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Beyond War Crimes:

Denazification, ‘Obnoxious’

Germans and US Policy in

Franco’s Spain after the Second

World War

DAVID A. MESSENGER

Abstract

This work links the western Allies’ policy of denazification in occupied Germany to efforts to repatriate German intelligence agents and Nazi Party officials – so-called ‘obnoxious’ Germans – from the neutral states of Europe after the Second World War. Once on German soil, these individuals would be subject to internment and investigation as outlined in occupation policy. Using the situation in Franco’s Spain as a case study, the article argues that new ideas of neutrality following the war and a strong commitment to the concept of denazification led to the creation of the repatriation policy, especially within the United States. Repatriation was also a way to measure the extent to which Franco’s Spain accepted the Allied victory and the defeat of Nazism and fascism. The US perception was that the continued presence of individual Nazis meant the continued influence of Nazism itself. Spain responded half-heartedly, at best. Despite the fact that in terms of numbers repatriated the policy was a failure, the Spanish example demonstrates that the attempted repatriation of ‘obnoxious’ Germans from neutral Europe, although overlooked, was significant not only as part of the immediate post-war settlement but also in its bearing on US ideas about Nazism, security and perceived collaboration of neutral states like Spain.

On 10 September 1945 in Berlin, the Allied Control Council for Germany (ACC), made up of France, Great Britain, the Soviet Union and the United States of America,

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passed a resolution that ordered all Germans who had been officials or intelligence agents of the previous Nazi regime and now found themselves in territories that had been neutral during the war to return to Germany. Furthermore, the ACC requested that governments in states where such Germans resided were to deport these individuals to the territory under control of the ACC, occupied Germany.¹ By 22 September, the ACC's Directorate of Prisoners of War and Displaced Persons had been given authority to implement this resolution, and it in turn created the Combined Repatriation Executive to act inside occupied Germany and through the embassies of the ACC states in the targeted countries: Afghanistan, Ireland, Portugal, Spain, Sweden, Switzerland, the international city of Tangiers and Vatican City.²

Within the document creating the Combined Repatriation Executive and demanding a census of such Germans in the above-named states, the phrase 'obnoxious Germans' appears in identifying those sought for repatriation to occupied Germany.³ Even earlier than this, in May 1945, US intelligence agents with the Office of Strategic Services (OSS) in Spain were asked to prepare a list of all German nationals 'engaged in any activities, be they espionage, political or commercial, [that were] detrimental to Allied interests' with the intention of preparing the groundwork for their deportation to occupied Germany. British intelligence operatives received similar orders, and in response, the British and US Embassies in Madrid agreed upon a list of more than 1600 potential repatriates from Spain in July 1945.⁴

Who were these 'obnoxious' Germans? Essentially they were Nazi intelligence agents, members of the *Schutzstaffel* (SS) and other party officials who, had they been in occupied Germany, would have been subject to denazification measures such as automatic arrest, interrogation and hearings or trials. The repatriation programme developed in reference to Germans in formerly neutral states, then, was in many ways an extension of denazification outside of German territory.

Denazification in the US zone of occupation inside Germany led to some two million individuals being punished in some way; while another 400,000 were interned in civilian camps for various periods of time.⁵ Yet generally it is seen as a failure. Many Nazis were simply not investigated, or were dealt with only in a very limited way; once trials began, many were short and not exhaustive; the dismissal of all public officials associated with Nazism was simply impossible.⁶ Historians have debated the reasons for this: John Gimbel argued that US pragmatism, faced with the task

¹ ACC/Directorate of Prisoners of War and Displaced Persons, 'Procedure for Returning German Nationals from Neutral Countries', 27 Dec. 1945, Foreign Office 371/55343, The National Archives of the United Kingdom, Kew (hereafter TNA).

² ACC/Directorate of Prisoners of War and Displaced Persons, 'Procedure for Returning German Nationals from Neutral Countries', 27 Dec. 1945, FO 371/55343, TNA.

³ ACC/Directorate of Prisoners of War and Displaced Persons, 'Procedure for Returning German Nationals from Neutral Countries', 27 Dec. 1945, FO 371/55343, TNA.

⁴ Madrid Embassy to State Department, 1 July 1945, Record Group 226, Entry 127, Box 2, The National Archives and Records Administration of the United States, College Park, MD (hereafter NARA).

⁵ Perry Biddiscombe, *Denazification: A History, 1945–1950* (Stroud, UK: Tempus, 2007), 9.

⁶ Toby Thacker, *The End of the Third Reich: Defeat, Denazification and Nuremberg January 1944–November 1946* (Stroud, UK: Tempus, 2006), 153.

of rebuilding, won out; Lutz Niethammer stated that anti-Communism and US opposition to a social revolution in German industry and society encouraged the US to let most Nazis use their skills in rebuilding Germany; Tom Bower agreed, emphasising that rehabilitation for most was quick once Germans themselves had a role in implementing denazification; others, such as James Tent, have argued that US ambitions aimed at a radical transformation but that decisions on the ground and practical obstacles resulted in something less than a complete transformation of German political life.⁷ Nonetheless, there is still a consensus that the policy did not live up to its name.

Similarly the programme to repatriate Germans in Spain to the occupied zones and intern them was, in terms of numbers, a failure. From the initial list of 1600 compiled by the British and US Embassies in Madrid in 1945, approximately 265 were deported from Spain in 1946 and 1947. Others returned voluntarily to Germany and although it is impossible to calculate how many, it is safe to conclude that these numbers were small. In a last-gasp effort to force the Spanish Government to act, the Allies came up with a list of 104 'hard-core' cases in 1947, but no members of this final group were ever deported from Spain.⁸

This article outlines the development of Allied policy towards 'obnoxious' Germans in formerly neutral states and establishes direct connections between the goals of denazification and those of the repatriation policy, using Spain as a case study. While in many respects it is right to conclude that denazification generally, and the 'obnoxious' German policy specifically, failed, an understanding of the ambitions involved in these policies is important. Spain, the country with the largest number of Allied-identified 'obnoxious' Germans, was the place where this policy was enacted for the longest period of time, and the place where it was challenged the most. Despite being technically non-belligerent and then neutral during the war, the Spanish regime under General Francisco Franco remained an authoritarian dictatorship with extensive ties to Nazism and Italian Fascism. Without officially declaring war, Spain had nonetheless been involved in close economic and political relations with the Axis states for most of the conflict.⁹ Concerning Germany, Spain engaged in extensive trade, permitted Nazi intelligence agents and police officials to establish themselves on Spanish soil, and gave military assistance to the German Navy, as well as sending troops in the Blue Division to fight alongside Germany in the Soviet

⁷ John Gimbel, *The US Occupation of Germany: Politics and the Military, 1945–1949* (Stanford: Stanford University Press, 1968); Lutz Niethammer, *Entnazifizierung in Bayern: Säuberung und Rehabilitierung unter amerikanischer Besatzung* (Frankfurt/Main: S. Fischer, 1972); Tom Bower, *The Pledge Betrayed: America and Britain and the Denazification of Post-War Germany* (New York: Doubleday, 1984); James Tent, *Mission on the Rhine: Re-education and Denazification in US-Occupied Germany* (Chicago: University of Chicago Press, 1982).

⁸ Jose María Irujo, *La Lista Negra: Los espías Nazis protegidos por Franco y la Iglesia* (Madrid: Aguilar, 2003), 140–3.

⁹ See, for example, Javier Tusell, *Franco, España y la II Guerra Mundial: Entre el Eje y la Neutralidad* (Madrid: Temas de Hoy, 1995), Christian Leitz, *Economic Relations between Nazi Germany and Franco's Spain, 1936–1945* (Oxford: Oxford University Press, 1996), Wayne H. Bowen, *Spaniards and Nazi Germany: Collaboration in the New Order* (Columbia, MO: University of Missouri Press, 2000).

Union.¹⁰ Spanish neutrality was indeed a ‘myth’.¹¹ While few in the United States or Great Britain were prepared to force a regime change in Madrid following the war, the removal of perceived Nazi influence over the Spanish regime was seen as a viable policy to pursue in the desire to make Spain more open to democratic Western Europe. Furthermore, the success of such a policy would serve as an indication that Franco was prepared to clearly align his regime with the West. While there are many points to criticise in the actual implementation of repatriation policy, the extent to which this policy was developed in order to remove Nazism and fascism from Europe is striking and deserves examination. This is especially relevant in the case of the United States as it developed early post-war ideas about Nazism as a continuing security threat and the potential for Nazism to influence Franco’s Spain. Even if one accepts that these fears about post-war Nazism were incredibly exaggerated, the policies conceived at this time deserve study and permit a re-evaluation of the nature of US perceptions of European security in the immediate post-war.

