assiduously to

⁶⁶ Ibid.

⁶⁷ Ibid., 298.

insulate themselves from Merten's accusations. Makris, in particular, interceded to minimize any potential exposure for himself as well as his wife Evdoxoula as a result of Merten's arrest. An unlabeled CIA narrative of the case notes, "As might have been expected, Makris intervened with the Thesalonika [sic] prosecutor when Merten was arrested in 1957, and later with Minister of Justice Papaconstantinou, since Merten's trial would necessarily involve Evdoxoula. He also tried to have the case tried in camera, and may have had a part in Merten's extradition to Germany."⁶⁸

With Merten's impending prosecution, information regarding the connections between Merten and wartime Greek collaborators became available but was apparently suppressed by the Greek government according to CIA documents.

After Mertens [sic] arrests Amalia Vazakas who worked for the German services in Thessaloniki during the German occupations was examined as a witness by Dionysios Theotikos the special investigator of collaborators. Vazakas now the wife of (fnu)⁶⁹ Stasinopoulou a former military justice officer stated that she had met Merten through Aikaterini Meizners [Meissner] Greek spouse of one of Merten's German subordinates [Merten's interpreter]. Vazakas in turn, introduced Merten at her house to Doxoula Leontidou [Evdoxoula Makris] now the wife of Interior Minister Dimitrios Makris. Vazaka's statement was given to a pro-EDA⁷⁰ lawyer by Dina Papatheodorou a secretary of the War Criminal Prosecution Office and daughter of the administrative head of the Court of First Instance of Athens. (When Tousis [Toussis] traveled to West Germany to cooperate with the German authorities in the prosecution of German war criminals, Papatheodorou accompanied him.) When Merten was tried, Vazaka's written deposition was not read during the hearing before the Military Court of Athens but was deleted by an unknown person. This deletion was probably ordered by the government so that

⁶⁸ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0007.pdf

⁶⁹ fnu is a CIA initialism used for first name unknown.

⁷⁰ Richard Clogg, *A Concise History of Greece* (Cambridge: Cambridge University Press), 148. The EDA, or United Democratic Left, was as Richard Clogg notes, "essentially a cover for the outlawed and exiled communist party" and in direct opposition to Karamanlis' rightist ERE party.

Merten's association with Doxoula Leontidou would not be disclosed in open court.⁷¹

The active suppression of evidence did little to promote Merten's claim of innocence, though it indicated an organized and ongoing attempt to influence the outcome of the trial.

Additional efforts to reach former Military Administrator Dr. Marbach in Germany in order to have Marbach shoulder the responsibility for his role during the occupation proved fruitless. Marbach, for his part, was naturally unwilling to implicate himself in any wartime atrocities, particularly to save Merten. When queried, Marbach repeatedly disavowed knowing Merten and claimed a failing memory in regards to his own role in the occupation of Salonika. Marbach's purposely limited his responses. In addition, "Merten did not receive a copy of the questions asked Marbach by the Bonn Government but only a copy of the answers to these questions." Marbach's reluctance to intervene and Bonn's diplomatic indifference only served to allow Merten to languish in Greek prison.⁷² He needed powerful allies in order to secure a timely release. In Merten's immediate future, a conviction seemed imminent.

Unable to expedite the behind-the-scenes maneuvering of Karamanlis and the West German government, Merten settled in for what the Greek government promised would be a short period of incarceration.⁷³ During his time in jail, the Greek prosecution

⁷¹ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0040.pdf.

⁷² CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0012.pdf.

⁷³ CIAFOIAERR, "Max Merten," accessed 3 December 2015, <http://www.foia.cia.gov/sites>

gathered evidence and witnesses. Merten faced charges relating to the Freedom Square action, the murder of Greek hostages and the deportation of 46,000 Jews to Auschwitz.⁷⁴

While preparations for Merten's trial proceeded, high-level talks between the governments of Greece and West Germany were concurrently taking place.⁷⁵

Trial, Conviction, and Release

The disposition of Merten as well as the subject of reparations had again been brought up during the trial and were slowly approaching a possible settlement. However, the form of the compensation became a source of contention. West Germany sought to offer an economic aid package comprised of a loan and support for Greek membership in the European Economic Community, the forerunner of the European Union, yet tied it to Merten's release. When pressed by Greece for reparations in the form of direct monetary reimbursement, West Germany demurred citing prior treaty agreements where German reunification was a requirement for future reparations.⁷⁶ Merten's trial continued while the governments of Karamanlis and Adenauer negotiated an acceptable economic agreement. These culminated in a meeting between Karamanlis and West German Chancellor Adenauer in Bonn on 13 November 1958. Spiliotis notes, "Karamanlis promised German Chancellor Adenauer that Greece would suspend all prosecutions

/default/files/document_conversions/1705143/MERTEN, MAX_0040.pdf.

⁷⁴ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

⁷⁵ Mazower, *After the War Was Over*, 298.

⁷⁶ James Angelos, *The Full Catastrophe: Travels Among the New Greek Ruins* (New York: Crown, 2015), 111-2.

and hand Merten over to Germany.”⁷⁷ This, however, was not accomplished without a conviction in hand and Greek parliamentary approval. While the economic negotiations and war crimes agreements appeared quid pro quo, the reasons underlying West German efforts to have Merten returned remained without explanation.

On 5 March 1959 Merten was convicted and sentenced to twenty-five years in prison. With a commitment for a 200 million DM loan already arranged, the process for Merten’s release and return to Germany proceeded.⁷⁸ The Greek Parliament quickly debated and passed a law allowing Merten’s return to Germany. One unusual caveat included within the law disallowed Merten from ever returning to Greece. In hindsight, both the release from Greek custody and the provision barring any possible return insulated collaborators from any civil or criminal actions involving Merten. The proviso assured that Merten would be unable to testify in any Greek court.

While the current understanding of Merten’s untimely release from prison relates to the West German economic and political pressures applied against Greece, further exploration regarding either the reasoning behind the German coercion or Merten’s subsequent retaliations is absent. While German loan was a means of applying pressure, evidence indicates it was used as subterfuge for concealing the true reason of Merten’s release—fear of Merten’s divulging information regarding the wartime criminal activities of Globke and Karamanlis. After returning to Germany, Merten continued to use this

⁷⁷ Mark Mazower, ed., *After the War Was Over: Reconstructing the Family, Nation, and State in Greece, 1943-1960* (Princeton: Princeton University Press, 2000), 297.

⁷⁸ Mogens Pelt, *Tying Greece to the West* (Copenhagen: Museum Tusculum Press, 2006), 190.

threat to blackmail both figures and obfuscate his own culpability for war crimes. Freed from Greek captivity, Merten's target in West Germany was Hans Globke.

Chancellor Konrad Adenauer unequivocally supported his friend and associate Hans Globke despite his Nazi era activities. By the time of Merten's arrest in Greece in 1957, Globke was firmly ensconced within the West German government. In addition to their long-time political affiliation, Globke and Adenauer maintained a personal friendship and shared a cultural commonality. Historian Richard Breitman notes, "Globke and Adenauer were both from the Rhineland, which helped give the younger man the chancellor's ear."⁷⁹ A communication dated 6 February 1961 from the American Ambassador to Greece Ellis Briggs to the US Secretary of State demonstrates the close relationship between Globke and Adenauer. In relating his conversation with Greek Foreign Minister Averoff, Briggs described Averoff's account of Merten's release from Greek custody. Briggs explains: "According to Averoff, Adenauer went so far in 1959 as to threaten to refuse [to] go through with [a] \$50 million loan unless Mertens [sic] released. Adenauer's interest reportedly stemmed from Adenauer's desire [to] protect Globke on whom Mertens had something serious."⁸⁰ Though Averoff's comment may indicate information that only he was specifically privy to, it may also indicate Averoff's desire to divert attention away from the Greek Prime Minister. Both the Greek and West German governments worked to shield prominent government figures from Merten's

⁷⁹ Richard Breitman et al., *U.S. Intelligence and the Nazis* (Cambridge: Cambridge University Press, 2005), 396.

⁸⁰ CIAFOIAERR, "Max Merten," accessed 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0052.pdf.

accusations; Adenauer negotiated on behalf of Globke and Karamanlis engaged in secret discussions regarding Merten.

In October 1959, director of the German Foreign Intelligence Service (BND), General Reinhard Gehlen traveled to Athens, Greece. Having arrived from Rome in an American aircraft, Gehlen's mission was inadvertently chronicled by the US military officer responsible for the flight and subsequently filed away within the CIA. In the report, an American officer named Clark noted the circumstances surrounding Gehlen's trip. On 5 October 1959 an entry in his report noted Utility's (Gehlen's CIA cryptonym) arrival in Greece. "We were met by a small delegation in Athens, including Giovanni, Utility's [Half-] brother, and several members of the Greek Intelligence Service who assisted in expediting the customs controls."⁸¹

Following Gehlen's meeting with the Greeks, Clark was contacted by an English-speaking Greek who was forwarding Gehlen's request to leave the next day. On 8 October, Clark noted the specifics of Gehlen's departure: "At 1000 Utility and party arrived for take-off. I later learned that members of the Party accompanying him included an Army Lt. Col. who was Chief of the Greek Counter Intelligence Service."⁸² The flight ended in Rome with Gehlen first staying with his half-brother and then returning to Germany via train. Details regarding the exact purpose of Gehlen's trip to Athens are incomplete due to the pedestrian nature of the report; however, it does indicate the

⁸¹ CIAFOIAERR, "Reinhard Gehlen," accessed 3 July 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GEHLEN, REINHARD VOL.3_0073.pdf. Following standard CIA convention, cryptonyms are uppercase.

⁸² Ibid.

presence of Gehlen in Greece just prior to Merten's release and further suggests the BND director's involvement during a pivotal period in West German and Greek relations.

Whether by design or coincidence, Merten was released from Averoff prison in Athens less than a month later. Merten returned to Germany on 5 November 1959 seeking to fulfill a newfound agenda.⁸³ While the use of West German economic leverage explained how Merten came to be released, it insufficiently explains *why* the Germans forcefully wrested a convicted war criminal from Greek custody. The evidence indicates that both governments feared, rightfully or not, that Merten presented a political danger to certain prominent officials holding high office within their respective governments. These fears were not unfounded.

⁸³ Mazower, *After the War Was Over*, 299.

CHAPTER FOUR
THE MERTEN AFFAIR

In September 1960, Diether Posser, Merten's political associate and attorney, traveled to Britain to obtain copies of captured German war documents held by the British. Posser supported Merten and previously worked on his behalf. In 1958, during Merten's incarceration, Posser had approached the press with Merten's story only to be supposedly turned away.⁸⁴ Following Merten's return from Greece, Posser again acted as intermediary between Merten and Globke antagonist Fritz Bauer. The documents Posser retrieved, labeled *Inland II Geheim*, largely contained Nazi correspondences regarding the varied diplomatic statuses of foreign Jews. A British memorandum on the Merten Case notes, "it appears that a Dr. Posser, who turns out to be one of Merten's lawyers, was given on request certain German Foreign Ministry papers of 1942-1944 about the Jews in Greece."⁸⁵ Merten, through Posser, sought these documents in order to obtain information related to Globke's wartime activities. While in Britain, Posser also sought information regarding Greek collaborators.

