

Disguised Resistance? The Story of Kurt Gerstein

Valerie Hébert
University of Toronto

Kurt Gerstein entered the Waffen-SS in 1941 with the intention, he claimed, of sabotaging Nazi crimes. Gerstein insisted that although he would be required to participate in some criminal activities, he could be most effective as a resister if he were to remain in the SS. In this article, the author describes Gerstein's life and resistance activities and examines the evidence presented in and the results of three legal proceedings that took place following his death in 1945. All three of the proceedings grappled with the problem of judging Gerstein's actions, which simultaneously served and opposed a criminal regime. The author concludes with an assessment of how we should remember Gerstein's controversial life.

The man who will not act or speak except in total righteousness achieves nothing.... The man who seeks to be true must run the risk of being mistaken, of putting himself in the wrong; he must carry things through to their conclusion, balance them on a knife-edge so that they may be truly and realistically decided.

Karl Jaspers

My life is always eventful, always on a knife-edge, always interesting—and always dangerous.

Kurt Gerstein to Erich Capito, written from the
SS Hygiene Institute, 7 June 1941

Since Kurt Gerstein's death more than sixty years ago, many observers have struggled to make sense of his contradictory life, parts of which are shrouded in ambiguity. The story of Kurt Gerstein underscores the inherent difficulty associated with both practical resistance to and moral confrontation with the darkest center of the Nazi regime. German courts labeled Gerstein an accessory to murder, "an important link in the chain of responsible people," "tainted." Yet his contemporaries described him as "a decent and absolutely irreproachable person" and as "an enemy of Nazism." He was, in fact, all of these things.

In this article, I draw on previously unused sources to get to the heart of the controversy posed by this man's unique engagement with Nazi crimes. Ordered to test the efficiency of the common fumigation agent Zyklon B in the death camp Belzec in 1942, Gerstein witnessed the murder of more than 5,000 Jews. Although he had been warned not to speak of his experience on penalty of death, Gerstein

immediately began spreading the truth about the Nazis' crimes to contacts in Germany and abroad—including the Vatican. My principal focus is the three sets of legal proceedings carried out during the twenty-four years following Gerstein's suicide in a French prison in July 1945, which until now have received only cursory or incomplete attention in studies of his life. I use materials from these trials to address the continuing puzzle of Gerstein's resistance activities.

The sources for the reconstruction of Gerstein's perplexing life are anything but conventional. Each must be understood in context, which makes his biography a major challenge to the historian. Foremost are Gerstein's own reports, which were written at the end of the war. While in French custody, Gerstein wrote several nearly identical reports (in French and German) that detailed his life and resistance activities. The reports begin with a summary of his education and employment history; they then outline his resistance activities on behalf of the church and his attempts to publicize the truth about the massacre of the Jews. He mentions that he was ordered to acquire prussic acid on two occasions for the purpose of killing people, but claims that he either destroyed the poison or diverted it for use in disinfection. In each of the reports, he devotes the greatest attention to the description, moment by moment, of the gassing of thousands of Jews at Belzec. This account has since proven to be among the most vivid in existence on the operation of the death camps.¹ Prosecutors introduced the reports as evidence before the International Military Tribunal at Nuremberg, at the Nuremberg Doctors' Trial (in which Gerstein's former superior at the SS Hygiene Institute, Dr. Joachim Mrugowsky, was sentenced to death), the IG Farben case, the German Belzec trial, and the Eichmann trial.

Gerstein's correspondence provides a valuable window into his thoughts and decisions. Between 1933 and 1945, Gerstein wrote dozens of letters to church colleagues, friends, and family. However, he was extremely careful about how much he divulged in these communications. In fact, while on a Mediterranean cruise in 1938, Gerstein spent much of his time furiously composing letters, explaining to a friend and fellow passenger that "he could not mail them at home since they would cost him his head."² Once he was back in Germany, Gerstein veiled his messages in suggestion and double-entendre. However, when we read these messages in combination with his reports and witness statements, we can infer particular events and ideas. Further, as the war was drawing to a close and Gerstein's desperation peaked, the letters became progressively more frank.