The implementation of the repatriation policy in Spain, despite its difficulties, is of significance for three reasons. First, in conception and scope, it demonstrates the ambitious intent for denazification to be a pan-European policy that was not only meant to cleanse Germany but also had implications for Germans outside of occupied territory. The diplomatic and intelligence resources put behind this policy in Spain, especially by the United States, were impressive. Second, in the case of Spain, repatriation was not only a way to remove specific Germans from non-German territory, but also to measure how perceived collaborators such as Franco, who remained in power, adapted to the new order in Western Europe. In the case of formally neutral states such as Spain, forced regime change was not an option—but that did not mean the United States and Great Britain did not want some evidence that ties to Nazism and fascism were gone from Spain. US security policy in the immediate post-war focused on the potential, often overlooked, for individual Nazis to continue to hold influence over the Franco regime and thus harm the regime’s transition to a post-fascist Europe. The continued presence of Nazis acting as Nazis suggested to US officials that Spain’s intent was to protect Nazis, and come under their influence in the future. Although no one suggested that these individuals were directing the Franco regime or creating a confrontation between Spain and the United States, the idea that such individuals could use their influence to play the role of ‘spoilers’ and weaken the extent of denazification was common. Third, the failure of the Spanish consistently to meet US expectations concerning repatriation demonstrated the difficulty of both goals, that of extending denazification outside Germany and that of forcing Franco to conform to post-war expectations. In the end, the United States accepted Franco on his own terms as the Cold War brought new security concerns and overrode those focused on Nazi spoilers.

¹⁰ Christian Leitz, *Nazi Germany and Neutral Europe during the Second World War* (Manchester: Manchester University Press, 2000), 114–43.

¹¹ Leitz, *Nazi Germany and Neutral Europe*, 114.

The Extent of Ambition: Denazification, Neutrality and Repatriation Policy

Concern about 'obnoxious' Germans grew out of two distinct Allied policies developed as the war came to a close in Europe. The first of these was denazification and war crimes policy. The second was the process of dealing with neutral states that, by their actions on a Nazi-dominated continent, had significantly violated pre-war norms. Many thought that these states must bear some degree of responsibility for measures they had taken during the conflict which in practice had benefited a genocidal regime.

Denazification, as defined by Perry Biddiscombe, refers to 'the full range of Allied/Soviet reform and punishment measures in occupied Germany', but most often it is used with reference to 'the specific liquidation of the National Socialist Party (NSDAP) and the elimination of its influence' in government and business.¹² That is the definition used here, and this more specific meaning grew out of Allied discussions of war crimes and the potential for trials of accused war criminals. The need to prosecute war crimes as an important part of the post-war settlement began in Moscow in October 1943, when three Allied powers – Britain, the Soviet Union and the United States – met and issued the Moscow Declaration. War criminals subject to some form of Allied trial, as opposed to national trials, were defined as having committed offences that crossed national boundaries.¹³ Soon enough, this broad definition was translated into a policy that could be carried out inside occupied Germany. In January 1945, the Central Registry of War Criminals and Security Suspects (CROWCASS) in Paris was created. It was meant to maintain three lists, one for those detained on specific war crimes, one for those wanted but not detained, and one for any other individuals detained based on membership in suspect Nazi organisations, and so on.¹⁴

As the CROWCASS list evolved to number some 80,000 people, it became clear that not all individuals who were suggested for internment in post-war Germany fitted the definition of war criminals that required trials as outlined in the Moscow Declaration of 30 October 1943. However, many individuals who did not meet the criteria of war criminals still posed a threat to Allied occupation policy. As Tom Bower has written, what emerged in CROWCASS was a kind of 'personality black list'.¹⁵ Although by the time the occupation of Germany began in May 1945, CROWCASS was overwhelmed and never developed sufficient practices to ensure that full investigations of its targets occurred, the idea that there were various kinds of security risks among former Nazis was well established. A coherent and systematic policy for those who would not be tried as war criminals but were still desired for internment was needed.

¹² Biddiscombe, *Denazification*, 9.

¹³ Valerie Geneviève Hébert, *Hitler's Generals on Trial: The Last War Crimes Tribunal at Nuremberg* (Lawrence, KS: University of Kansas Press, 2010) 11.

¹⁴ Bower, *Pledge Betrayed*, 101–2.

¹⁵ Bower, *Pledge Betrayed*, 102.

Those planning the occupation on the ground, the military planners from the US Army, also reached the same conclusions. The practical need for control in an occupied zone informed the ideas outlined in the Supreme Headquarters, Allied Expeditionary Force (SHAEF) *Handbook for Military Government in Germany*. Developed in June 1944 for SHAEF's commander, General Dwight D. Eisenhower, the *Handbook* argued that there existed various groups of Germans who would pose a threat to security for an occupying force; these were the members of the police and the paramilitary and intelligence units of the Nazi Party, namely members of the Gestapo, the *Sturmabteilung* (SA), the *Sicherheitsdienst* (SD) and others within the SS. It was proposed that all such individuals must be detained and interned following the US Army's entrance into Germany.¹⁶ Drawing upon the *Handbook*, and work done in the OSS Research and Analysis Central European branch (populated by German exiles), SHAEF's November 1944 'Directive for Military Government in Germany' again emphasised the necessity of automatic arrest and internment.¹⁷ The Joint Chiefs of Staff (JCS) resolution 1067, adopted following Germany's collapse in May 1945, modified SHAEF's directive, allowing zonal commanders in US-occupied areas to make a decision about internment and arrest on a case-by-case basis, especially if someone held a position that could be useful in reconstruction.¹⁸ This was a significant compromise, but it did not deter the ambition of the programme, for inside Germany the ACC Directive 24, issued in January 1946, used JCS 1067 as a model to outline ninety-nine categories of Nazis subject to automatic arrest and detention.¹⁹ Ultimately this process of thinking about war criminals and other security threats among groups of Nazis led to the decision to try Nazi Party organisations, and not just individuals, at Nuremberg's International Military Tribunal (IMT); from this emerged ACC Law No. 10, which stated that membership of any organisation tried at the IMT could automatically lead to an individual's own trial within an occupied zone.²⁰ In the long term, this led to a series of subsequent international trials, especially in the US zone. In the short term, this reinforced the military's earlier plan to intern members of suspect organisations in a series of civilian internment camps.

At the same time as concern about Nazi security threats emerged, new ideas about neutrality and how the war had changed previous ideas about the definitions and responsibilities of neutrals were occurring outside occupied Germany. Legally Spain had altered its stance from neutrality to non-belligerency in June 1940, only to return to neutrality in October 1943, while developing close ties to the Axis throughout.²¹ In response, the United States and Great Britain designed a series

¹⁶ Frank M. Buscher, *The U. S. War Crimes Trial Program in Germany, 1946–1955* (New York: Praeger, 1989), 13.

¹⁷ Biddiscombe, *Denazification*, 33.

¹⁸ Buscher, *U. S. War Crimes*, 19.

¹⁹ Biddiscombe, *Denazification*, 39.

²⁰ Hébert, *Hitler's Generals on Trial*, 29.

²¹ Antonio Marquina, 'The Spanish Neutrality during the Second World War', *American University International Law Review*, 14, 1 (1998), 171–2; Paul Preston, *Franco* (London: Fontana Press, 1995), 500; Manuel Ros Agudo, *La Guerra secreta de Franco* (Barcelona: Crítica, 2002), 331.

of 'economic warfare' policies that sought to limit the impact of Spanish materiel support for the Axis, not by forcing Franco to choose sides, but rather by offering a combination of incentives and punishments linked to trade that were meant to lead Spain to a position of stricter neutrality.²² Additional tactics, such as British bribery of Spanish generals, were also used.²³ Spanish activity typified what William Slany has called the 'complex phenomenon of neutrality during World War II'.²⁴ Officially neutral, in reality active in the war, how was Spain to be treated in the immediate post-war period?

As early as 1944, economic warfare analysts in Washington and London began to grapple with the post-war implications of this wartime activity, both in Spain and in other neutral states of Europe. They considered the possibility that Nazi Germany might attempt to conceal gold and other assets in neutral states such as Spain in order to prepare for the rebuilding of their movement after military defeat, and that the neutrals would permit this. In other words, the moral ambiguity with which neutrality had been handled during the war might very well continue. This was what led to the creation of Operation Safe Haven, a programme formulated over the course of 1944 as an effort to uncover such hidden assets and make use of them for restitution and post-war reconstruction.²⁵

In 1944, the Bretton Woods Conference (United Nations Monetary and Financial Conference at Bretton Woods, NH), Commission III ('Other Measures for International Monetary and Financial Co-operation'), set up an ad hoc subcommittee dealing with Enemy Assets to internationalise the issue. It was here that the Polish and French delegates proposed creating a way to compel neutral countries to block transfers of Axis assets to neutral states, retrieve looted assets from these states, and then transfer seized assets to the United Nations for restitution and reparation. The United States welcomed these ideas and soon drafted a proposal that became Bretton Woods Resolution VI, passed in August 1944. This document clearly put the blame on the Nazi regime and its entities for 'transferring assets to and through neutral countries in order to conceal them and to perpetuate their influence, power, and ability to plan future aggrandisement and world domination'.²⁶ Yet the need for neutrals to account for their conduct was also present. When the United States Executive Committee on Economic Foreign Policy approved a document that formed the basis of Safe Haven

²² Denis Smyth, *Diplomacy and Strategy of Survival: British Policy and Franco's Spain, 1940-1* (Cambridge: Cambridge University Press, 1986), 6.