The British Foreign Office initially speculated that Posser might have been seeking a list of Greek collaborators for use against the Karamanlis government. This would explain the sudden appearance in Britain of a West German archivist, sent to recover "a list of Greeks who collaborated with the Germans during the occupation," and

⁸⁴ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

⁸⁵ British Archives FO 371/153018, C683818, RG 1661/2, "Greece: the Merten Case", 21 October 1960.

whose presence the British worked to suppress.⁸⁶ The British Foreign Office knew all too well that assisting Posser and the West German archivist in obtaining documents derogatory and potentially damaging to Greece would incense the Greek government. To remedy the awkward diplomatic situation and placate its long-time ally, the Foreign Office provided copies of the documents obtained by Posser to the Greek and German governments. Meanwhile, the British government requested that West Germany recall its archivist.⁸⁷ Though certain documents referenced a list, none was found by either the Foreign Office or the German archivist; however, two years later, the presence of a list was again acknowledged in Israel.⁸⁸ While Posser's archival research seemingly failed to produce documentary evidence useful to Merten, it clearly demonstrated Merten's coordinated efforts and willful determination to implicate West German and Greek officials. Undaunted by the lack of any conclusive evidence, Merten continued his efforts to implicate each government's officials in Germany.

Her Uncle Constantine

While Posser worked in Britain, Merten sued former Military Administrator Marbach regarding statements about his wartime activities in Greece.⁸⁹ Details from the lawsuit first appeared in the local *Hamburg Echo* newspaper and later in the German

⁸⁶ BA FO 371/153018, C683818, RG 1661/2, "From Athens to Foreign Office", 21 October 1960. Britain was reluctant to be seen assisting Posser at the expense of the Greek government.

⁸⁷ BA FO 371/153018, C683818, RG 1661/2, "Greece: The Merten Case", 21 October 1960.

⁸⁸ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0081.pdf

⁸⁹ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

newsmagazine *Der Spiegel*. Two days before the publication of *Der Spiegel*, copies of the September 28th issue surreptitiously arrived at every newspaper in Athens. Prominently featured within its pages and containing sweeping accusations of collaboration was an article entitled “*Ihre Onkel Constantine*,” (Her Uncle Constantine). Implicated within the article were Greek Prime Minister Constantine Karamanlis, Interior Minister Dimitrios Makris, Makris’s wife Evdoxoula, as well as Defense Minister George Themelis.

Contained within the context of Merten’s lawsuit against Dr. Marbach, Merten described how the accused Greeks, now residing in high office, had been informants during the war. For this, he stated, they were rewarded with the contents of a warehouse confiscated from a Jewish merchant. The warehouse was said to have held silk material worth £15,000.⁹⁰ The result of the inflammatory accusations forwarded by Merten seriously rattled the Prime Minister and his political associates as well as the people of Greece.

Karamanlis held a conference shortly after the article’s publication in order to lessen the impact of Merten’s revelations and form a “common Greek front against [the] German slanders, but without success.”⁹¹ Additionally, the Prime Minister dispatched friendly newspaperman Vassos Vassiliou to Germany in order to gather information for Athens, thereby giving the pro-government press an edge in the forthcoming battle of

⁹⁰ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0011.pdf.

⁹¹ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

words. Lastly, Karamanlis sent General Natsinas, head of Greek Central Intelligence, to meet with his counterpart in West Germany. Presumably, though not stated implicitly, Natsinas and other Greek representatives met with BND director Gehlen.

Gehlen, as well as the CIA, aided Globke and Karamanlis against Merten's accusations. CIA coverage of the affair began on 28 September 1960, two days after a mailed copy of *Der Spiegel* reached each newspaper in Athens.⁹² What initially appears as fact gathering and analysis by the West German and American intelligence agencies soon developed into a concerted effort to mitigate Merten's efforts to discredit Globke and Karamanlis. The CIA and BND, at times, shared information obtained through telephone and mail surveillance. The American program, known as CALLIKAK, monitored Merten's actions as he worked to manipulate and blackmail both powerful politicians. Merten's allegations, accusations, and implications were published in the press and the potential threat of very public civil litigation effectively cornered the State Secretary and Greek Prime Minister into financial settlements. Details of the covert arrangements and final agreements played out over a successive number of months as both intelligence services observed and recorded the interactions. As interest in the *Spiegel* article continued to grow, the Greek government worked to contain and limit the political damage.

⁹² Ibid.

The Fallout in Greece

“The first official reaction to *Der Spiegel's* article in Greece was panic,” states a heavily redacted CIA overview of the Merten Affair.⁹³ The Greek government, for its part, “quietly bought all the copies of *Der Spiegel* so that the magazine could not be found at newsstands [sic].”⁹⁴ This was perhaps an effort to buy time for the Karamanlis government to prepare a lucid explanation and cogent response. It was additionally noted, that “Under-Minister of the Press Triantafyllides called in all foreign correspondents and did his best to kill the story.”⁹⁵ Both of these efforts failed to appreciably suppress the scandal. Confidentially, Triantafyllides believed that “Merten is lying but has something in his hands, in all probability, on the basis of which he is threatening. He also made the remark that Evdoxoula Makris [wife of Dimitrios Makris and wartime acquaintance of Merten] had not been as careful as she should have been.”⁹⁶ The general opinion reflected in the available documentation in the beginning reflects, to a large extent, Triantafyllides’ observation. Foreign correspondent Mario Modiano believed the affair to be blackmail, not against Greece, but rather Germany, noting: “He threaten [sic] to talk if he is tried in Germany.” He also believed that Merten had “information at his disposal

⁹³ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0007.pdf.

⁹⁴ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0011.pdf. My italics.

⁹⁵ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0007.pdf.

⁹⁶ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0011.pdf. Alternately spelled “Triandafilakos.”

which can shake the Greek government.”⁹⁷ With little evidence besides Merten’s public accusations, any thoughtful determination about Merten’s activities during the affair remained speculation; however, subsequent CIA and BND surveillance provides further insight into Merten’s machinations.

Though initial CIA reports contain extensive backgrounds and biographies on Merten and Globke, any substantial information regarding the Greek Prime Minister remains suspiciously absent. Currently available documents provide little insight into the pre-affair activities of Konstantine Karamanlis. The core of most CIA reports regarding Karamanlis relate primarily to the scandal, whereas any significant BND coverage is completely absent (an odd situation given the amount of documentation found shared between the services). In the absence of any substantial intelligence resources, it is necessary to investigate the public narrative of Karamanlis’ wartime activities in order to better understand the potential validity and basis for Merten’s accusations.

Most of the readily available information regarding Karamanlis during the Second World War remains obscure and vague. In his mid-thirties and slightly deaf, Karamanlis became a soldier in the military reserves prior to the Nazi invasion of Greece. Following Greece’s capitulation, Karamanlis, a trained lawyer, moved from northern Greece to Athens. While in Athens, Karamanlis “registered at the Law Society on 23 March [1941] in order to open an office.” While Karamanlis remained in Athens, several family members who had accompanied him south returned to northern Greece where they settled in the town of Nigrita, forty-five miles (73 km) northeast of Salonika. Despite Merten’s

⁹⁷ Ibid.

claim to have known Karamanlis, and the proximity of Salonika and Nigrita, Christopher Woodhouse comments, “Karamanlis did not see his family in the north again until the liberation.”⁹⁸ This point however does not need to be congruent. While it remained possible Karamanlis traveled north to Salonika or Nigrita, the greater likelihood is that Merten traveled to Athens. Merten claimed to have a photograph in his possession featuring himself, Karamanlis and Makris. He also claimed “the photo was taken in Athens at Korai St in front of a Lancia auto.”⁹⁹ This would indicate that Merten traveled to Athens at some point during the war.

In Athens, the rigors and depredations of the occupation surrounded the newly established attorney. Karamanlis managed to survive the desperate conditions that gripped Athens before departing for Egypt in August 1944, two months prior to liberation. Woodhouse describes the situation in Greece under German occupation: “To make a living was almost impossible, except by collaboration with the enemy. Karamanlis rejected collaboration as uncompromisingly as he rejected armed resistance, which he saw as pursuing unacceptable aims.” Yet Woodhouse provides no explanation for how Karamanlis managed to make a living without collaborating with the Axis. Other scholars also remain silent about the years 1942-1944, with the exception of noting that Karamanlis regularly conversed with a local group of politicians and intellectuals, remaining, by his own admission, penniless. By August 1944, Karamanlis found the

⁹⁸ C. M. Woodhouse, *Karamanlis: The Restorer of Greek Democracy* (Oxford: Oxford University Press, 1984), 16-7.

⁹⁹ CIAFOIAERR, “Max Merten,” accessed 11 June 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0008.pdf.

necessary funding to leave Greece for Egypt in order to ostensibly join the Greek government in exile, a supposedly convoluted process Karamanlis, himself, was unable to remember: “I managed somehow—how, I don’t know—to get to Egypt.”¹⁰⁰ How and why a penniless Karamanlis managed to fund his trip to Egypt is never fully explained by any historical source. And despite the plethora of information regarding other contemporary Greek personalities, Karamanlis remains an enigma.

After the Second World War ended, Karamanlis entered politics rising to become Alexandros Papagos successor as prime minister following the elder statesman’s death in October 1955.¹⁰¹ David Close notes, “Papagos wielded extraordinary authority in army and state as prime minister, acting as custodian of the interests of the king and the Americans.”¹⁰² This commentary can largely be applied to Karamanlis as well. Greece’s monarch, King Paul, “to the manifest chagrin of more obvious contenders” had specifically chosen Karamanlis.¹⁰³ Immediately after his ascension to the premiership, Karamanlis set out to reshape Papagos’ Greek Rally party into the *Ethnike Rizospastike Enosis* (National Radical Union or ERE). Karamanlis, with the help of several close associates, would use the ERE to solidify his position in the elections 1956 and 1958.

Following his selection by the king, and queen, Karamanlis stood for election with the support of former wartime collaborator Konstantinos Gertsos. A CIA held report on

¹⁰⁰ Woodhouse, *Karamanlis*, 17, 21.

¹⁰¹ David H. Close, *Greece since 1945: Politics, Economy and Society* (Routledge, 2014), 295.

¹⁰² *Ibid.*, 84.

¹⁰³ Richard Clogg, *A Concise History of Greece* (Cambridge University Press, 2013), 148.

Gertsos notes that Gertsos “manages to attract Karamanlis attention, because both are Macedonians, he appears to be an admirer of Karamanlis, and he backs him up financially in the elections of 1956 and 1958.”¹⁰⁴ Gertsos, a freewheeling businessman living in Switzerland as a result of his wartime activities, was rewarded for helping Karamanlis. The same report additionally notes: “Konstantinos Gertsos spends a great deal of money for all his attention to Karamanlis. But in exchange for all these things Karamanlis, as prime minister now of Greece, took irregular action and gave back to Gertsos his entire confiscated and sequestered property in Greece - as a result of his collaboration with the enemies during the Occupation.”¹⁰⁵ Gertsos remained an ally of the Prime Minister and would step forward again to assist Karamanlis if the need arose.

The arrest of Merten in 1957 threatened to embroil the newly elected Prime Minister in scandal. Though Karamanlis had inherited the diplomatically awkward situation, it was his in his self-interest to produce a fruitful conclusion that would free Merten without the appearance of an undeserved or under-the-table amnesty; Karamanlis had to remain beyond reproach. Ongoing economic negotiations with West Germany provided the opportunity for Karamanlis to rid himself of Merten under the guise of reciprocity. The following year, in the midst reelection, Karamanlis traveled to Bonn, ostensibly to discuss a German loan, but also to consult secretly on the matter of Max Merten.

In 1958, the surprising success of the rival EDA threatened Karamanlis’ parliamentary majority and prompted a reaction. Close notes, “the electoral system,

¹⁰⁴ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0048.pdf.