A third crucial collection of records originates from the postwar legal investigations into Gerstein's life. A murder trial, a denazification hearing, and a series of related rehabilitation, pension, and compensation cases examined Gerstein's personality, views, and activities. Laboring under the constraints of an incomplete historical record, the courts came to conclusions that obscured the figure of Kurt Gerstein more than they elucidated it. However, the evidentiary material generated by these investigations is highly informative. The courts and government officials obtained

testimony from dozens of Gerstein's family members, friends, and wartime contacts in order to draw conclusions about him and about the success or failure of his resistance activities. The roster of witnesses included boyhood friends and teachers, German religious and political leaders, foreign diplomats, and some of the best-known participants in the German resistance.

Most striking in Gerstein's reports, the tone of his letters, and the witnesses' recollections, is the high degree of consistency and agreement about the essentials. Gerstein's intentions and his genuine attempts to resist the Nazi regime emerge clearly. Some details remain hazy, however—particularly those that pertain to the most controversial aspect of his service to the regime: supplying Zyklon B to Auschwitz. In painting a picture of Gerstein's life, we find that the palette is incomplete.

These insufficiencies notwithstanding, many writers have put brush to canvas. There are four biographies: Helmut Franz's *Kurt Gerstein: Aussenseiter des Widerstandes der Kirche gegen Hitler* (1964), Saul Friedländer's *Kurt Gerstein ou l'ambiguïté du bien* (1967), Pierre Joffroy's *L'espion de Dieu: La passion de Kurt Gerstein* (1969), and Jürgen Schäfer's *Kurt Gerstein, Zeuge des Holocaust: Ein Leben zwischen Bibelkreisen und SS* (1999).³ Each has its own merits. Using Gerstein's reports and a portion of the trial material, the historian Friedländer provides a chronological account of Gerstein's life and brilliantly elaborates on the paradoxical judgment of the denazification court. The journalist Joffroy, who bases his work on interviews with witnesses, presents an engaging depiction of Gerstein's personality. Unfortunately, the author's sentimental style, omission of notes, and admission that "this book is full of unavoidable gaps which I have not attempted to fill or even indicate" renders it unreliable.⁴ Schäfer offers a detailed exposition of Gerstein's church activities and youth ministry. For the most deeply probing analysis of Gerstein's motivations, Franz's biography, the earliest of the four, is best. The author and his brother became close friends with Gerstein after meeting through common church work in 1933. Franz emphasizes Gerstein's convictions about God, faith, and Christianity—which are crucial to understanding Gerstein's decision to resist and his method of resistance.

Gerstein also appears in major works on the Holocaust, the German resistance, and the Vatican during World War II. He is characterized alternately as enigma, hero, resister, failure, messenger, and martyr.⁵ In general, Gerstein is described as a Christian who joined the SS voluntarily in order to discover, inform, and sabotage. Most accounts end just after his experience at Bełżec, with Gerstein's failed attempt to notify the papal nuncio of Berlin about the mass murders of Jews—a scene made famous by Rolf Hochhuth in his controversial play *Der Stellvertreter*. Some writers have exaggerated his role in the destruction of the Jews, describing him (incorrectly) as the sole supplier of poison gas to Auschwitz and other camps.⁶ Others play down the contribution Gerstein made to wartime knowledge about the Holocaust, pointing out that while his information was unique in terms of detail, the essential facts (Jews,

trains, camps, gas) were already known to the Allies, the Neutrals, and the Vatican by the time his statement reached their ears in 1942.⁷ The more insightful works recognize that the significance of Gerstein's actions is larger than the content of his message. Gerstein, they point out, acted to inform in the face of overwhelming terror. He joined the enemy for the purpose of sabotaging the regime from the inside; thereby proving that resistance was possible within Hitler's totalitarian regime. His actions put into sharp relief the indifference of the millions of German and foreign bystanders who failed to take similar action.⁸