²³ Denis Smyth, 'Les Chevaliers de Saint-George: La Grande-Bretagne et la corruption des généraux espagnols (1940-1942)', *Guerres Mondiales et Conflits Contemporains*, 162 (1991), 29-54.

²⁴ William Z. Slany, *U. S. and Allied Wartime and Post-War Relations and Negotiations with Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and U. S. Concerns About the Fate of the Wartime Ustasha Treasury*, Co-ordinated by Stuart E. Eizenstat, Undersecretary of State. (Washington: US State Department, 1998), ix.

²⁵ William Z. Slany, *U. S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During the Second World War*, Prepared under the direction of Undersecretary of State Stuart E. Eizenstat (Washington: US State Department, 1997), 15.

²⁶ Secretary of State to All Diplomatic Missions, 19 Aug. 1944. *Foreign Relations of the United States* (hereafter *FRUS*) 1944, vol. II, 218.

in December, 1944, it emphasised that the actions of neutral and non-belligerent states had ‘contributed in greater or less degree to German purposes’ and that their decision not to associate with the Allies demonstrated that these states were ‘not committed to United Nations decisions regarding the control of Germany and Japan and long-term measures for political and economic security’.²⁷

Before the Second World War, there had been no emphasis on perceiving economic activity as a moral choice when it came to defining neutrality. The Hague Neutrality Convention of 1907 referred only to military neutrality. Profit from warfare and the refusal to submit to any sort of moral test were acceptable.²⁸ Indeed in the First World War neutrals had profited mightily and collaborated with all sides involved in the fighting.²⁹ During the Second World War, these concepts were tested when first Italy, and then Spain, adopted a position as ‘non-belligerent’ instead of ‘neutral’. Although Italy had used this status as a preface to eventually joining the war on the Axis side, Franco maintained his position from 1940–3 until returning to official neutrality. The relatively new and unusual state of ‘non-belligerency’ adopted by Spain implied a position of moral support for the Axis with a desire to continue to use the legal protections of neutrality.

As a result, in the aftermath of the Second World War, neutrality required a new definition. Antonio Marquina has argued that Spain carried out policies ‘directly related to the suffering of the Jews and other people opposing the Nazi and Fascist dictatorship in Europe’.³⁰ Thus there was, in the immediate post-war period, a need to come to terms with the moral implications of what previously had been a narrow legalistic measure within international law.

It is in this light that one can suggest, as Carlos Collado Seidel has, that Bretton Woods Resolution VI implied a ‘revolution’ in international relations concerning the responsibilities of neutral states in war.³¹ It suggested a new reach for international legal practice, in terms of altering the legal ramifications of neutrality. Bretton Woods stated, in essence, that the horrors of Nazism as extended over the continent made it legal for the Allied powers to intervene in the economic and political affairs of neutral states; thus neutrality as an international concept was no longer a complete safeguard against the reparation and other accounting efforts that inevitably follow war. To some extent, morality now mattered in the conduct of neutrality.

How did such thinking lead to Allied policy in Spain following the war? On the one hand, there were many Safe Haven investigations of Spanish and German enterprises infused with Nazi money and capital during the war, most notably of Sofindus, the para-state enterprise set up to manage Hispano–German trade.³²

²⁷ ‘United States Proposal for Allied Economic Policy Toward Neutral Countries’, 8 Dec. 1944. *FRUS* 1944, vol. II, 148.

²⁸ Egon Guttman, ‘The Concept of Neutrality since the Adoption and Ratification of the Hague Neutrality Convention of 1907’, *American University International Law Review*, 14, 1 (1998), 55–6.

²⁹ Marc Ferro, *The Great War* (London: Routledge Classics, 2002), 144–5.

³⁰ Marquina, ‘Spanish Neutrality’, 184.

³¹ Carlos Collado Seidel, *España: Refugio Nazi* (Madrid: Temas de Hoy, 2005), 161.

³² Collado Seidel, *España*, 179–89.

Similarly there were Safe Haven inquiries into individual Germans; many of these people were also involved in Nazi intelligence and/or military-related work, and thus became targets of the 'obnoxious' German initiative to deport them from Spain. When the US entered the war in 1941, some 7500 Germans were resident in Spain; by 1944–5, that number had grown to some 20,000.³³ These Germans consisted of a small group who had been involved in business and other activities since the 1920s or earlier; a significant number who came during the Spanish Civil War, for either military or business purposes; and a large number sent during the Second World War for military intelligence, diplomatic and cultural relations, and economic reasons as well. Of this last group, most were linked to the German government in some way, although in many cases Germans already in Spain were recruited to carry out lower level intelligence-gathering and economic exchanges. While the list of 1600 Germans came from all three categories, the majority came from this third group.

Naturally enough, the more aggressive economic and espionage activities of the Nazi government in Spain attracted the attention of the Allies during the war, and the United States, in particular, linked the two. Allied economic warfare policy was driven initially by the fear that Franco might join the Axis. Allied officials assumed that trade with the Franco regime could be used to keep Spain constantly on the edge in terms of its necessary material goods, while denying important strategic supplies, especially minerals, to the Nazis. This required an assertive Allied policy that aimed to offer Spain important goods at low prices in return for purchasing Spanish strategic minerals at higher prices. By 1943, Britain and the United States benefited from such trade with Spain through the acquisition of strategic minerals such as iron ore, pyrites and wolfram, but it was a constant struggle to obtain such goods and limit Germany's purchase of the same.³⁴ Gradually the United States, as Denis Smyth explains, saw economic warfare as 'an occasion for coercion rather than an opportunity for courtship'.³⁵ Not content simply to continue making pre-emptive purchases of wolfram, the United States imposed an embargo on oil trade with Spain in January 1944 in order to press Spain officially to limit its wolfram trade with Nazi Germany.³⁶ This effort was largely opposed by Great Britain, and thus it was primarily a US initiative, with support from some in Congress and especially from the Board of Economic Warfare and Vice-President Henry Wallace.³⁷ The ultimate result was an agreement on 2 May 1944 between Spain on the one hand and Britain and the US on the other. This deal limited the quantity of Spanish wolfram being sold to

³³ Carlos Collado Seidel, 'España y los agents alemanes 1944–1947: Intransigencia y pragmatism político' *Espacio, Tiempo y Forma, Serie V, Historia Contemporánea* (1992), 436.

³⁴ Denis Smyth, 'Franco and the Allies' in Paul Preston and Sebastian Balfour, eds., *Spain and the Great Powers in the Twentieth Century* (London: Routledge, 1999), 188.

³⁵ Smyth, 'Allies', 186.

³⁶ Leonard Caruana and Hugh Rockoff, 'A Wolfram in Sheep's Clothing: Economic Warfare in Spain, 1940–1944', *Journal of Economic History* 63:1 (2003), 121.

³⁷ James W. Cortada, *United States-Spanish Relations, Wolfram and the Second World War* (Barcelona: Manuel Pareja, 1971), 22–3, 28.

Germany and demanded that Spain deport Nazi intelligence agents from its territory in return for Allied oil.

As a consequence of this agreement, the US and British Embassies presented the Spanish Government with a list of 222 German espionage agents and the request to deport them.³⁸ By December 1944, the Franco Government reported that it had responded by interning Germans across Spain. Some 750 individuals of German citizenship were interned at camps in Sobron and Molinar de Carranza; however, most of these people had been rounded up since the liberation of France in August 1944 and included many German border guards and customs officials who had been posted on the Franco-Spanish border during the German occupation of France. These were not people of interest to the Allies. The more serious internees, those involved in espionage in Spain itself, were interned at Caldas de Malavella camp, and they were individuals from the list of German agents provided to the Spanish Government by the Allies.³⁹ Yet not all members from Allied lists were rounded up, nor did the Spanish intend to proceed to deport these individuals to Germany. By January 1946, following a new Allied list of 255 names, the Spanish Government concluded that only 100 of these individuals should in fact face deportation.⁴⁰

The Spanish failure to expel German agents during the last year of the war underlined the necessity of a new, post-war policy to implement the goals of Safe Haven and related policies. Developments within occupied Germany concerning the internment of Nazi officials and agents, and specifically the decision to create categories of individuals subject to automatic arrest, also influenced thinking about Nazis outside occupied Germany. Together, these factors led to the beginning of a programme of forced repatriation, the programme that became identified with the term 'obnoxious' Germans, and was officially enacted by the ACC in September 1945.