¹⁰⁵ Ibid.

allowed EDA to win a sensationally high vote of 24 per cent in the 1958 general election, and so become for a time the main opposition party. This result alarmed centre and right politicians.”¹⁰⁶ In order to secure better control of the electoral process, new election laws were enacted that favored the incumbent government. In a scathing rebuke, an authorless CIA analysis puts Karamanlis associate and accused Merten collaborator Dimitrios Makris at the center of the controversy. It notes, ““Minister of Interior since 1956..., Makris is Karamanlis’ party boss, in charge of ERE organization and enlightenment, and author of the 1958-59 election laws. He has been totally ineffective as a minister, without a program and with only minor positive accomplishments.”¹⁰⁷ The absence of further information regarding the ERE and the election laws does not diminish the described relationship between Karamanlis and Makris, though information regarding either man remains sparse. This, however, was not the case with Merten’s ostensible adversary in Bonn, Hans Globke.

Adenauer’s Closest Advisor

Previously, in 1953, West German Chancellor Konrad Adenauer appointed his *éminence grise*, longtime civil servant Hans Globke, State Secretary despite his past anti-Semitic involvements and Nazi associations. During the Second World War, Globke worked with Nazi lawyer Wilhelm Stuckart, first under the infamous anti-Semite Dr. Wilhelm Frick

¹⁰⁶ Close, *Greece after 1945*, 201.

¹⁰⁷ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

and then under SS Reichsführer Heinrich Himmler.¹⁰⁸ Though not a member of the Nazi Party, Globke composed Nazi legislation and anti-Jewish policies that found universal application throughout the Reich.¹⁰⁹ In executing the duties of his office, Globke came into contact with prominent Nazis within the *Schutzstaffel* (SS), in particular Adolf Eichmann. Eichmann, a principal figure in the extermination of Europe's Jews, fled to Argentina following the war. Captured in May 1960, he was put on trial and then executed for war crimes in 1962. According to the *Braunbuch* (Brown Book) directory of former Nazis published by the government of East Germany in the 1960s, Globke, "as the competent expert of the Reich Ministry of the Interior Globke was the co-author of almost the whole set of laws and decrees" for the persecution of Jews. "He is one of the authors of the Nuremberg Racial Laws, which in the Eichmann trial were characterized as the 'basic laws for the final solution.'" ¹¹⁰ In the years immediately following the war, Globke's exclusion from the Nazi Party, indirect connection to the Holocaust, and cooperative appearance during the post-war Nuremberg trials provided a respite from any form of war criminal prosecution. Globke's Nazi Party rejection additionally allowed for membership and advancement to a high position within postwar West German government of Chancellor Adenauer.¹¹¹

¹⁰⁸ Messenger, *A Nazi Past*, 21.

¹⁰⁹ Breitman, *U.S. Intelligence and the Nazis*, 396.

¹¹⁰ National Council of the National Front of Democratic Germany Documentation Centre of the State Archives Administration of the GDR, *Brown Book: War and Nazi Criminals in West Germany* (Leipzig: Verlag Zeit Im Bild, 1965), 320.

¹¹¹ Both Adenauer and Gehlen consistently turned a blind eye to employing former Nazis within the West German government.

Soon after the publication of the *Der Spiegel* article, representatives of the US government (CIA), the director of the BND, and unnamed Greek officials met to discuss the motivations of Merten's actions. The director of the BND, Reinhart Gehlen, believed Merten was working on behalf of the Soviets in order to attack West German State Secretary, Hans Globke, for his wartime anti-Semitic activities.¹¹² While Merten did work to blackmail Globke, a former member of the Interior Ministry under the Nazis, no evidence of direct collaboration or cooperation with the Soviets found by the CIA; Merten was working on his own behalf. A survey of archival records regarding the Merten Affair often indicated that Gehlen intimated Communist involvement to the American intelligence services.¹¹³

Gehlen's preoccupation with communism was likely rooted in the availability and use of antipropaganda funds controlled by Globke rather than an effort to continue American intelligence support for West Germany. By affiliating Merten with a communist program to discredit Globke, the West German government would be able to focus its extensive anticommunist resources against Merten. However, the inference of a communist plot by West Germany was not held by the American intelligence and diplomatic communities. Analyses by the CIA found no direct connection between Merten, his close associates, and the Soviets. Merten and his associates had their own agenda.

¹¹² CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0020.pdf.

¹¹³ Reinhard Gehlen and George Bailey, *The Service: The Memoirs of General Reinhard Gehlen*, trans. David Irving (New York: World Publishing, 1972), 160.

In early October 1960 Gehlen provided a file he had assembled regarding Merten to the CIA. The document, dated 7 October 1960, explained that Gehlen was assisting a “Greek official²” regarding the Merten Case and “prefer[red] not to check” with West German domestic security agency field offices, part of the *Bundesamt für Verfassungsschutz* or BfV. These comments suggest that the CIA and the BND wanted to operate domestically without the knowledge of the West German BfV.¹¹⁴ Spying on Merten, Gustav Heinemann and his other associates, West German citizens, violated constitutional protections and subverted the role of the BfV. This is confirmed by Gehlen’s assertion in his memoir, published in 1972. Gehlen asserted that domestic surveillance was strictly the domain of the BfV:

There is one thing I must however make quite clear about our espionage activity. The German press has repeatedly claimed that we carried out intensive domestic espionage on West German political figures, although our legitimate duty is purely foreign espionage. It is absurd to believe I would be so foolhardy as to risk the future of the BND by getting mixed up in internal political espionage, which is purely the duty of the various offices for the protection of the Constitution [BfV].¹¹⁵

Present evidence regarding Merten and his attorney, “Dr. Gustav Heinemann [,] former Minister of Interior and...leading SPD Bundestag member,” indicate this to be patently untrue.¹¹⁶ The BND unequivocally engaged in political espionage as demonstrated by CIA and BND documents containing domestic surveillance information and analysis

¹¹⁴ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0022.pdf. The unredacted portion of this document is printed in uppercase.

¹¹⁵ Reinhard Gehlen, *The Service*, 226.

¹¹⁶ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0022.pdf.

pertaining to significant number of German citizens. Gehlen, via the BND, as well as prominent American officials, rallied around and actively assisted Karamanlis and Globke as noted in a memorandum prepared by the Deputy Director of Plans for the CIA to the Director of Central Intelligence (DCI), at this time Allen Dulles, dated 20 October 1960.¹¹⁷

Lawsuits and a Settlement

In the weeks immediately following the *Der Spiegel* article, several civil lawsuits were filed between Merten, Dimitrios Makris, and Evdoxoula Makris. During the war it was alleged that Mrs. Makris, then Evdoxoula Leontidou, had worked for the Germans in a clerical position. While Merten claimed to have worked closely with the future Mrs. Makris, she claimed to have only met Merten twice. This would become one of many assertions by the couple that Merten was all too willing to exploit. Minister Makris had reiterated the claim before the Greek Parliament when it became a part of the public record. Several individuals, including Ambassador Ypsilantis, believed this could be proven false, thereby damaging the credibility of the Makris' defense.

One CIA document notes that Ypsilantis counseled the Greek government not to file suit against Merten or the German press organizations *Der Spiegel* and *Hamburg Echo* and that the Prime Minister initially agreed. However, the Greek Embassy in Bonn was surprised when Dimitrios Makris filed suit. Ypsilantis believed that Merten's accusations regarding Mrs. Makris were true and verifiable. It states: "Ypsilantis believes

¹¹⁷ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0033.pdf.

successful Mertens suit if case based on that portion of Mertens accusations which has basis in fact.”¹¹⁸

In addition to the Makris lawsuit, documents indicate that “the principal opposition paper at the moment is *Athinaiiki*, whose director, Mr. Baklatsis, is bringng [sic] suit against Merten in Germany on behalf of ‘the people of Greece’, proposing to bring some fifteen Greek and West German officials to testify on behalf of Greece.”¹¹⁹ As the Merten Affair unfolded, suit and counter suit was filed with neither side hoping for a courtroom showdown. Had tangible evidence of collaboration been made public, Merten’s ability to blackmail his Greek targets would undoubtedly have been compromised. For the accused Greek members of government, legitimate confirmation of wartime collaboration would have impacted the political careers of all involved and likely brought down the government. It now simply became a matter of who would best endure.

As lawsuit and counter lawsuit worked their way through the German and Greek courts, a legal confrontation seemed almost unavoidable. However, on 7 December 1960 a CIA document heralded an unexpected development. It stated: “INDICATIONS FROM GERMANY ABOUT A FIRST STAGE OF A COMPROMISE RESULTING BETWEEN MERTEN AND GREEK PERSONALITIES ACCUSED BY HIM.” Merten’s efforts to blackmail the Greek officials had apparently begun to produce results. Divided in sequential paragraphs, the CIA document explained how Greek intermediaries

¹¹⁸ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0017.pdf.

¹¹⁹ CIAFOIAERR, “Max Merten,” accessed 11 June 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0007.pdf.

“Gertsos and Koniordos, well-known economic collaborators of the Germans during the Occupation,” worked to fulfill Merten’s request. Paragraph V states:

The above economic collaborators and now financiers of the Karamanlis clan came to extensive agreements in Germany with Merten mainly and they discussed the terms of the compromise which Merten puts down. The first stage of an agreement resulted and the sum of about 100.000 dollars was payed to Merten mainly from Koniordos; other assurances were also given to him about a review of his sentence with the intervention and strong support of the Greek government also. Thus Merten's present inactivity was secured. But there is information that the money demanded by Merten and his accomplices, the directors of the German publications, is much more and that is why a final agreement has not been reached yet and it is not excluded that this affair may be started up again in case all the demands of the German accusers are not satisfied and the process to review Merten's conviction, to which Merten attaches special importance, is not started. In the meantime there are indications that middle-men Gertsos and Koniordos are having difficulties finding and disposing the necessary extra amount of money for bribery and compromise which, it seems, is quite large. Naturally the visible and invisible forces of opposition against the Government are working real hard for the Merten affair to flare up again and the most important work is being directed to the magazine Der Spiegel so that this magazine will start its articles again against the Greek personalities in question.¹²⁰

Document paragraph VI outlined the results of a payoff and final resolution

“Of course it is self-explanatory that - if a final compromise is reached because of the payment of all the required money and Spiegel 's silence is ensured - then all lawsuits filed on both sides 'Will be covered up with various excuses and no trial will be held, either in Greece or in Germany.’”¹²¹ At first glance it appears a resolution had been agreed upon, but several potential pitfalls such as raising the required amount money required by Merten as yet needed to be resolved. The involvement of wartime

¹²⁰ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0041.pdf. Following standard CIA convention, surnames were printed in uppercase.

¹²¹ Ibid.

collaborator Konstantinos Gertsos as a go-between presented a curious twist. Gertsos was mentioned in a 1944 British intelligence document and described as, “one of several brothers who were representatives of a number of German firms, amongst which was Bosch Electrical Equipment. The office of Gertsos Bros. was at Patisia Street No.32 where the German Cypher Section is now situated. The Gertsos are said to have be very pro-German. They are supposed to have fled to Switzerland.”¹²² This information is reiterated in the same CIA document of 7 December 1960 where Gertsos “is reported as building a luxurious villa at Montreux, Switzerland for Karamanlis.”¹²³

The following month, CIA and BND surveillance of Merten produced several records detailing Merten’s activities. The surveillance report states:

A contact was established between Merten and a representative of the Royal Court /Pseudonym Metastas/ who apparently tried to 'buy' Merten; a conciliatory offer from the government, i.e. Karamanlis' party, was brought to Merten via Arthur Meissner of Fuerth, one Michanakis also appeared on the scene. The following was offered -- revision of the verdict in the Athenian legal action. Possibly compensation.¹²⁴

This disclosure illustrates two unique points. Arthur Meissner, Merten’s wartime translator, was assisting Merten with his blackmail of Karamanlis just as he had assisted

¹²² CIAFOIAERR, “Joachim Deumling,” accessed 11 June 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/DEUMLING,JOACHIM_0007.pdf. Following standard CIA convention, surnames were printed in uppercase. Bosch and Switzerland are printed in uppercase.

¹²³ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN,MAX_0041.pdf. Following standard CIA convention, surnames were printed in uppercase.

¹²⁴ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN,MAX_0043.pdf. Entire original text in uppercase. Meissner had likely been released under the same agreement that freed Merten, though evidence of this remains to be discovered.

Merten in his extortion of the Greek Jews of Salonika during the war. The other unique and surprising observation was the envoy from the “Royal Court,” referring to the Greek Royal Family. Rumors of the Royal Family’s involvement were also recorded in British Foreign Office documents. A document dating from 18 October 1960 states, “It was said that the King had asked Monsieur Karamanlis to assure him a dowry of 100,000 gold sovereigns for Princess Sophia as the price of his continued support.”¹²⁵ Following the wedding of Princess Sophia to Spain’s Prince Juan Carlos, the Karamanlis government provided a dowry of \$300,000 to the Royal Family.¹²⁶

The Greek government, having apparently resolved the situation with Merten internally, rejected any additional West German interference. On 21 December 1960, Greek Foreign Minister Averoff formally complained to US government representatives regarding the possible transfer of Greek aid from United States sponsorship to West German. Averoff described Greece’s position on the matter: “Greece strongly preferred aid come from US...(i.e., Greeks accept fact US not seeking narrow political domination which historically European powers have sought). German assumption US role would carry serious political implications within Greece and be psychologically bad.”¹²⁷ In discussing the types of aid, Averoff “differentiated between purely economic aid by Federal Republic to less developed countries (which could be explained as being in

¹²⁵ BA FO 371/153018, C683818, RG 1661/5/60, “Despatch No.113,” 18 October 1960.

¹²⁶ Panagiotis Dimitrakis, *Greece and the English: British Diplomacy and the Kings of Greece* (New York: I. B. Tauris, 2009), 94.

¹²⁷ Foreign Relations of United States, “*Telegram From the Embassy in Greece to the Department of State*,” accessed 4 July 2016, <https://history.state.gov/historicaldocuments/frus1958-60v10p2/d302>

nature of ‘reparations’) and military or defense support aid.” He additionally noted, “if continuation [of] US aid not possible GOG [Government of Greece] would possibly refuse such aid from Federal Republic.”¹²⁸ Shortly afterward, Averoff suggested that potential German aid be replaced instead with aid from a small group of NATO allies or hidden within the NATO framework. These actions he believed, “would take some of political curse off.”¹²⁹ Averoff’s worries were unfounded as the American diplomat took pains to explain. The encounter, however, demonstrated that members of the Greek government understood that German economic aid held consequences.

On 7 February 1961, Greek efforts for a resolution continued with Gertsos again moving between Merten and Karamanlis. A CIA analysis of the situation outlines the reason for the renewed exchanges.

Konstantinos Gertsos spends a great deal of money for all his attention to Karamanlis. But in exchange for all these things Karamanlis, as prime minister now of Greece, took irregular action and gave back to Gertsos his entire confiscated and sequestered property in Greece – as a result of his collaboration with the enemies during the Occupation. Then about four months ago when the bolt of the Merten affair is handing [sic] over Karamanlis head, we see Gertsos going back and forth between Switzerland and West Germany, trying to calm down Merten and to buy off his silence with money. And there are some serious indications that Merten did get a considerable sum of money from Gertsos and that it why for the moment he shut up and stopped accusing Karamanlis, but this is not enough for Merten who is asking for much more money and that is why he is going back to his accusations.¹³⁰

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0048.pdf. Following standard CIA convention, surnames were printed in uppercase.

Apparently discontent with the money received so far, Merten redoubled his blackmail efforts for a significantly larger payoff. While ostensibly holding out for more money, Merten himself became the target of a counter blackmail plot.

Several days prior to the stalled payoff settlement, information damaging to Merten had apparently been procured. A CIA document dated 30 January 1961 notes that “Definite elements in the circle of Merten obtained photostats of certain documents in Israel which indicated Merten's activities during the occupation in Salonika so that Merten can be kept in line and not be in a position to change course later if he so decided. Merten can be definitely blackmailed with the photostats in question.”¹³¹ Under the threat of counter blackmail, Merten’s own position became tenuous. Movements by the West German and Greek governments progressed towards a behind-the-scenes resolution, and CIA evidence indicates a financial settlement had been reached.

After the supposed purchase of Merten’s silence, Karamanlis was able to resolve the scandal and win reelection in 1961, though his alleged fellow collaborators Makris and Themelis lost their posts in the new cabinet. Karamanlis’ own power and popularity were also declining; faced with the domestic fallout from the Cyprus crisis and increasing interest in George Papandreou, the Karamanlis government lasted only two more years. On 31 January 1963, Queen Frederika’s comments on her desire to see Karamanlis replaced because of poor decisions and his handling of the Princess Sofia’s dowry were recorded in a memo to CIA Director McCone. It notes:

¹³¹ CIAFOIAERR, “Max Merten,” accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0049.pdf

Queen Frederika feels that Prime Minister Konstantinos Karamanlis is a man of great ability and is completely loyal to the Crown, but he is becoming increasingly hard to get along with and occasionally shows bad judgment. As an example, she mentioned his ineffectiveness in protecting the Crown from public criticism, particularly where Royal financial matters were concerned such as the dowry for Princess Sophia's marriage. Thus, the time may be approaching when elections and a new government are in order. According to the Queen, the best solution would be a government headed by some National Radical Union (ERE) figure other than Karamanlis.

The Queen, who exercised a personal familiarity with officials in CIA and State Department, often informed her contacts regarding the internal workings of the Greek government and the opinion of the Palace. Karamanlis' dilatory handling of the royal dowry had unmistakably earned the Queen's ire and contributed to his loss of royal support. Though the Palace had seemingly interceded on Karamanlis' behalf to payoff Merten, a lasting resentment seems to have enveloped the relationship.¹³² In addition to his troubles with the Palace, widespread accusations of election fraud surfaced in 1961.¹³³ With additional turmoil fueled by the assassination of opposition figure Georgios Lambrakis in May 1963, Karamanlis' position became untenable.

On 11 June 1963 Karamanlis resigned, "following a disagreement with the Royal family over their desire for a State visit to the United Kingdom."¹³⁴ Additionally, the killing of EDA Deputy Lambrakis a short time prior had brought about claims of Greek government complicity. Several days later, the King asked that Panayiotis Pipinelis form

¹³² CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0043.pdf.

¹³³ The dubious nature of the 1961 elections led George Papandreou to challenge results and begin his "Relentless Struggle" to bring the Center Union to power.

¹³⁴ Foreign Relations of United States, "Editorial note," accessed 4 July 2016, <https://history.state.gov/historicaldocuments/frus1958-60v10p2/d302>.

a transitional government.¹³⁵ With his resignation, Karamanlis was able to temporarily step away from the Greek politics and Merten's machinations.

Merten's New Target

The publication of the first and subsequent accusatory articles in *Der Spiegel* had irrevocably threatened Staatssekretär Hans Globke's secure role within the West German government. Seemingly angered by Globke's inaction during his incarceration and subject to still pending war crimes charges, Merten applied the same strategy of using esoteric wartime information to impugn Globke's reputation in order to leverage a beneficial outcome for himself. He then manipulated the press through implication and allegation, while covertly working to obtain compensation and freedom from prosecution by blackmailing the former Nazi-era official. In the same vein as the Greek allegations, there is a paucity of evidence linking Globke and Merten during the wartime period since the alleged meetings took place face-to-face or over the telephone. Merten's central claim, that wartime Deputy Interior Minister Globke had a hand in a decision regarding the fate Greek Jews, held war criminal implications. Merten alleged that Globke blocked a proposal between himself and Eichmann to allow a portion of Greece's Jews to be sent to Palestine instead of Auschwitz, thereby assuring their extermination. By February 1961, Merten's claims were so persistent and egregious that Globke responded publicly as to their authenticity. In an interview with the Hamburg newspaper *Die Zeit*, Globke strenuously de-emphasized his role in authoring Nazi anti-Jewish legal doctrine, as well

¹³⁵ Ibid.

as disavowing any official contact with either Merten or Eichmann.¹³⁶ Despite Globke's public refutation, post-war evidence indicates Eichmann and Globke were often in contact regarding "Jewish matters in the occupied territories."¹³⁷ In an effort to implicate Globke and disclose his connection to Eichmann, Merten worked alongside Adolf Eichmann's attorney Dr. Robert Servatius, anti-Nazi Attorney General Fritz Bauer, and former Nazi propaganda expert Hans Rechenberg—each one able to aid Merten's efforts in some significant manner. Globke, however, had powerful well-placed allies of his own within the West German government.

As Merten attempted to assemble evidence to legitimate his claim against Globke, Globke utilized his close and long-established relationship with Reinhard Gehlen. Former Wehrmacht General and Chief of the newly formed *Bundesnachrichtendienst*, or BND (Federal Intelligence Service), Gehlen worked diligently to defend his friend and superior from Merten's machinations. Gehlen, for his part, saw Merten's actions as part of a communist plot to discredit Globke, though little evidence indicates this was the case. Additionally, famed Nazi hunter Simon Wiesenthal, after becoming aware of Merten's blackmail efforts, sought to block Merten's attempts to implicate Globke as well. Wiesenthal, who had worked diligently for capture Adolf Eichmann, discovered Merten working with Eichmann's half-brother Robert. Merten's efforts to obtain information from the imprisoned war criminal and his association with the infamous Nazi

¹³⁶ CIAFOIAERR, "Hans Globke," accessed 28 March 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE_HANS_0179.pdf.

¹³⁷ Breitman, *U.S. Intelligence*, 396.

angered Wiesenthal and set off a series of confrontations.¹³⁸ What soon developed was a behind-the-scenes struggle between Merten, Globke, and their respective allies, with the stakes being Globke's reputation and Merten's freedom. Merten's success, both covertly and in the press, depended the disclosure and validation of his special knowledge regarding Globke's alleged criminal activities during the war.

In the period prior to the Second World War, Hans Globke held several bureaucratic positions with the German government. As a prior member of the Catholic Center Party, Globke was deemed "politically unreliable" and rejected for Nazi Party membership.¹³⁹ This seemingly small impediment during Nazi rule helped springboard Globke into the postwar West German government of Konrad Adenauer, where prior membership in the Nazi Party was unfavorable and generally avoided at the upper levels. Residing in the Reich's Interior Ministry, Globke advanced to the position of *Ministerialrat* (Deputy Minister) under long-time Nazi Party member Wilhelm Stuckart.¹⁴⁰ In 1936, Globke and Stuckart worked out the application of the anti-Semitic Nuremberg Laws. Globke's participation in crafting regulations based on the racial laws became more problematic for himself and the Adenauer government in the years following the end of the war due in part to Merten's allegations.¹⁴¹ For many in the

¹³⁸ Israel State Archives, "Eichmann," accessed March 28, 2016. <http://www.archives.gov.il/NR/rdonlyres/DA1EE7A1-71DE-4476-84F5-2EAD549A5CD0/0/Eich054a.pdf>.

¹³⁹ Central Intelligence Agency Freedom of Information Act Reading Room, "Hans Globke," accessed March 28, 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE, HANS_0013.pdf.