News reports concerning Nazis and their allies entering Spain at the end of the war reinforced the direction of Allied policy already established with Nazi agents. Most significant was *SS-Obersturmbannführer* Otto Skorzeny; Léon Degrelle, head of the Rexist Party in Belgium and an SS commander who crash-landed in San Sebastian in May 1945; and Vichy France's head of Jewish policy, Louis Darquier de Pellepoix, not to mention Vichy's Prime Minister, Pierre Laval, who stayed briefly in Spain.⁴¹ While the repatriation policy grew more out of wartime experience than post-war escapes, these individual cases nonetheless contributed to debates surrounding denazification and the role of neutral states in the war.

Repatriation and the Need for Change Within Franco's Regime

If denazification and new conceptions of neutrality helped shape plans concerning repatriation, broader foreign policy debates over Franco reinforced US commitment

³⁸ Collado Seidel, 'España y los agentes alemanes', p. 447.

³⁹ LaVerne Baldwin, US Embassy Madrid to Privy Council Office, London, 5 Dec. 1944, RG 226, Entry 210, Box 35, NARA.

⁴⁰ Memo of meeting with Satorres, Spanish Foreign Ministry, 28 Dec. 1945, FO 371/55343, TNA.

⁴¹ David Wingeate Pike, *Franco and the Axis Stigma* (London: Palgrave Macmillan, 2008), 137–42.

to the policy. In his instructions to the new US Ambassador to Madrid, Norman Armour, in March 1945, President Franklin D. Roosevelt underlined that Spain's relations with Nazi Germany could not be forgotten and that international ostracism of the Franco regime would be the preferred policy of his administration unless significant internal and external changes were made; he went as far as to equate the Allied victory with 'the extermination of Nazi and similar ideologies'.⁴² Mark Byrnes argues that Roosevelt's dispatch of Armour to Madrid represented a return to idealism in US foreign policy at large after the necessities of wartime made dealing with Franco the realistic choice. This US opposition to Franco was on ideological grounds, with clear ties to New Deal liberalism and pro-Republicanism of the late 1930s, and was shared by many in government from the State Department, the OSS and elsewhere; but Byrnes is clear in placing Roosevelt at the centre of this effort, an effort that was not fully developed at the time of his death.⁴³

The emergence of an increasingly anti-Franco position within the Roosevelt administration, however, did not lead to a demand for regime change in Spain. Although Roosevelt was definitely 'swinging onto an anti-Franco tack', Andrew N. Buchanan argues that the United States never sought to support openly the Republican movement or the Republicans in exile because the US Government feared a renewed civil war in Spain, or at least violence and chaos in some form, and also was more preoccupied with promoting the needs of US capitalism to find markets and help secure Spain from communist impulses.⁴⁴ In the end, for Buchanan, US policy was meant to balance 'idealist' and 'realist' approaches, linking pragmatism with a set of core values about spreading US influence around the world during and after the Second World War.⁴⁵ Short of regime change, then, how could Franco demonstrate a clear movement away from his regime's ties to Nazism? Carrying out the Allied desire for the repatriation of former Nazis was an obvious measurement of change that could easily be monitored by US and British officials in Madrid.

The United States Embassy, working with its British counterpart, had constantly to harass Spanish officials to remind them of their obligation to rid Spain of these individuals. Unlike in occupied Germany, in neutral states the ACC had to rely on the sovereign governments to enforce its policy targeting 'obnoxious' Germans. The Spanish Foreign Ministry, which was given responsibility for enforcing the ACC resolution on repatriating Germans in Spain, insisted that Spanish authorities investigate every individual on the initial Allied priority list of 255 in order to reach the same conclusion as the Allies had, that deportation was necessary. This was despite the fact that the ACC resolution stated that any German Government employee was subject to repatriation. The Foreign Ministry would only accept Allied evidence that

⁴² Roosevelt to Armour, 10 Mar. 1945. *FRUS* 1945, vol. V, 667.

⁴³ Mark Byrnes, 'Unfinished Business: The United States and Franco's Spain, 1944–1947', *Diplomacy & Statecraft*, 11, 1 (2000), 137.

⁴⁴ Andrew Buchanan, 'Washington's "Silent Ally" in World War II? United States Policy towards Spain, 1939–1945', *Journal of Transatlantic Studies*, 7, 2 (2009), 107.

⁴⁵ Buchanan, 'Washington's "Silent Ally"', 108.

was definitive in cases of those accused of being in the *Abwehr* or the Gestapo.⁴⁶ The Spanish insisted on exceptions for those who had ties to Spain, especially through marriage, although the British pointed out that that was exactly the kind of person the *Abwehr* had recruited during the Civil War and after.⁴⁷ On top of this, in January 1946 the Spanish Government admitted that it had never officially informed Germans of the ACC decree demanding their return to Germany, for it had only told the former German Ambassador in Spain, who himself was wanted for repatriation. This prompted one British official to state that, given Spain's acceptance of the ACC as the legitimate government in Germany, the least that could be expected was Spanish compliance with ACC requests with some degree of 'precision and speed'.⁴⁸ In an internal memo, the same member of the British Embassy, J. Howard, concluded that all Franco's regime wanted to do was repatriate low-level Germans, leaving in Spain 'a hard core of obnoxious Germans some of whom it may need nothing less than the demise of the Franco regime itself to get shifted.'⁴⁹

If persistent harassment of Spain to implement policy was necessary in convincing Franco of new international realities, another was the continuation of Allied intelligence operations within Spain aimed at identifying Nazis who posed a threat to the European post-war settlement. The purpose was to gather additional evidence that could be used to force the Spanish Government to act. Through this work, the OSS and its successor, the Strategic Services Unit (SSU) of the War Department, documented the existence of Nazi 'werewolf' groups. The term 'werewolf' first arose in occupied Germany and came to represent groups carrying out 'a string of guerrilla attacks aimed at both the enemy powers and the German "collaborators" who worked with the occupiers in maintaining civil government'.⁵⁰ Outside Germany, such groups were usually less violent and more often linked with the cloaking and hiding of German assets and their use for creating a continued Nazi presence in neutral states. What was most relevant for those outside Germany was evidence that Hitler's regime itself, in its last days, had set in place structures for such movements, often linked to the SS and its security service, the SD.⁵¹ On 7 May 1945, US Embassy official LaVerne Baldwin reported that a number of employees of the German Government had abandoned the embassy in order to set themselves up as just such a werewolf group. Included was the head of the German foreign intelligence service, Hans Thomsen, and the leading German in Spain, Johannes Bernhardt. Relations between werewolf Nazis and the Franco regime were a key part of these investigations.⁵²

Although these werewolf groups were neither large in number nor a real threat to the Spanish state or security in general, they were nonetheless active within the

⁴⁶ Memo. of meeting with Satorres, Spanish Foreign Ministry, 28 Dec. 1945, FO 371/55343, TNA.

⁴⁷ Memo. of meeting with Satorres, Spanish Foreign Ministry, 28 Dec. 1945, FO 371/55343, TNA.

⁴⁸ Memo. of meeting with Satorres, Spanish Foreign Ministry, 28 Dec. 1945, FO 371/55343, TNA.

⁴⁹ Howard to Ambassador, Madrid, 5 Jan. 1946, FO 371/55343, TNA.

⁵⁰ Perry Biddiscombe, *WERWOLF! The History of the National Socialist Guerilla Movement, 1944-1946* (Toronto and Buffalo: University of Toronto Press, 1998), 6.

⁵¹ Biddiscombe, *WERWOLF!*, 8.

⁵² Memo. by Baldwin, 7 May 1945, RG 226, Entry 190A, Box 24, NARA.

German colony. When the war ended, former SD agents working with Gestapo and Party officials established an ‘expulsion committee’ for the purpose of denouncing anti-Nazi Germans to the Spanish police, and having them deported instead of the Nazis sought by the Allied powers. Interrogations of former German Embassy employees in Madrid revealed that in the last months of the war General Eckart Krahmer, the air attaché in the embassy, had accumulated some seven to nine million pesetas through the sale of German aeronautical equipment and that the money was devoted to funding werewolf activity.⁵³ Krahmer worked with the former naval attaché at the embassy, Kurt Meyer-Doehner, to establish a group called *Kampfgemeinschaft Adolf Hitler*. Their base was the Erika Bar in Madrid. Using these funds, by July 1946 they had established a list of former Nazis who had co-operated with Allied investigators, and targeted them for ‘liquidations’, although how many were actually killed is unclear from the documents.⁵⁴

Allied officials were concerned about the continued influence of such figures over the Spanish regime in the post-war era. Since they acted co-operatively as Nazis, there was an assumption that their purpose was in some way to foment the spread of Nazism. The perception, even if misplaced, was that the continued presence of individual Nazis meant the continued influence of Nazism itself. Even before the war ended, the British military attaché in Madrid, Brigadier W. Torr, wrote that,

it has become increasingly obvious that the Germans, realising that defeat is inevitable, [would] do all they could to prepare some disguised organisation in Spain, so that whatever happened to their official representation and known commercial interests, as a result of the Allied peace terms, they would still have to bring in some secret means of fostering their interests, maintaining contacts, and generally preparing for the day when they could once more come into the open as a commercial and military power.⁵⁵

While the chances of some kind of Nazi state or para-state arising after the war from a neutral base were almost nil, what is important is that Allied officials gave the possibility some value in their own security calculations. Moreover, they were determined to act to prevent active Nazi sympathisers from emerging in Spain.

As had occurred during the war, the US was inclined to push the Spaniards more than the British. In an Allied Control Council meeting on 18 January 1946, the United States aligned with the Soviet Union, and against the British and French, in demanding an official ACC protest to the Spanish Government over its hesitation and delay in investigating Germans demanded for repatriation.⁵⁶ There were limits to this, however, for the issue was never worth pushing to the extent of considering sanctions against or diplomatic isolation of the Spanish regime. In early 1946, for example, as France imposed unilateral sanctions by closing its border with Spain and took the Spanish case to the United Nations Security Council as a potential threat to peace,

⁵³ OSS Interrogation of Berndotto Freiherr von Heyden-Rynsch, 19 June 1945, RG 226, Entry 183, Box 7, NARA.

⁵⁴ Bond to Chargé d’Affaires, US Embassy, Madrid, 8 Aug. 1946, RG 226, Entry 190A, Box 24, NARA.

⁵⁵ W.W.T. Torr to MI.3, 22 Feb. 1945, copied by War Office to Foreign Office, 12 Mar. 1945, FO 371/49548, TNA.

⁵⁶ Steel, British Political Advisor in Germany, to Foreign Office, 19 Jan. 1946, FO 371/55343, TNA.

the United States pulled away from its ally. Increasingly seen through the lens of the Cold War, the Spanish question slowly became less about continued fascism and more about seeing Franco as a bulwark against communism.⁵⁷ The most aggressive position the United States was willing to take against Franco was in the March 1946 Tripartite (US–British–French) statement on Spain that called for Spaniards to remove the Falange and seek a provisional government to replace Franco in a peaceful manner, characterised by Boris Liedtke as ‘a weak condemnation of Spain as a fascist regime’.⁵⁸ Nonetheless, these limits did not mean a complete rejection of the goals inspired by denazification in Germany and meant to apply here to the Franco regime. As 1946 progressed, the United States released German documents taken from the German Embassy in Madrid and from the German Foreign Ministry that documented the close wartime collaboration of Franco’s Spain with Nazi Germany and Fascist Italy.⁵⁹ Moreover, as US Chargé d’Affaires Phillip Bonsal made clear to Spanish Foreign Minister Martín Artajo, whatever happened in the broader political sphere was not accompanied by any change in US and British policy concerning ‘the removal of Germans’ from Spain.⁶⁰

The US goal, first and foremost, was to eliminate Nazism in Spain and other neutral states, just as it was doing through denazification in occupied Germany. A related US fear was the potential for individual Nazis to continue to hold influence over the Franco regime and thus harm the regime’s transition to a post-fascist Europe. Again, even though regime transition was not required in Spain, Franco had to demonstrate a degree of separation from his past ties to Nazi Germany. The continued presence of Nazis acting as Nazis suggested to US officials that Spain’s intent was to protect Nazis, and come under its influence in the future. In hindsight we can see that this was overblown, and that individual Nazis were not ‘Nazism’, but the conflation of the two was clearly present among those in the US Embassy involved in this policy at the time.

Here is where a theory taken from transitional justice literature, that of spoilers, can be useful to an understanding of post-war US policy towards Spain and other neutrals. Defined broadly, spoiler literature looks ‘at the individuals and small groups that take advantage of structural failures within the political process’.⁶¹ While usually applied to rebel groups or factions in the aftermath of a civil conflict, this definition works also in the Spanish case. The United States perceived those Nazis seeking to influence the Spanish regime and their Spanish allies within the regime as having rejected the post-fascist reality of the aftermath of war. Therefore, despite the fact that the Franco regime itself did not need to change, the US desired the repatriation of

⁵⁷ David A. Messenger, *L’Espagne Républicaine: French Policy and Spanish Republicanism in Liberated France* (Brighton, UK and Portland, OR: Sussex Academic Press 2008), 102–7.

⁵⁸ Boris Liedtke, *Embracing a Dictatorship: US-Spanish Relations, 1945–1953* (New York: St. Martin’s Press, 1998), 1.

⁵⁹ United States. Department of State. *The Spanish Government and the Axis* (Washington: Government Printing Office, 1946).

⁶⁰ Bonsal Memo., 9 July 1946, RG 226, Entry 190A, Box 24, NARA.

⁶¹ Feargal Cochrane, *Ending Wars* (Cambridge: Polity Press, 2008), 110.

such individuals into Allied custody. Spoilers themselves are often from the previous era's elite – either nationally or locally – and only their squeezing out of power and positions of influence eliminates them as a threat.⁶² Nazis in neutral states after the Second World War fit Stephen Stedman's typology of 'limited spoilers', defined as those who have specific goals that fall far short of total power or rule; in this case, simply having continued influence would suffice.⁶³

Unlike in post-civil-war cases, the Nazi spoilers in Spain were in no position either to wreck the peace settlement or indeed to change the course of the war's outcome. Their threat was more subtle, and had to do with the perpetuation of Nazi ideas within the Franco regime and across Spanish society. Spoiler literature specifies that the actions of a patron, who may be slow to realise the illegitimacy of some spoiler action, can be just as problematic to the peace settlement as the actions of spoilers themselves.⁶⁴ Thus the national security interest of the United States was both to remove 'obnoxious' Germans from Spain and to negate the actions of those in the Spanish fascist party, the Falange, or elsewhere in the Spanish regime, who supported these individuals, thus perpetuating fascism in some way.

A preliminary interrogation protocol designed by the State Department in May 1945 for 'obnoxious' Germans outlined lines of investigation that interested the US Government. The protocol was designed for use by the OSS. Areas of inquiry included the use of German para-state organisations such as the German Ibero-US Institute in Spain and Latin America as a means to continue Nazi influence in various states after the war; the role that German schools might have in neutral states; the continuation of Nazi propaganda in the local press; and especially the role of German economic resources in the local economies.⁶⁵ An analysis of these lines of inquiry shows that there are clear linkages to the literature on spoilers and the official US belief that Nazi agents could play that role. Victor Mallet, British Ambassador to Spain, explained Allied repatriation policy in a similar vein. The policy, he wrote, in April 1946, was designed:

to combat the extensive degree of penetration into Spanish official and commercial life achieved by the Germans during the civil and world wars, and to prevent the formation or continued existence of a nucleus of Germans among whom strongly Nazi and anti-British ideas might be conserved, as it were in cold storage, until such time as they could be brought into the open against the interests of His Majesty's Government and possibly in reinforcement of similar ideas harboured by a section of the Spanish people.⁶⁶

These lines of inquiry did produce results, confirming US fears of a continued Nazi presence in Spain and especially its economy. Walter Eugen Mosig, a SD agent

⁶² Lisa J. LaPlante 'Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework', *The International Journal of Transitional Justice*, 2 (2008), 354.

⁶³ Stephen Stedman, 'Spoiler Problems in Peace Processes', *International Security*, 22, 2 (1997), 10.

⁶⁴ Stedman, 'Spoiler Problems', 16.

⁶⁵ Brewster Morris, Office of the Political Advisor in Germany to Chandler Korse, OSS, 21 May 21 1945, RG 84, Entry 2531B, Box 27, NARA.