¹⁴⁰ Messenger, *A Nazi Past*, 17.

¹⁴¹ *Ibid.*, 17-8.

postwar period, overt or high-profile associations with anti-Semitism and the Holocaust generally proved politically unacceptable; Globke, however, was the most visible exception.

In West Germany, the task of defending Globke was taken up by foreign intelligence chief Reinhard Gehlen. Gehlen had almost single-handedly formed the West German Federal Intelligence Service. He forged his craft during the Second World War as head of military intelligence for the Eastern Front. After being recruited by the US occupation forces at the end of the war and fostered by the Army intelligence services, Gehlen formed the quasi-governmental entity known as the Gehlen Organization. Gehlen's group eventually came under the control of the CIA. In 1956, direct control of the Gehlen Organization passed to the West German Republic.¹⁴²

Gehlen's role as director of the nascent organization largely depended on his acceptability to the CIA, Adenauer, and Globke. Globke supported Gehlen on more than one occasion, first as liaison with the CIA and later as director of the BND. In the period shortly before Gehlen's appointment as director West German foreign intelligence, CIA officials and Globke met to determine Gehlen's suitability as an intelligence liaison between the United States and West Germany. Gehlen, whom Globke helped bring into the government, held Globke's favor and established durable connections within the government and intelligence community. In many ways, Gehlen owed his career to Globke.¹⁴³ In one period, when Gehlen temporarily lost favor within the CIA, "the

¹⁴² Gehlen, *The Service*, 160.

¹⁴³ Breitman, *U.S. Intelligence*, 396.

Chancellor's office, especially Hans Globke, wanted Gehlen to stay in his job."¹⁴⁴

Connections within the West German government had inexorably cemented his position within the Adenauer administration. Breitman explains:

Gehlen's fate as the CIA's liaison partner was sealed in August 1951, when a high-level officer from the CIA traveled to West Germany to determine for himself the extent of Globke and Adenauer's commitment to Gehlen. The CIA was prepared to dump him, but only if the nascent West German government agreed. At a private meeting, the CIA envoy put the delicate question to Globke: "Is Gehlen acceptable to Adenauer?" Globke answered affirmatively, in what was reported to Washington as a "direct and emphatic way." Although doubts remained at the CIA, Gehlen had made too many influential allies in the Federal Republic for the U.S. government to discard him.¹⁴⁵

Secure in the support of both Adenauer and Globke, Gehlen became head of the new Federal Intelligence Service, the BND, though the organization remained nominally under CIA control. Breitman notes "the Adenauer government formally legalized the Gehlen Organization as the BND. While the Chancellor had been relying on it as his foreign intelligence service since 1951, the U.S. government continued to pay the salaries of Gehlen's headquarters personnel and much of Zipper's [Gehlen Organization CIA cryptonym] operational costs until Gehlen's staff officially joined the West German civil service."¹⁴⁶ The structural absorption of the Gehlen organization and political support within the government provided Gehlen with a platform from which to operate, not only in terms of gathering foreign intelligence, the primary activity of the service, but also in terms of domestic intelligence.

¹⁴⁴ Ibid., 397.

¹⁴⁵ Ibid., 398.

¹⁴⁶ Ibid., 405.

Though forbidden from domestic spying, actions legally reserved for the BfV West Germany's internal security service, Gehlen systematically used the resources of the BND, and CIA, within West Germany.¹⁴⁷ Gehlen continuously defended Globke against a growing number of sources that sought to undermine his position within the government. During Gehlen's tenure, Merten enlisted the support of prominent legal allies and used former Nazis to ensnare Globke following his return from Greece in 1959. The monitoring of Merten and his associates occurred continuously via independent and joint BND and CIA surveillance. Gehlen, for his part, interceded on Globke's behalf with the CIA, and its director Allen Dulles, in order to suppress information potentially useful to Merten. While the West German intelligence service became aware of Merten following his arrest and trial in Greece, it was after his return in November 1959 that his allegations first publicly aired regarding Globke's Nazi era activities.

In the period following the disclosures published by the Hamburg Echo and Der Spiegel, both Merten and Globke jockeyed for a defensible position, both in the press and behind closed doors. On 5 October 1960, the unfolding war of words was documented in a conversation between Globke and USG (US Government-redacted identity). The report notes, "Globke thinks Merten attack in press communist inspired because of Heinemann and Posser background."¹⁴⁸ While Globke likely alluded to Heinemann's legal representation of accused communists, his ulterior motive seems to have been the

¹⁴⁷ Gehlen, *The Service*, 226.

¹⁴⁸ CIAFOIAERR, "Max Merten," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0018.pdf. Original printed entirely in uppercase.

solicitation of American support and justification for implementing West German anti-communist measures for his defense. Globke and Gehlen's questionable suspicion of communist involvement frequently appeared in American intelligence communications. Heinemann and Posser, for their parts, obtained significant positions within the West German government while remaining conspicuously absent of any communist influence in later years. However, the continuous efforts of Globke to associate Merten and his accusations as communist-inspired propaganda opened the door for a possible resolution.

A Communist Problem

As State Secretary, Globke controlled the West German "propaganda apparatus," aptly entitled the *Reptilienfond*. A uniquely German term, *Reptilienfond* originally referred to a special government account used to purchase press influence in Otto von Bismarck's era. In the 1950s, Globke made use of such an account for a variety of other means. On 12 April 1956, a report to the Director of Central Intelligence Allen Dulles from the Chief CI/SPD (name redacted), described Globke's influence and the fund's capabilities.

There is no doubt that he [Globke] does dominate all the nerve centers of the Government--the Press and Information services & the Gehlen organization depend directly on the Bundeskanzleramt, the Defense-ministry unofficially, the CDU-party-organizations naturally. Thus the pressures he can bring, aided by the "Reptilienfonds", are considerable. And in view of the fact that to him the Opposition is the enemy, you can be sure that he uses his power in a strictly partisan manner.¹⁴⁹

The year prior, concerns had been raised regarding its controversial use. John Teschke notes, "In 1955, concern [from West Germany's NATO allies] shifted to the Bonn

¹⁴⁹ CIAFOIAERR, "Han Globke," accessed on 9 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE_HANS_0104.pdf.

propaganda slush fund, the *Reptilienfond*. The money was channeled through the Chancellor's press office, whose director was subordinate to Globke." Money that had come out of the fund went to pay a former Goebbels propagandist, Eberhard Taubert. It also funded several questionable domestic fascist organizations.¹⁵⁰ By 1958, the *Reptilienfond* had DM 12 million earmarked for propaganda purposes.¹⁵¹ With deep pockets and little accountability, Globke could freely disperse funds to thwart any perceived communist propaganda threat. This could explain why Globke and Gehlen consistently saw Merten and his associates as communist plotters bent on undermining the government. The *Reptilienfond* would have served as the source of covert payments to silence Merten's attacks, though there is no evidence to corroborate this assertion.

Merten's involvement with communists remained an unrealized concern for West Germany and the United States throughout the period of the affair. In the absence of any credible communist threat, Globke's position remained tenuous. Discussions regarding Merten's accusations soon took place 5 October 1960 between Globke and a member of the US government (name redacted). The CIA report notes:

Though he concedes a shred of truth to the charges against him, Globke has written denial to Hamburg Echo which they published. Globke and advisors undecided whether to sue Merten. Probably won't because even if successful inherent publicity would be counter-productive; while there is an order for Merten's arrest on the books, authorities inhibited by double jeopardy angle.¹⁵²

¹⁵⁰ John P. Teschke, *Hitler's Legacy: West Germany Confronts the Aftermath of the Third Reich* (New York: Peter Lang Publishing Inc., 2001), 189.

¹⁵¹ *Ibid.*, 173.

¹⁵² CIAFOIAERR, "Max Merten," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0018.pdf. Original printed entirely in uppercase.

While privately acknowledging Merten's accusations to the CIA Chief of Station, Globke again publicly denied any wrongdoing. In Washington DC, 17 February 1961, the German Embassy Press Office released Globke's rebuttal regarding his wartime activities and Merten's accusations in a document titled, "The Secretary of State, Dr. Hans Globke, answers Communists attacks." The contents of the press release consisted of an interview with Globke and the Hamburg newspaper *Die Zeit*.

Replying to the charges of the lawyer, Herr Merten, that he had been in contact with Eichmann and had prevented the shipment of Jewish women and children from Greece to Israel, which had been planned by Eichmann, Dr. Globke said: I have never had any knowledge of such a plan. I would have been in no way competent to deal with this matter. The telephone conversation between Eichmann and myself, of which Merten (whom, as far as I can remember, I have never known) speaks, has never taken place. Merten has never made this assertion previously, especially not during his trial as a war criminal by the Court of Athens. But only after Eichmann's arrest. I have only once seen Eichmann casually and I have never had any official or personal relations with him.¹⁵³

The mutual attempts of Globke and Merten to discredit each other in the press produced little in the way of results. Globke and Gehlen's continuous efforts to blame the communists, in hopes of damaging Merten by affiliation, never seriously gained traction. The CIA constantly monitored the developing situation and performed its own less biased analysis. After weeks of accusation and counter-accusation, the stalemate that engulfed both Merten and Globke came to an unforeseen end.

In the months prior to the publication of the *Spiegel* article Merten gained an unlikely ally. On 11 May 1960, Mossad agents captured prominent SS officer and fugitive war criminal Adolf Eichmann in Argentina and returned him to Israel to stand

¹⁵³ CIAFOIAERR, "Max Merten," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE, HANS_0179.pdf.

trial. Eichmann's defense attorney was Dr. Robert Servatius, a seasoned veteran of the Nuremberg war crimes trials. In addition to his role as Eichmann's attorney, Servatius worked with Eichmann's family, former Nazis, and former Nazi collaborators, to have Eichmann's memoirs published in addition to collaborating with Merten. This proved to be a tangible benefit for Merten because information within these memoirs, particularly derogatory information regarding Globke, granted Merten potential evidence to discredit Globke.

CHAPTER FIVE

THE EICHMANN PLOY

Eichmann's capture worried the West German government and was problematic for Globke and other former Reich officials. On 4 April 1961, fears about Eichmann's arrest raising anti-German sentiment abroad and the Adenauer government's concern about the upcoming elections appeared in a CIA report.

Concern in Bonn that allegations might come out during the [Eichmann] trial against leading members of the Bonn government, especially Adenauer's aide Hans Globke, who helped draft the Nuremberg racial laws. Adenauer's party is concerned that these charges might be harmful in the September national election. The Greek Government is expecting the subject of the moving of 20,000 Jews from northern Greece to extermination camps in Poland, and Globke's implication therein, to be raised at the trial.¹⁵⁴

While fears of anti-German sentiment may have been overblown, the perceived threat to Globke was tangible. In response to Eichmann's fortuitous capture and imprisonment, Merten began diligently working to exploit his newfound resource.

In order to validate his accusation that Globke and Eichmann communicated regarding the Jews, as Merten had previously claimed, Merten needed to establish contact with the newly imprisoned Eichmann. It was disseminated by Gehlen that Merten sought consideration to become Eichmann's defense attorney.¹⁵⁵ If true, the sheer ridiculousness of this idea—a convicted Nazi war criminal defending another war criminal—speaks directly either to Gehlen's flagrant disinformation campaign or Merten's unfathomable

¹⁵⁴ CIAFOIAERR, "E Eichmann," accessed on 15 May 2016, <http://www.foia.cia.gov/document/e-eichmann-trial>.