⁶⁶ Mallet to Consul-General in Spain, 1 Apr. 1946, FO 371/60434, TNA.

employed under cover with the Sofindus company during the war, once repatriated to Germany, gave evidence of a series of businesses with German investment even after the war, especially SD investment. Examples included the Banco Hispano Suiza and the Restaurant Horcher, both in Madrid. The latter was owned by the SD and was used to move money into Spain provide cash to many Nazis still resident there.⁶⁷ On 10 May 1946, a group of prominent Nazis was deported from Spain by air and interned at US Civilian Internment Camp 76 in Hohenasperg Germany. Separate questionnaires were prepared for each internee, and one, Lt. Col. Wilhelm Lampe, who was a noted specialist on German military assistance to the Franco regime, was questioned about the whereabouts of German military technicians in Spanish businesses.⁶⁸ Simultaneously, US intelligence compiled a list of German technicians in Spain in spring 1946 with the intention of measuring their influence over military developments, although it found most of them in non-military roles.⁶⁹

The fear that Nazi spoilers would influence Franco's policy and regime was most clear in the files of Earle Titus, the US Embassy representative responsible for repatriation policy. On a consistent basis, Earle Titus was the US official who most feared a resurgent Nazi community in Spain that threatened, in a limited way, to upset what denazification was attempting to achieve across Europe. Even as late as March 1948, Titus opposed the idea of returning German schools to the management of the German colony because his intelligence informed him that pro-Nazi elements inside the Spanish Government were determined to return these facilities to Nazi elements within the German colony in order to 'rally the Nazi-minded Germans and re-establish their influence'.⁷⁰ Titus also outlined the importance of the repatriation policy for US security interests beyond Spain. As more and more 'obnoxious' Germans used networks to leave for Argentina, Titus uncovered evidence of Argentine military recruitment of German intelligence agents, which would lead to a Nazi presence in the regime of Juan Péron similar to what Titus feared was happening in Franco's Spain; such a presence would inevitably endanger 'the security of the Western hemisphere'.⁷¹ This line of thinking, as Ronald Newton has emphasised, meant that 'planning for the post-war treatment of the Germans meshed inevitably with the United States' effort to compel the refractory Argentine regime of the colonels to conform to hemispheric solidarity'.⁷² The result was a State Department document entitled 'German Plans for World War Three', which Newton describes as 'part of the Department's indictment of Argentina presented to the Chapultepec Conference in February 1945'; German plans, according to the

⁶⁷ Interrogation of Walter Eugen Mosig by W. Blancke, Office of the US Political Advisor in Germany, 1 Oct. 1946, RG 84 Political Advisor in Germany, Entry 2531B, Box 167, NARA.

⁶⁸ Memo, Property Control Branch of the US Military Government, Germany, 10 May 1946, RG 260, Entry 423 (A1), Box 621, NARA.

⁶⁹ US Embassy Madrid to State Dept., 1 May 1946, RG 226, Entry 127 Madrid X-2, Box 3, NARA.

⁷⁰ Memo. by Titus, 24 Mar. 1948, RG 226, Entry 190A, Box 24, NARA.

⁷¹ Memo. by Titus, 11 Mar. 1947, RG 226, Entry 190A, Box 24, NARA.

⁷² Ronald C. Newton, 'The United States, the German-Argentines, and the Myth of the Fourth Reich, 1943-47', *Hispanic American Historical Review*, 64, 1 (1984), 95.

Department, included ‘[assisting] small nations in fulfilling their industrialisation plans . . . by furnishing German technicians . . . processes, [and] advisors in manufacturing, finance, and commerce’.⁷³ In truth, many of these fears were overblown, not only in Argentina but also in Spain, where rumours of German scientists developing weapons for Franco were constant, but completely unfounded.⁷⁴ Nonetheless, there is sufficient evidence that the Argentine military did actively recruit among German military intelligence officers and others in Spain, even if for lower level work. By March 1948, Carl Schultz, an Argentine, was dispatched to Spain to recruit former Nazis from security services for work in the Argentine army.⁷⁵ His Spanish contact, Father José La Boos, set up regular boatloads of Germans leaving Valencia for Argentina, with the support of the Civil Governor, LaPorta, and his son-in-law.⁷⁶

While exaggerated, Titus’s concerns about the potential for Nazi spoilers on Spanish and Argentine soil was consistent with a post-Nazi security discourse that is often overlooked in studies of US foreign policy. The fears expressed about Nazi spoilers, the potential threats to US policy in Spain and elsewhere, and the linkage to denazification and occupation inside Germany all combined to make the repatriation policy an important part of post-war US policy in Europe. It also served to measure the willingness of Franco’s regime to conform to US expectations concerning denazification.

In terms of Spanish performance, success was rare and on the whole one can easily conclude that the policy failed. Since they were not occupying Spain, but operating in a country that maintained the same government as before and during the Second World War, US officials could not repatriate these individuals of their own free will. They required Spanish officials to agree to arrests, to make arrests, and to turn these people over to the Allies as the representatives of the government of Germany (which they were as the occupying powers). As a result, who was arrested and who was not became a matter of diplomatic negotiation, local corruption, and whether or not anyone even cared to carry out orders. This situation allowed, and even encouraged, those facing repatriation to call upon their contacts in the Spanish regime for protection. If all else failed, those targeted for repatriation could go into hiding and escape to Argentina.

Spanish Responses: Reluctance, Delay and Protection of Nazi Elements

The Spanish Government, first and foremost, did not accept the premise that the war had changed the nature of neutrality, and that neutral states therefore could be subject to measures related to the peace settlement and the eradication of Nazism in Europe. In accepting Allied Control Commission authority over German assets in Spain through a decree law of 5 May 1945, the International Legal Office of the

⁷³ Newton, ‘The United States, the German-Argentines’, 99–100.

⁷⁴ Baldwin, to State Dept., 1 May 1946, RG 226, Entry 127 Madrid X-2, Box 3, NARA.

⁷⁵ Reports to Titus, 4 Mar. 1948, 24 Mar. 1948, RG 226, Entry 190A, Box 24, NARA.

⁷⁶ Report to Titus, 24 Apr. 1948, RG 226, Entry 190A, Box 24, NARA.

Ministry of Foreign Affairs made it clear that all the actions taken by Spain concerning German assets had been done as ‘unilateral acts of the Spanish state’ motivated by ‘high politics’.⁷⁷ Spain did not, in principle, accept the ACC as the government of Germany because Germany was occupied by the Allies and no peace treaty by the German state ceding its sovereignty had been signed. As a result, whatever arguments about changes in international law that Allied states made, they were not accepted by the Spanish, who argued they had frozen German assets through a ‘national law’ only, without concern for the ACC.⁷⁸ The official legal position was the same when it came to the question of forced repatriation of German nationals. The Ministry of Foreign Affairs stated that since the collapse of the German state, former government officials of Germany had lost their diplomatic protection, and Spain therefore had no other option but to consider individual Germans as individuals with the right, under international law, to seek asylum in Spain. They could only be expelled if Spain concluded they were a threat to general security.⁷⁹

For Spain, the decision to co-operate with the United States and Great Britain on the issue of ‘obnoxious’ Germans was a ‘political’ one, for it did not see the ACC as the legal replacement of the government of Germany with the right to recall diplomats.⁸⁰ As a result, political factors shaped the official Spanish response. One of these factors was the attitudes of other wartime neutrals towards the policy of repatriation which, the Spanish Foreign Ministry noted in November 1945, were shaped by local concerns of each state rather than any overarching agreement with the concept of new international obligation.⁸¹ The US Ambassador to Madrid, Norman Armour, noted:

we must, however, not lose sight of the fact that so long as regime remains in power it is the one we have to deal with and on whose co-operation we must rely in such matters as repatriation of Germans, Safe Haven, aviation and other questions.⁸²

The Foreign Minister from July 1945, Martín Artajo, was installed by Franco for the purpose of renovating the image of the regime with the wartime victors. Artajo was from a Catholic background, as opposed to a Falangist one, and his appointment was meant to be a sign that the regime was open to change and was willing to work with the Allies and break ties with fascism.⁸³ Yet Artajo also had other political concerns: one of these was his belief in the importance of the German colony for Spain’s economy, and another was his sympathy for German Catholics who wanted to remain in Iberia.⁸⁴ As a result, despite the fact that the issue of repatriation was

⁷⁷ Asesoría Jurídica Internacional to Comisión de Bloqueo des Bienes Extranjeros, 14 Dec. 1945. R/005477/7, Archivo General del Ministerio de Asuntos Exteriores, Madrid (hereafter MAE).

⁷⁸ Asesoría Jurídica Internacional to Comisión de Bloqueo des Bienes Extranjeros, 14 Dec. 1945. R/005477/7, MAE.

⁷⁹ Note, DG Política, 10 July 1946, R/5161/19, MAE.

⁸⁰ Note, DG Política, 10 July 1946, R/5161/19, MAE.

⁸¹ Note, Ministry of Foreign Affairs, 18 Nov. 1945, R/5161/19, MAE.

⁸² Armour to Secretary of State, 30 Sept. 1945. *FRUS* 1945, vol. V (Washington, 1967), 689.

⁸³ Collado Seidel, *España*, 74.

⁸⁴ Collado Seidel, *España*, 74–5.

linked to Spain's overall international position, policy was never to be consistently in favour of the Allied approach. Things were dealt with on a case-by-case basis.