¹⁵⁵ CIAFOIAERR, "Max Merten," accessed 23 April 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN,MAX_0020.pdf.

hubris. Failing to obtain any rumored appointment, Merten sought to contact Eichmann's relatives.¹⁵⁶ Merten's contact with the Eichmann family was lawyer Dr. Robert Eichmann, Adolf Eichmann's stepbrother and the primary family member involved in his brother's defense. Merten reached out to Dr. Eichmann in order to contact Adolf Eichmann and have him implicate Globke. In a letter dated 7 December 1960 from Nazi hunter Simon Wiesenthal to Israeli police official Ephraim Hofstädler, Wiesenthal related a meeting in Salzburg, Austria between Dr. Eichmann and Merten. In the meeting, Merten explained to Dr. Eichmann that he had material for defending his brother. Merten added that it concerned a telephone conversation between Adolf Eichmann and State Secretary Globke regarding the transport of Jews, which he, Merten, had personally witnessed. Merten additionally said he would provide materials and testimony to support Adolf Eichmann, and that he already provided information for Dr. Eichmann to sell to *Der Spiegel* for DM 20,000. Lastly, the letter notes that Eichmann's lawyer, Servatius, had asked if Eichmann recalled Globke, but that Eichmann did not remember this name.¹⁵⁷ This seminal exchange involving Dr. Eichmann, Merten, and Servatius indicates the length Merten was willing to go in order to implicate Globke.

Eichmann's reticence to implicate Globke, according to an article in the East German press, was the result of a payoff by the State Secretary. In a CIA report detailing "propaganda," the communist newspaper "*Maerkysche Volksstimme*" [sic] published an

¹⁵⁶ CIAFOIAERR "Hans Rechenberg," accessed 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/RECHENBERG,_HANS_VOL.1_0026.pdf.

¹⁵⁷ Israel State Archives "Adolf Eichmann," accessed 27 April 2016, <http://www.archives.gov.il/NR/rdonlyres/DA1EE7A1-71DE-4476-84F5-2EAD549A5CD0/0/Eich054a.pdf>.

article on 16 November 1960 detailing the connection between the West German government and Eichmann. It states, “The whereabouts of Eichmann, murderer of millions of Jews, was known all along to Bonn officials.” It additionally observes that “this fact [is] corroborated in a statement by Austrian Engineer [and Nazi hunter] Simon Wiesenthal in Jerusalem.” The article also notes, “ it is well known in Israel that Globke paid 100,000 deutsche marks from a secret fund he administers to Dr. Servatius, counsel for Eichmann’s defense, so that Eichmann will not incriminate his accomplice in murder working in Bonn today.” Lastly, the article lists several former Nazis then currently holding posts in the West German government, adding an additional level of veracity to the East German accusations.¹⁵⁸ Seen as fabricated communist propaganda, East German observations drew little attention in the West—despite instances of factual content. For this reason, the dissemination of information regarding Globke’s wartime activities fell, in large part, to Merten and avowed anti-Nazi Fritz Bauer.

Merten, Bauer, and Servatius

Merten’s revelations during the Marbach trial elicited the attention of prominent Hessian Attorney General Fritz Bauer, who promptly turned his attention to Globke. American Consul Wayland Waters reiterated Bauer’s view in a conversation from 30 January 1961. Waters described Bauer’s dogged determination to hold former Nazis and members of the Third Reich accountable. High government officials, such as Globke, were not immune to his single-minded pursuit of this goal. Bauer, as related by Waters, held Globke in

¹⁵⁸ CIAFOIAERR, “Adolf Eichmann,” accessed 15 May 2016, http://www.foia.cia.gov/sites/default/files/_document_conversions/1705143/EICHMANN, ADOLF VOL. 2_0034.pdf.

contempt for his actions toward Jews during the war. In this respect, Bauer believed Globke unfit to hold position within the government, and he, Bauer, assiduously sought to unseat Globke. Consul Waters described Bauer's anger and disgust towards Globke.

Bauer made clear throughout the conversation his animosity toward Globke, and said that it was in effect a dirty shame that Globke continued to hold on to his key job as principal adviser to the Chancellor. A man who had, by his own admission, written the commentaries on the Nuremberg racial decrees...and who had, from the beginning of the Third Reich to the very bitter end, remained in the very office which—of all things—had had charge of Jewish Affairs in the Reich Ministry of Interior, should not, as a simple matter of principle and justice, occupy a position such as Globke had held in Bonn since 1949.¹⁵⁹

Bauer further stated, "He would accept even the devil as an ally in this cause," inferring to material assistance from the "Sovzone," a reference to East Germany.¹⁶⁰

It seems with certainty that Merten inspired Bauer into holding Globke culpable. On hearing of Merten's accusations, Bauer decided to inquire further into Globke's wartime past. Consul Waters noted:

In an official communication which he addressed over the Hessian Justice Ministry in Wiesbaden to the Federal Ministry of Justice in Bonn, Bauer declared he was formally opening investigation of the role Globke had allegedly played in connection with the deportation to extermination centers during World War II of some 20,000 Jews from Northern Greece. These charges of serious wrong-doings against Globke had come to Bauer's attention through the testimony of a former Wehrmacht Administrator in occupied Northern Greece, Merten.¹⁶¹

This in turn created rancor within the West German government. Waters noted, "Bauer's imputations against Globke reportedly provoked the fury of the Chancellor," but this did

¹⁵⁹ CIAFOIAERR, "Han Globke," accessed 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE, HANS_0178.pdf.

¹⁶⁰ Ibid. Consul Waters notes parenthetically: "An obvious reference to the documentary help Bauer has recently obtained from the Sovzone in building the legal ease against Globke."

¹⁶¹ Ibid. All the letters in the name Merten are uppercase.

little to dissuade Bauer. Bauer firmly believed that Merten's version of the collaboration between Globke and Eichmann could now be demonstrated. With Eichmann now in custody, Merten's story, if corroborated, would damage Globke's reputation and imperil his position in the government. Consul Waters recalled the details.

According to Bauer, Eichmann could corroborate Merten's allegation that he, Merten, had visited Eichmann in the latter's office in the Jewish Affairs Department of the SS in Berlin in 1943 to secure Eichmann's support of a scheme to deliver the Jews of Northern Greece to ships of the Red Cross in Salonika harbor in exchange for Red Cross medicines and supplies...Eichmann had at first characterized the scheme as ridiculous [sic], but had ultimately been persuaded by Merten -- according to the latter -- and had finally, in Merten's presence, called Globke on the phone in the Jewish Department of the Interior Ministry, to obtain the latter's concurrence. Globke had reportedly immediately turned down the suggestion, tartly asking Eichmann to keep in line with standing orders for the 'final solution' of the Jewish problem.¹⁶²

In order for either Bauer or Merten to successfully expose Globke, Eichmann would have to support Merten's account of the alleged encounter. To this end, Merten made a second contact, Eichmann's defense counsel, Servatius.

Merten established a close working relationship with Eichmann's attorney Servatius, and in February, had him query Eichmann. A CIA document dated 7 February 1961 (questionably labeled "Possible Soviet-bloc Role in Adolf Eichmann Case"), recounts the prior day where Servatius asked Eichmann to recall the incident between Merten, Globke, and himself.

In a conversation on 6 February 1961...[while in] the preliminary discussions with Adolf Eichmann, Dr. Robert Servatius on three separate occasions had attempted to get Eichmann to implicate, Dr. Hans Globke. Servatius asked if Eichmann and Dr. Max Merten hadn't received their orders for the deportation of

¹⁶² CIAFOIAERR, "Han Globke," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE, HANS_0178.pdf.

Jews from Greece when both Eichmann and Merten were at Salonika from Globke. He urged Eichmann to remember, stating that Merten had told him about Globke's role. He reminded Eichmann that Globke was a very senior official of the West German government. Eichmann replied quite simply that he had had no dealings with Globke, and that, although responsible for deporting the Jews from Greece, he had never been in Salonika.¹⁶³

The report continues to question the motivation of Servatius's questioning of Eichmann on this specific incident. In noting Merten's interests, the report speculates on Servatius's possible motivations as well as outcomes. It notes that Servatius "was trying to get a hold by which he could obtain money from the West German government" and "was very greedy for money." It additionally notes that Servatius "was making this move in order to put pressure on the West German government to get support" for Eichmann's case. Servatius's role in attempting to have Eichmann implicate Globke on Merten's behalf is clearly demonstrated.¹⁶⁴ From Eichmann's point of view, implicating a sitting State Secretary or divulging incriminating wartime behaviors held little advantage for his own cause. And though Merten did provide trial testimony on Eichmann's behalf, Eichmann's maligning Globke in order to validate Merten's accusations offered little to improve Eichmann's position.¹⁶⁵

In mid-February, a new article relating Merten's efforts to implicate Globke appeared in *Der Spiegel*. In a deeply confrontational tone, the magazine detailed the

¹⁶³ CIAFOIAERR "Adolf Eichmann," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/EICHMANN, ADOLF VOL. 3_0022.pdf. Following CIA convention, last names and cryptonyms are printed in uppercase.

¹⁶⁴ CIAFOIAERR, "Adolf Eichmann," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/EICHMANN, ADOLF VOL. 3_0022.pdf.

¹⁶⁵ TRIAL, "Eichmann district," accessed on 9 May 2016, http://www.trial-ch.org/fileadmin/user_upload/documents/trialwatch/eichmann_district.pdf.

likely impact on Adenauer and Globke should potentially incriminating statements emerge from the trial of Eichmann. It also described how Merten, Heinemann, and Merten's associate Posser, contacted Fritz Bauer regarding Merten's allegations about Globke. The magazine further printed an unflattering account attributed to Globke regarding the Aryanization and resettlement of Poland additionally diminishing his stature and standing within the West German government.¹⁶⁶ By explaining the circumstances surrounding the coordinated political persecution of Globke, *Der Spiegel* added an element of authenticity to Merten's claims regarding Globke and the Jews of Greece. The article's critical nature served to bolster Merten while simultaneously unmining Globke.

On 13 February 1961, a CIA report noted that, with Greek-German relations at an all time low, Merten and the BND discussed a potential settlement. In the report, BND official Kurt Weiss (CIA cryptonym Winterstein) informed the CIA that the BND (CIA cryptonym UPHILL) attempted to negotiate with Merten.¹⁶⁷ It notes:

Per Alias Winterstein UPHILL has tried negotiate with Merten on non official basis without success. Merten not only demands full rehabilitation but also exorbitant sum for damages. UPHILL making no further efforts along this line. Comment: there are various refs in Merten CALLIKAK¹⁶⁸ coverage to negotiation attempts with him and Heinemann advice that Merten should negotiate settlement only with have official FEDREP reps who have official

¹⁶⁶ "GLOBKE: Ein unbedeutender Mann," *Der Spiegel*, 15 February 1961, 20-3.

¹⁶⁷ CIAFOIAERR, "Max Merten," accessed on 13 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0055.pdf.

¹⁶⁸ NARA, RG-263, Cryptonyms-second-release-lexicon, <https://www.archives.gov/iwg/declassified-records/rg-263-cia-records/second-release-lexicon.pdf>. CALLIKAK refers to a mail and surveillance program started by the US Army after World War II and continued by the CIA.

written authorization for this purpose.¹⁶⁹

The information contained within the Winterstein CIA report clearly indicates Merten's ultimate intentions, though a settlement remained beyond reach. Heinemann, Merten's attorney, also warned against entering into any unofficial agreements likely believing them unenforceable. With no immediate compromise in sight, each side continued to maneuver for better position. Still vulnerable from pending war crimes charges, Merten continued to work with his allies in order to achieve his intended goals. West Germany continued seeking its own agenda as well.