This opened the door to many Spaniards in positions of influence who worked on their own to protect former Nazis who were their friends and allies. Luis Carrero Blanco, the sub-secretary of the President's office, wrote to the Foreign Ministry requesting an exemption from repatriation for his friend Alfred Menzell, former adjunct Naval Attaché at the German Embassy;⁸⁵ General Arsenio Martínez de Campos of the Spanish High Command wrote on behalf of Alfred Genserowsky, a key *Abwehr* agent in Bilbao during the war, to be allowed to stay permanently in Segovia for health reasons and because of Genserowsky's service to Spain as a member of the Condor Legion during the Civil War.⁸⁶ The Archbishop of Toledo, Cardinal Enrique Pla y Daniel, forwarded a list of German Catholics to be protected from repatriation.⁸⁷

The Spanish fascist party, the Falange, was particularly involved. In some cases, hard-core Falangists did not want to see an end to the ideological ideas of Nazism.⁸⁸ Officially, the Falange sought to distance itself from Nazism with public statements concerning Franco's effort to save Spain by avoiding combat.⁸⁹ The United States, through both the Embassy and the OSS, sought to document Falangist links to Nazis and pressure the Spanish Government to put a stop to this activity as a sign that it rejected fascism. A significant example was the case of the network associated with Clarita Stauffer. Born in Spain to a German father who had come in the 1880s to work in the brewing industry, Stauffer carried a German passport and was a national secretary of the *Sección Feminina* of the Falange.⁹⁰ She emerged in the fall of 1945 as one of the leaders of the *Hilfsverein*, the local German relief agency, collecting clothes and food packages for Germans held at the Spanish internment camp of Sobron. She also attempted to find employment for many Germans within the Falange. Based in Madrid, she made frequent trips to San Sebastian and Barcelona in 1945 to assist German residents. By mid-1946, she was active in establishing a series of hiding places for Germans around Santander.⁹¹ By 1947, she had become linked with Father Boos, who has now been shown to have been the leader of the Spanish ratline that transported war criminals from Italian territory to Spain and then on to Argentina.⁹² These so-called 'ratlines', which were used to allow top Nazis to escape to South America after the war, had their origins in a complex web of Argentine-Spanish and Vatican diplomacy during the second half of the war.⁹³ However, the first escape lines

⁸⁵ Carrero Blanco to Artajo, 4 Sept. 1946, R/2160/4, MAE.

⁸⁶ Martínez de Campos to Lequerica, 16 June 1945, R/2160/4, MAE.

⁸⁷ Cardinal Enrique Pla y Daniel to Artajo, 8 June 1946, R/5161/19, MAE.

⁸⁸ Bowen, *Spaniards and Nazi Germany*, 216–17.

⁸⁹ Stanley G. Payne, *Franco and Hitler: Spain, Germany and the Second World War* (New Haven and London: Yale University Press, 2008), 260–1.

⁹⁰ Irujo, *La Lista Negra*, 82; Memo. by Howell, 26 Feb. 1946, RG 226, Entry 190A, Box 23, NARA.

⁹¹ Memo. by Howell, n.d. but after Oct. 1946, RG 226, Entry 190A, Box 23, NARA.

⁹² Michael Phayer, *Pius XII, the Holocaust and the Cold War* (Bloomington and Indianapolis: Indiana University Press, 2008), 190.

⁹³ Phayer, *Pius XII*, 178–81.

over the Pyrenees from France into Spain were exploited by German intelligence, especially the SD, under the leadership of Walter Schellenberg. Moving Germans from France as the Nazi occupation was collapsing soon grew into a broader programme of movement.⁹⁴ By 1947, Stauffer and Boos were part of this network, not only aiding prominent Nazis but also hiding Germans wanted for repatriation in Spain and facilitating their movement to the western hemisphere.⁹⁵

Stauffer depended upon her Spanish contacts to make this work. Her close ties with leading members of the Falange, and with a series of pro-Nazi officials in the national police, were crucial. She and her group petitioned officials at the *Seguridad General* to release Germans still interned in Spanish camps, including ten released from Salamanca in March 1947. These individuals then proceeded to Stauffer's apartment in Madrid and from there to private homes or to Stauffer's own pension in Oviedo, which she rented from the *Sección Feminina*. Other private homes were also used for hiding Germans, such as those of former Nazi official Alfred Muller-Thyssen in Pamplona, Father Boos himself in Barcelona, and friendly Spaniards such as Casilda Cardenal of the *Sección Feminina* in Madrid.⁹⁶

Artajo was frustrated with the news that in many cases the *Seguridad* went too far in favouring Germans, and was especially concerned that orders for arrest and internment of potential repatriates were not being enforced at local level. By mid-1946, he ordered the *Ministerio de Gobernación* to launch a national investigation into local inaction.⁹⁷ At times, as in November 1946, Artajo wrote that the political context of Spain's international position mattered more than anything else.⁹⁸ Yet this sentiment was never enforced nationally, and even the head of the *Dirección General Seguridad General*, Francisco Rodriguez Martinez, claimed he had no control over local police in areas with heavy German populations, such as Bilbao and Galicia.⁹⁹ The result was continued implementation of the repatriation campaign on a case-by-case basis, which gave many others the opportunity to intervene.

In many cases, Germans did not have to flee. One example was that of Otto Hinrichsen and his family. Like many Germans recruited by Nazi intelligence for service in Spain, Hinrichsen had been in the country for some time, arriving in 1914 for business purposes and setting up a profitable typewriter company.¹⁰⁰ He served with the German Condor Legion in the Civil War, and emerged as one of the leaders of the German community, as the NSDAP party head in the Basque lands. He also was part of the extensive German espionage network in the Basque lands, largely run by the *Abwehr*, but there was evidence that Hinrichsen was probably linked to the SD or SS because German Embassy documents consistently referred to his work as

⁹⁴ Phayer, *Pius XII*, 182.

⁹⁵ Memo. by Titus, 11 Mar. 1947, RG 226, Entry 190A, Box 24, NARA.

⁹⁶ Memo. by Titus, 11 Mar. 1947, RG 226, Entry 190A, Box 24, NARA.

⁹⁷ Artajo to Blas Perez Gonzalez, Ministerio de Gobernación, 15 July 1945, R/5161/19, MAE.

⁹⁸ Artajo to Francisco Rodriguez Martinez, DG Seguridad General, 14 Nov. 1946, R/5161/19, MAE.

⁹⁹ Francisco Rodriguez Martinez, DG Seguridad General to Blas Perez Gonzalez, Ministerio de Gobernación, 18 Nov. 1946, R/5161/19, MAE.

¹⁰⁰ *El País*, 30 Mar. 1997.

'essential'.¹⁰¹ The British identified him to Spain as a German agent as early as March 1944.¹⁰² At the end of the war, Hinrichsen was involved in smuggling documents and money from the German Consulate in Bilbao.¹⁰³ Almost immediately he was arrested and interned at Caldas de Malavella camp by Spanish authorities, where he remained and was one of the last to be released in the summer of 1946, being among the last Germans still held there.¹⁰⁴ His daughter Maria was also suspected to be a German agent and once an order for her arrest came in June 1946, she went into hiding in Madrid with the assistance of a Spanish woman who had taken over the Hinrichsen typewriter business in Bilbao in order to keep it from being seized.¹⁰⁵ Hinrichsen figured prominently on all expulsion lists, beginning with the first one drawn up by the British Government in 1944, and was on the list of the final 104 agents whose expulsion was demanded by the Allies in 1947. However, because his wife was Spanish and he had lived in the country for a long time, and had given his service to the Nationalist side in the Civil War, Spanish authorities refused to deport him, even when they had him in custody. Within the Foreign Ministry, it became accepted that his inclusion on repatriation lists was an 'injustice' and that his service to Spain as an 'ideological enthusiast' for Francoism meant that he should not be betrayed.¹⁰⁶ By 1948 he was back in Bilbao, where he lived until his death in 1982.¹⁰⁷

Certainly there were successes. Some Germans decided on their own to return to Germany, and others were arrested and deported to occupied Germany, where they went through denazification processes as if they had found there at the end of the war. Chief among these were individuals whom the Spanish simply did not protect. They were either arrested or, more probably, told they would be arrested unless they reported to Allied authorities for repatriation. The British and Americans established a British–US Centre for Repatriation of Germans in Madrid to process these cases. Some cases involved significant figures. One individual who consistently appeared on the Allied lists after 1944, and consistently remained free in Spain early on, was Karl Arnold. Arnold had been involved in business in Argentina in the 1930s.¹⁰⁸ He was based in Argentina for the SD at the start of the war, and was sent to Spain by Walter Schellenberg in late 1942, under cover of working for the German-owned *Compania General de Lanás*.¹⁰⁹ From 1943 on, his primary responsibility was to co-ordinate the traffic of information, money and people from Germany to Argentina via Iberia.

¹⁰¹ Memo., 5 Apr. 1946, RG 226, Entry 190A, Box 27, NARA.

¹⁰² British Embassy in Madrid to Ministry of Foreign Affairs, 16 Mar. 1944, R/2159/1, MAE.

¹⁰³ SAINT BC 012 Report, 12 May 1945, RG 226, Entry 127 Madrid X-2, Box 1, NARA.