In April 1961, Eichmann's trial began while West German officials once again sought to use economic leverage as an apparent means for controlling a foreign judicial process. As seen previously seen with Merten's incarceration and trial in Greece, West German officials now used economic aid to hold Israel hostage during the Eichmann trial. This is explained in the authoritative work on the German Foreign Office, *Das Amt und die Vergangenheit: Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik*. The collaborative work of expert authors, *Das Amt*, explains the details as related to the Eichmann trial: "With a view to the current procedure [West German] Foreign Minister Brentano decided summarily, 'to suspend an already approved loan amounting to 85 million until the end of the Eichmann trial.'"¹⁷⁰ The state of Israel, however, remained

¹⁶⁹ CIAFOIAERR, "Max Merten," accessed on 13 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN_MAX_0055.pdf.

¹⁷⁰ Eckart Conze et al., *Das Amt und die Vergangenheit: Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik* (Karl Blessing Verlag, 2010), 614.

unswayed, as Eichmann, his trail, and his fate remained unequivocally under Israeli control.

On 3 April 1961, the Merten case was ostensibly resolved. The results of Merten's machinations against Globke, Karamanlis, and Karamanlis' associates coalesced in what appeared to be a covert proclamation of a settlement. Merten reportedly received the money he was seeking from the parties involved, though specific details of the payment are not disclosed. Conditions of the arrangement are that all lawsuits are dropped. And future consideration for Merten's rehabilitation would be considered. The document boldly entitled "THE WEST GERMAN AUTHORITIES HAVE CLOSED THE MERTEN CASE," related Greek attorney Panos Sotiropoulos speculation of Merten's payoff and silence. "According to the information from Germany, Merten is supposed to have received money in exchange, as well as promises from the German Government that his conviction as a war criminal will be reviewed, in order that thus he consent to keep silent also in the future, when his accusations against Greek ministers will be hushed up."¹⁷¹ While the document relates information specific to Merten's parallel blackmail of Greek personalities, its quoted source, Panos Sotiropoulos, was likely unaware of Globke's trouble with Merten. This would account for the payment of compensation and the promise to review Merten's war crimes conviction coming from the West German government and not Greece. Evidence of a

¹⁷¹ CIAFOIAERR, "Max Merten," accessed 3 December 2015, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0064.pdf. Following CIA convention, surnames and cryptonyms are printed in uppercase.

settlement appears validated by Merten's apparent inaction following the Sotiropoulos disclosures.

By July 1961, Merten's interest in further attacking the Karamanlis government waned. A CIA intercept details a conversation between Merten and his Greek ally, Nikolopoulos on 31 July 1961. When Nikolopoulos queried Merten about what is "new," Merten replies "that he had been so busy at the office that he hadn't time to bother with his own activities." He also states "that whenever the date for the Greek elections, which well may take place early next year, is definitely decide upon, he would again become active."¹⁷² Merten's admission of "his activates" tellingly indicated that he was engaged in something other than his work. Additionally, his statement, that he intended to "become active" in respect to the Greek elections, further indicates the substance of his activities. Though Merten's assertions may have been truly legitimate, he may have also been intentionally misleading Nikolopoulos in order to cover up the previously agreed to settlement. In either case, by August 1961, CIA interest in the continued surveillance of Merten markedly dropped off. Despite an apparent Karamanlis resolution, Merten continued to gather information related to Globke. This was likely rooted in the fact that Merten was still liable to be prosecuted for war crimes.

¹⁷² CIAFOIAERR, "Max Merten," accessed on 13 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0077.pdf.

West German Compensation and Settlement

On 2 August 1961, an inconspicuous article relating to Merten's demand for compensation appeared in *Der Spiegel*. The article noted that Merten received the first "300 Mark" payment of *Heimkehrerentschädigung* (returnees' compensation) for the period of his imprisonment in Greece.¹⁷³ Granted by the District Office in Schöneberg, the state-provided benefit allowed Merten to falsely acknowledge himself as a German prisoner-of-war. Despite Merten's war criminal conviction, *Der Spiegel* chose only to print the year of his arrest and amount of time spent in prison—deftly avoiding any war criminal associations. Despite realizing part of his objective, Merten's war crimes status still remained unresolved. If the goal of compensation had been to halt Merten's movements to undermine Globke, it seems to have been partially realized.

Overtures from West German officials and the BND began to appear against a background of intensifying Cold War tensions. In mid-August 1961, construction had begun on the Berlin Wall, separating the western and eastern sectors of the city. In October 1961, Surveillance documents relate Merten's conversation with a Greek associate regarding the situation. It notes: "Nikopoulos and Merten agree it wouldn't be too bad if the Berlin Air Corridors were controlled by the East, because the Globke's people wouldn't be coming to Berlin any more."¹⁷⁴ Merten's seemingly lack of concern about Soviet attempts to isolate West Berlin from West Germany is tempered with his

¹⁷³ "Max Merten," *Der Spiegel*, 2 August 1961, 63.

¹⁷⁴ CIAFOIAERR, "Max Merten," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0080.pdf. Following CIA convention, last names and cryptonyms are printed with capital letters. The document notes "Nikolopoulos?" as a spelling variation.

affirmation of an apparently ongoing exchange with Globke's representatives. Materials regarding the specifics of the exchanges have yet to be disclosed; however, the unknown subject matter likely covered Merten's request for compensation and amnesty from prosecution. Merten continued to work with Servatius and others towards this distinct conclusion.

By the end of October 1961, direct BND surveillance of Merten completely ceased. On 2 November 1961, a tersely worded CIA report noted, "UPHILL discontinue CALLIKAK coverage Max Merten."¹⁷⁵ The brief overwhelming statement implies that any reason for monitoring Merten's activities apparently ceased to exist, at least in the eyes of the intelligence community. As disclosed in prior reports, Merten had seemingly achieved a settlement with both the Globke and Karamanlis factions. But, the end of direct surveillance of Merten did not mean his activities did not appear elsewhere. Surveillance of Eichmann and his associates, which included Merten, continued well into following year.

As Adolf Eichmann's war crimes trial proceeded, Merten continued to work closely with Servatius to acquire derogatory information regarding Globke from Eichmann. In addition to his role as Eichmann's defense attorney, Servatius took an additional hand in Eichmann's personal affairs. During the period of Eichmann's incarceration, Servatius involved himself extensively in publication of Eichmann's

¹⁷⁵ CIAFOIAERR, "Max Merten," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN, MAX_0079.pdf. Original printed in uppercase.

memoirs. Bauer had previously suspected that Servatius had ulterior motives in his role as Eichmann's attorney, as American Consul Wayland Waters reported in early 1961.

Bauer indicated that he was uncertain [sic] as to the true role being played in the case by Cologne attorney Robert Servatius, who has undertaken Eichmann's defense. Without saying so directly, Bauer hinted some feeling on his part that Servatius might be in the employ of the Bonn government, to keep the latter closely informed on the trial and to ensure the silence of Eichmann on a number of matters that might prove embarrassing to Bonn. On the other hand, Bauer also speculated on the possibility Servatius was in the case purely for his own personal advantage and might even be "holding up Bonn or the Israelis" (presumably for money).¹⁷⁶

Bauer's suppositions, save for the last, remain questionable. In her cogent analysis of Eichmann, Bettina Stangneth notes, "it was clear that the costs for the defense would be more than covered by the sale of Eichmann's papers— leaving aside the money that the State of Israel put at Servatius's disposal, believing he had no other source of income." The income produced by the Eichmann transcripts reached far beyond the trial expenses Servatius sought from Germany, and then Israel. Stangneth notes, "Servatius tried in vain to make the German government officially responsible for the trial costs. In the end, the State of Israel paid his fee."¹⁷⁷ The role as intermediary between Eichmann, his family, and the publishers would place Servatius and Merten in contact with the BND shadow organization Arabo-Afrika and Hans Rechenberg.

¹⁷⁶ CIAFOIAERR, "Han Globke," accessed on 9 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/GLOBKE_HANS_0178.pdf.

¹⁷⁷ Bettina Stangneth, *Eichmann before Jerusalem: The Unexamined Life of a Mass Murderer* (New York: Vintage, 2015), 378-9.

Arabo-Afrika and the Eichmann Papers

Based in the southern city of Munich, the West German Arabo-Afrika Company was an apparent front organization for the West German BND, as uncovered and recorded by CIA in the early 1960s. The director, former Nazi propagandist Hans Rechenberg, was a purported BND case officer.¹⁷⁸ Seemingly without the knowledge of the BND, including its director Reinhard Gehlen, the CIA mail and telephone surveillance program (CALLIKAK) gathered information regarding the company. As reported in several CIA documents, the establishment of Arabo-Afrika as an affiliate of the BND took some time for US intelligence service to ascertain. The unique character of the organization, along with its clientele—former Nazis, powerful political personalities, and a host of obscure figures, made it a natural target for CIA interest.¹⁷⁹ As a result, the CALLIKAK surveillance of Arabo-Afrika acquired and documented information regarding Globke, members of the Eichmann family, Servatius, and Merten.

Following the capture of Eichmann, Hans Rechenberg became immediately involved in the acquisition and sale of Eichmann's writings. Richard Breitman explains that it was "Hans Rechenberg of Munich, a former Nazi propaganda official who had taken it upon himself to help the Eichmann family financially, to provide positive propaganda on the Eichmann trial, and to help Eichmann's West German defense attorney, Robert Servatius."¹⁸⁰ While acting as an agent for the BND, Rechenberg sought

¹⁷⁸ CIAFOIAERR, "Hans Rechenberg," accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/RECHENBERG,HANS_VOL.1_0015.pdf.

¹⁷⁹ CIAFOIAERR, "Arabo-Afrika," <http://www.foia.cia.gov>.

¹⁸⁰ Breitman, *U.S. Intelligence*, 160.

out and received Eichmann's memoirs, which later became known as the "Argentina Papers." In March 1961, the papers, thought to contain potentially damaging information regarding former members of the Third Reich, disappeared from Dr. Eichmann's office.¹⁸¹ Rechenberg, and a small group of former Nazis and Nazi sympathizers, marketed the documents to publishers in the United States and Europe. In the same period, Rechenberg acquired the Eichmann documents, the BND and CIA became aware of their existence.

Once informed of the Argentina papers, Eichmann's attorney and the BND became immediately alarmed. Both Servatius and officials within the BND likely understood the myriad of legal complications Eichmann's papers could create. While Servatius remained concerned that information within the writings would further implicate his client, the BND seemed concerned that Eichmann's papers could implicate Globke and embarrass the West German government. Additionally at this time, through Eichmann's Argentina associates, portions of his memoirs were offered for publication in the United States to the American magazine *Life*. This latest development saw the BND working feverishly with the CIA to remove excerpts derogatory to Globke prior to publication. In a CIA report dated 13 September 1960 the author notes, "UPHILL [BND] interest is determine if memoires [sic] genuine, if so how much material that damaging members FEDREP government, so be able to suppress memoires [sic] if desirable and

¹⁸¹ Stangneth, *Eichmann before Jerusalem*, 196, 383-8.

possible do so.”¹⁸² A follow up report from 20 September 1960 indicates that the CIA fully cooperated with the BND. The report notes, “Entire material has been read. One obscure mention of Globke which *LIFE* omitted at our request.”¹⁸³ The continuing effort by the BND, and the CIA, to protect Globke became more problematic over the course of the next few months as the additional copies of Eichmann papers began to circulate.