¹⁰⁴ Passport Control Office for Spain (UK) to British Embassy Madrid (copied to US Embassy), 27 June 1946, RG 226, Entry 210, Box 35, NARA; see also DG Seguridad to DG Política Exterior on last Caldas de Malavella internees, 15 Apr. 1946, R/51612/19, MAE.

¹⁰⁵ Memo. by Lewis (Bilbao), 7 June 1946, RG 226, Entry 210, Box 34, NARA.

¹⁰⁶ Note on Hinrichsen, Ministry of Foreign Affairs, n.d., R/2160/4, MAE.

¹⁰⁷ Irujo, *La Lista Negra*, 150.

¹⁰⁸ Ronald C. Newton, *The 'Nazi Menace' in Argentina, 1931–1947* (Stanford: Stanford University Press, 1992), 246.

¹⁰⁹ Interrogation of Germans at Yserias Prison, Spain, 21 Aug. 1946, RG 226 Entry 210, Box 35, NARA.

In May and June 1945, Arnold, with six months of his annual budget forwarded to him from Berlin in April, went underground both financially and individually. He distributed some of the money to six SD agents among the many agents and subagents he had operated with. He was then arrested by Spanish authorities along with Martin Meywald, another leading SD agent; Arnold used 60,000 of his remaining 100,000 pesetas to pay for a Spanish lawyer to get them released, and gave the lawyer his official German government car. The car was in payment for allowing the parole officer assigned by the Spanish Government to check up on Arnold not to do so. Arnold then set up a small translation company with his funds and those of Johannes Bernhardt.¹¹⁰ Soon enough, Arnold approached one of his key contacts during the war, Capt. Bahamonde y Guitán of the Spanish military. In return for the gift of a camera, Bahamonde put Arnold in touch with Pablo Alvarez Lará of Spanish Military Intelligence (SIM), who also brought in the commander of the Falange intelligence unit, Gonzalez Vincen. These individuals worked to allow Arnold to live openly in Madrid and establish his business. In return, Arnold passed on to them various pieces of intelligence equipment that had been used by the SD during the war. These individuals occasionally treated Arnold to dinner and passed on translation jobs to him as they worked through German documents in their possession.¹¹¹ Eventually, fearing for his freedom once he discovered that the Allies were demanding his repatriation to occupied Germany, Arnold fled Madrid and went into hiding in Asturias near Oviedo. He was able to obtain false documents from his lawyer in the name of Carlos Alonso Kleibel, the son of a Swiss mother and Spanish father. Eventually it was this lawyer, Antonio Helguero Valcarcel, who turned Arnold in to the police once Arnold was out of funds to pay him off.¹¹² Arnold had been subject to a Spanish investigation of possible counterfeiting while a German agent during the war, and the Spanish Foreign Ministry made it clear to the police that he should not be protected from deportation.¹¹³ Arnold was turned over to Allied authorities by the Spanish and attempted to commit suicide on the day he was to be flown to Germany, 23 August 1946.¹¹⁴ He was put on the flight nonetheless and interned at Civilian Internment Camp 76 at Hohenasperg, where the US interned all 'obnoxious' Germans repatriated from neutral states, and later moved to the Berlin Interrogation Centre. There he was extensively interrogated about Nazi intelligence operations in Spain, how the SD worked, and his contacts in Latin America. As late as April 1948 he was still

¹¹⁰ Interrogation Report of Karl Gustav Arnold, 20 Nov. 1946, RG 260, Entry 421 (A), Box 586, NARA.

¹¹¹ Interrogation Report of Karl Gustav Arnold, 20 Nov. 1946, RG 260, Entry 421 (A), Box 586, NARA.

¹¹² Interrogation Report of Karl Gustav Arnold, 20 Nov. 1946, RG 260, Entry 421 (A), Box 586, NARA.

¹¹³ DG Política Exterior, Ministry of Foreign Affairs, to DG Seguridad General, 26 Feb. 1946, R/2159/6, MAE.

¹¹⁴ Interrogation of Germans at Yserias Prison, Spain, 21 Aug. 1946, RG 226 Entry 210, Box 35, NARA; Murphy to State Dept., 4 Oct. 1946, RG 260, Entry 421 (A1), Box 586, NARA.

imprisoned in US custody inside occupied Germany, although by November of that year he had been released and settled in Pforzheim.¹¹⁵

Notwithstanding the Arnold case, the Spanish Government continued to protect many other important German agents from the final US-UK Repatriation list of 104 individuals desired for deportation. As the journalist José María Irujo documented, many ended up living out their lives in Spain, like Hinrichsen.¹¹⁶ While the Spanish Government increasingly made it clear that these individuals would not find permanent employment with the government or the Falange, they could stay for business or other purposes.¹¹⁷

Conclusion

By the end of 1947, the lack of support from Spain for deportations was clear, and inside Germany, denazification was being wound up as the Cold War created other security priorities.¹¹⁸ In terms of US policy towards Spain, the demand for internal change within Spain, as advocated by the Tripartite Note of March 1946, was increasingly superseded by calls for consideration of Franco as a stalwart anti-Communist. In other words, Spain was seen by the United States less through the lens of spoiler Nazis and more in the context of the Cold War. This was made official with the December 1947 adoption of the Policy Planning Staff's Paper no. 12 of October 1947, which advocated that 'instead of openly opposing the Franco regime, we should work from now on toward a normalization of US-Spanish relations.'¹¹⁹ Although the official list of 104 'hard-core' Germans wanted for repatriation remained an issue between the United States and Spain, by 1948, the US Embassy in Madrid, in conjunction with US authorities in occupied Germany, ended all travel restrictions for Germans between Spain and elsewhere.¹²⁰ The new US Chargé, Paul Culbertson, generally pursued a policy of accommodation with the Franco regime and considered the repatriation issue to be 'a rather useless point of difference between us and the Spaniards'.¹²¹ Soon enough, any significance given to repatriation faded away. While some policies against Franco remained in place, such as Spain's exclusion from Marshall Plan aid, normalisation of relations did begin, slowly, and soon after Marshall aid was dismissed, the Truman government worked to facilitate private credit for Spain and US military planners began to explore the issue of military aid

¹¹⁵ Memo. from 7827 Military Intelligence Company, Ludwigsburg, 7 Apr. 1948, RG 84, Entry 2531B, Box 167, NARA; US Consulate in Stuttgart to State Dept., 2 Nov. 1948, RG 226, Entry 190A, Box 24, NARA.

¹¹⁶ Irujo, *La Lista Negra*, 150-3.

¹¹⁷ Memo. from 7827 Military Intelligence Company, Ludwigsburg, 7 Apr. 1948, RG 84, Entry 2531B, Box 167, NARA.

¹¹⁸ Biddiscombe, *Denazification*, 76-8.

¹¹⁹ PPS/12, enclosed in George F. Kennan to Secretary of State, 24 Oct. 1947, *FRUS* 1947, III, 1094.; Acting Secretary of State to US Embassy, Madrid, 17 Dec. 1947, *FRUS* 1947, III, 1096.

¹²⁰ US Embassy Madrid to State Department, 15 Oct. 1948 and State Department to US Embassy, 17 Nov. 1948, RG 226, Entry 127, Box 8, NARA.

¹²¹ Culbertson to Secretary of State, 14 Apr. 1948, RG 226, Entry 127, Box 8, NARA.

for Spain and the possibility of US military bases there.¹²² These bases were agreed to in an accord signed in 1953. As Angel Viñas has written, the ‘exigencies of *Realpolitik*’ came to determine the direction of policy.¹²³ The realism of 1945, fearing Nazism, was replaced by that of 1947 and the sense of a clear Soviet threat in Europe.

While the coming of the Cold War to the Iberian Peninsula made the end of repatriation a foregone conclusion, the significance of the repatriation effort within Spain was its importance for earlier US post-war security perspectives. The perceived fear of Nazi spoilers and the continuation of Nazism, even if greatly exaggerated, led not only to ambitious ideas for denazification in occupied Germany, but also to broader policies across the continent. The repatriation policy towards ‘obnoxious Germans’ outside German territory was one measure for the United States and its British ally not only to combat the continuation of Nazism in Europe but also test the anti-fascist credentials of suspect neutrals such as Franco. Like US and British denazification policies inside Germany, this policy was short-lived and ultimately implemented in a much more moderate fashion than originally envisioned. Nonetheless, its very existence demonstrates that the importance of post-war security concerns linked to Nazism and the strange experience of wartime ‘neutrality’ on the continent cannot be overlooked if we wish truly to understand the security dilemma US policy-makers saw themselves faced with once the Third Reich collapsed.

¹²² Angel Viñas, *En las garras del águila: Los pactos con Estados Unidos, de Francisco Franco a Felipe González (1945–1995)* (Barcelona: Crítica, 2003), 51.

¹²³ Viñas, *En las garras del águila*, 23.