Surveillance of Arabo-Afrika continued when news of the existence of Eichmann’s papers reached Merten. The immediate notion of contacting Rechenberg and obtaining any Globke information likely occurred to Merten. Between 5 February and 12 February 1962, CALLIKAK telephone surveillance recorded a conversation regarding Merten. Merten had made contact with Rechenberg’s office at Arabo-Afrika and obtained photocopies of two documents.¹⁸⁴ The content of the documents was not discussed other than they related to Servatius and Eichmann. Since Servatius was unable to have Eichmann, verbally or otherwise, implicate Globke at Merten’s behest, Eichmann’s papers provided an alternate means for Merten to obtain potentially incriminating evidence. With Merten working diligently to implicate Globke, these document copies potentially provided unique information useful to Merten.

Immediately following Merten’s contact with Rechenberg’s office, Servatius attempted once again to have Eichmann provide information to implicate Globke. On 28

¹⁸² CIAFOIAERR, “Adolf Eichmann,” accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/EICHMANN, ADOLF VOL. 2_0153.pdf.

¹⁸³ CIAFOIAERR, “Adolf Eichmann,” accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/EICHMANN, ADOLF VOL. 2_0157.pdf. All the text of original document is capitalized.

¹⁸⁴ CIAFOIAERR “Hans Rechenberg,” accessed on 15 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/RECHENBERG, HANS VOL. 1_0032.pdf.

February 1962, a CIA report of mail and telephone intercepts described a letter from Servatius to Vera Eichmann (Adolf Eichmann's wife) and a conversation between Rechenberg and his unidentified "Chef."

During last visit to Eichmann Servatius passed him book entitled "Akten Globke" [Globke files]. Eichmann talked extensively to Servatius about Globke role World War II and part of his comments in form [of] handwritten pages. Rechenberg now has original which must be returned Servatius. Eichmann also wrote comments specifically on book "Akten Globke" which Servatius had troubles getting Israelis to release. Apparently succeeded some time after 20 Feb. Rechenberg remarks it possible Bonn also has if they have good connection Israelis...request any info: available addresses on "Akten Globke" and possible new anti-Globke campaign.

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The new revelations contained within the CIA report are manifold. It can be seen that Servatius provided Rechenberg with an Eichmann-annotated book containing information about Globke. The book was then likely passed on to Merten, either by Servatius or Rechenberg, eventually coming into the possession of Gehlen and the BND. Additionally, the time period of the surveillance in the report coincided with Merten's phone call to Rechenberg's office regarding copies. There is also the consideration of Rechenberg's remarks regarding the West German capital "Bonn." Rechenberg clearly implied that in order for the West German government to acquire "Akten Globke," it would have to be provided by the Israelis; this is a clear misdirection on Rechenberg's part, since Rechenberg was a CIA-identified BND operative capable of forwarding the highly sought-after material himself. Lastly, the person that authored the report questions whether this recent information represents a "new anti-Globke campaign," which undoubtedly acknowledges the existence of other anti-Globke campaigns, likely those of

¹⁸⁵ CIAFOIAERR, "Adolf Eichmann," accessed on 9 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/EICHMANN, ADOLF VOL.3_0081.pdf. Text of original document in uppercase.

Bauer and East Germany. This report, as well as the preceding report, seem indelibly related, particularly regarding Rechenberg's request for the return of the Globke material back to Servatius. The interchange, as documented by CIA transcripts, between Rechenberg and Servatius was both complicated and extensive.

CHAPTER SIX

CONCLUSION

Beginning in May 1962, Merten's opportunity to continually implicate Globke significantly weakened. On 31 May 1962, Adolf Eichmann was hanged in Israel, thereby eliminating the possibility of his corroborating Merten's accusations.¹⁸⁶ A year later, in July 1963, the East German communist government held a show trial and convicted Globke in absentia for his anti-Semitic activities during the Second World War.¹⁸⁷ While this had little immediate effect on Globke's position in West Germany, it likely weakened Globke's standing within the Adenauer government. As October approached, Merten lost any remaining publicity benefit achieved by the DDR trial. In October 1963, both State Secretary Globke and his staunch ally, German Chancellor Adenauer resigned their respective offices.¹⁸⁸ Now that Globke no longer held a position of power within the government, any potential usefulness to Merten effectively disappeared. After his purported settlement in the months prior, Merten seemed to show a markedly reduced interest in Globke. However, the retired Globke still presented a potential threat to Merten's own security. In 1965, unfettered by public opinion and the restrictions of a high-profile government post, Globke instituted an investigation and lawsuit in order to disprove Merten's allegations regarding Eichmann and the deportation of Greek Jews.

¹⁸⁶ Paul R. Bartrop and Steven Leonard Jacobs, *Modern Genocide: The Definitive Resource and Document Collection* (Santa Barbara: California, 2014), 1212.

¹⁸⁷ *Ibid.*, 1239.

¹⁸⁸ *Ibid.*

The Globke Lawsuit

As Globke and Merten confronted each other in a German court, two publications, the *Jewish Telegraphic Agency* and *Die Zeit*, printed articles detailing the proceedings of the prior investigation and subsequent lawsuit against Merten. The JTA reported that the investigation determined Merten's report had been a "fabrication" and he was charged with "making false accusations" against Globke. By 4 November 1965, the court called on Eichmann's attorney, Servatius, to testify on the matter.¹⁸⁹ Servatius, in addition to being Eichmann's former attorney, was a close associate of Merten's, a fact probably overlooked by Globke. Soon, however, "Globke was the focus of the procedure and no longer Merten." Servatius explained "that Eichmann had never anything to do with the two (Globke and Merten)." But, Servatius got the impression "there was something to it," referring to Merten's claim. Servatius also related that he had witnessed Eichmann referring to Merten as a "Spinach Major" and "Braggart," thereby inferring that Merten and Eichmann may have been acquainted.¹⁹⁰ (The shoulder epaulets of Merten's administrative uniform bore green braiding.) Following the testimony of Servatius, the *Die Zeit* article turned to speculation regarding Globke.

The testimony of Servatius prompted new editorial questions regarding Globke and Eichmann prior to Merten's withdrawal from the proceedings. Seemingly enlightened by information provided by Servatius, the *Die Zeit* article noted questions

¹⁸⁹ "Berlin Lawyer Goes on Trial for Linking Globke to Jewish Deportations," *Jewish Telegraphic Agency*, 1 October 1954, <http://www.jta.org/1965/10/01/archive/berlin-lawyer-goes-on-trial-for-linking-globke-to-jewish-deportations>.

¹⁹⁰ "Max Merten contra Hans Globke," *Die Zeit*, 5 November 1965, <http://www.zeit.de/1965/45/max-merten-contra-hans-globke>.

about West German military arms flowing to Israel. The article states: “The statement of Servatius matches the expressions Bonn politicians who want to know [if] the German arms deliveries to Israel were the price for Globke not [being] charged in the Eichmann trial or as a witness.” Servatius noted that one single mention of Globke’s name during the trial “rushed members of the German delegation of observers...to the telephone to inform Bonn.” After Servatius testified, the attention of the court returned to Merten. At this point, the article explains that Merten repeatedly promised to produce witnesses who would validate his accusations, but none appeared. The following day, two doctors’ notes were received by the court indicating Merten was too ill to attend. After an extended, eleven-day absence, the trial closed without determination. With conditions permitting, it would resume sometime in April 1966.¹⁹¹ This, however, never happened.

In 1968, despite receiving Merten’s war crimes documents from Greece, West Germany dropped the pending charges against Merten.¹⁹² Bonn apparently arrived at its decision “partly because of a lack of evidence but also because of a statute of limitations.”¹⁹³ His lawyer, friend, and confidant, Gustav Heinemann had also fortuitously become the Minister of Justice in 1966, holding the position until 1969.¹⁹⁴ The role Heinemann assumed in Merten’s de facto amnesty is a subject for future investigation and scholarship, though the greater point still remains; Merten had actively

¹⁹¹ Ibid.

¹⁹² CIAFOIAERR “Max Merten,” accessed on 14 May 2016, http://www.foia.cia.gov/sites/default/files/document_conversions/1705143/MERTEN,MAX_0024.pdf.

¹⁹³ Mazower, *After the War Was Over*, 299.

¹⁹⁴ Bernard A. Cook, ed., *Europe Since 1945: An Encyclopedia* (New York: Routledge, 2001), 564.

sought to discredit and incriminate Hans Globke in order to receive compensation and freedom from further war crimes prosecution. To this end, the help and support of powerful legal and political allies—Heinemann, Servatius, Posser, and Bauer—combined with Merten’s own cunning and hubris, allowed the Nazi war criminal to remain unmolested the rest of his life.¹⁹⁵

In many respects, all three figures—Globke, Merten, and Eichmann—contributed to the fate of the condemned Jews of Salonika. Globke, the Third Reich administrator, formulated and explained the anti-Semitic laws that Max Merten would later apply in Greece. After passing through Merten’s hands into Salonika’s deportation Ghettos, the Jews were then loaded onto trains to be exterminated at Auschwitz—Eichmann’s responsibility. All three men formed an efficient chain of human destruction, yet only Eichmann was executed. Merten had spent just over thirty months in jail only to be set free under duplicitous circumstances. Globke, the only one in the group never held accountable for his participation, rose to high office in the postwar West German government. In the face of these facts, Günter Anders observes:

National Socialism offered the opportunity to commit inhumanity without threat of punishment, an opportunity never before offered in such dimensions...As wrong as it is to see the victims exclusively as a mass of people as incorrect it is to consider murders exclusively as cogs in the colossal machinery of murder...They, too, must not be depersonalized, for they, too, though not in the Kantian sense ‘ethical persons,’ were individuals who in Hegel’s terms have the

¹⁹⁵ Mark Mazower, ed., *After the War Was Over: Reconstructing the Family, Nation, and State in Greece, 1943-1960* (Princeton, N.J.: Princeton University Press, 2000). 299; Wolfgang Breyer, "Dr. Max Merten - Ein Militärbeamter der deutschen Wehrmacht im Spannungsfeld zwischen Legende und Wahrheit" (PhD diss., Universität Mannheim, 2003), 17, accessed 15 May 2016. <https://ub-madoc.bib.uni-mannheim.de/77/>. The former states Merten died in 1976, the later in 1971.

right to be held personally responsible.¹⁹⁶

Max Merten's actions during the German occupation of Greece, and afterwards, irrevocably affected the futures of both countries. Merten spearheaded the extortion of billions from Salonika's Jewish communities. He then aided in the Ghetto internment and subsequent deportation of the Jews to the death camps of Auschwitz. After his return to Greece and conviction of war crimes, Merten escaped justice as part of an economic agreement between Germany and Greece—a deal where Germany sidestepped the issue of reparations. This unresolved issue of war reparations has haunted both countries into the twenty-first century.

Merten's role in the extortion of Salonika's Jewish community, the destruction of the ancient cemetery, and the individual extortion of Greek and non-Greek Jews has been adequately demonstrated in the historical record. His assiduous use of slander, libel, and blackmail in order to covertly revenge his war crimes trial and incarceration in Greece illustrates a previously unrealized dimension of Max Merten. Though Merten was entirely responsible for his own actions, the activities of the US, West German, and Greek governments was by no means beyond reproach. Both the West German and Greek governments, with American acquiescence, defended their embattled politicians. And though the effects of Max Merten's actions are tangible today, the sad reality of his escape from justice bears witness to the deeply troubling mentality that gripped Greece, Germany and the United States following the end of the Second World War.

¹⁹⁶ Günther Anders, *Besuch im Hades* (Munich: Beck, 1984), 184ff. quoted in Hans Safrian, *Eichmann's Men* (Cambridge : Cambridge University Press, 2009), 13.

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