Gerstein's Path to Resistance

Nothing in Kurt Gerstein's family background predisposed him to resistance. Born on 11 August 1905, he belonged to an upper-class, Protestant, conservative family. Like so many other young men who came of age during the last years of the Weimar Republic and the rise of the Nazi regime, Gerstein joined the *Sturmabteilung* (SA) and the Nazi Party in 1933. The obvious question is why. Gerstein himself never provided any explanation. However, long after the war, his good friend and pastor Kurt Rehling recounted a conversation he had had with Gerstein before the Nazis seized power. Hitler had just protested a death sentence imposed on several SA members who had murdered a communist. Reflecting on this, Rehling declared that no Christian could come to terms with the Nazi Party, since, if it came to power, it would lead inevitably to conflict between church and state. Gerstein replied that if the danger of the Nazis coming to power truly existed, "[then] perhaps one ought to go ... into the Party.... How else do you think you can help except from the inside?"⁹ In view of Gerstein's later activities, this explanation is entirely plausible. However, other reasons for his membership should not be excluded. His family—particularly his father—supported the Nazi movement.¹⁰ Gerstein may also have seen membership as a necessity for his budding civil service career in state mining enterprises.

In any case, although he joined the SA and the Nazi Party, his priority at this time, remarkable as it may seem, was church work. Gerstein was a deeply religious man who devoted much of his spare time, and, he claimed, one-third of his yearly income to church-related activities. While still in university, he became a leading member of the Evangelical school Bible circles.¹¹ Beginning in 1932, he led the Evangelical youth movement in Germany.¹² During the mid-1930s, he published and distributed religious tracts and funded outings for youth groups. He gave talks and led Bible studies. He worked closely with influential church leaders of the day and became actively involved with the Confessing Church.¹³

In these early years of the regime, Gerstein hoped that his religious priorities and his political allegiance might coexist. He wrote many letters in 1933 and 1934 to a friend and curate named Egon Franz. While his church loyalties are unmistakable in this correspondence, one does get the impression that he was not yet entirely disenchanted with Nazism. In August 1933 he wrote: "For me the answer is this: to

stand as strongly as possible on the basis of National Socialism (especially National Socialist penetration of the economy). But under all circumstances to cling tenaciously to the foundation of the Church.” Later in the same letter he suggested that in their fight against Bolshevism, perhaps Hitler and the church shared a common goal.¹⁴

Gerstein’s Resistance Begins

Despite Gerstein’s willingness to contemplate the potential merits of National Socialism, his personal experience of government interference in church matters soon drove him to open conflict with the Nazis. The Gestapo disrupted field trips he had arranged.¹⁵ State authorities dissolved various church organizations of which Gerstein was a leading member and prohibited others from operating.¹⁶ In response, Gerstein protested the merging of the Evangelical Youth with the Hitler Youth;¹⁷ he joined the resistance against the German Christians, the Nazified movement that strove to enforce the worldview of the Third Reich in the churches; and, during the mid-1930s, he wrote religious pamphlets aimed at German youth and distributed thousands (he estimated 230,000) of Confessing Church circulars.¹⁸ The Gestapo later called this campaign “a concentrated, systematic, and organized mass literary attack against the National Socialist State.”¹⁹ In January 1935, Gerstein interrupted the performance of an anti-Christian play, for which he was beaten by some local Nazis in attendance.²⁰ Later that year, Gerstein led a Bible study group in which he told the story of the Jewish martyr Eliezer, who had preferred to die rather than obey a powerful king’s command that went against his faith and conscience.²¹ A former friend, Pastor Gädeke, later said of Gerstein that he acted “out of love for young people and out of an inner sense of duty to show them that the true highest value was not Volk, blood, and race, but the word of God in the Holy Scriptures.”²²

In the summer of 1936, Gerstein anonymously sent four brochures to 380 high-ranking justice officials.²³ Three of the brochures had already been banned because of their anti-Nazi content.²⁴ Also during that summer, in his capacity as organizer of the first congress of the German Miners’ Association, Gerstein attached to each of the invitations that he mailed two notes poking fun at Nazi officials. The humor was lost on party authorities, who deemed the act an offense against the Law for the Defense of the Party Uniform. Gerstein was arrested in September. Soon after, the Gestapo searched his office and found more than 1,000 letters along with brochures ready for mailing to high ministry and justice officials and approximately 7,000 addressed envelopes. As a result, Gerstein was held in protective custody for about a month and expelled from the Nazi Party. Further, because he was employed as a mining expert by the state of Prussia, Gerstein lost his job.²⁵

Remarkably, Gerstein actively sought reinstatement to the party. In his appeals to the party court, he insisted that he had acted as any Christian would, and distanced himself from the Confessing Church. He stated that he had feared a godless German

youth but that he now realized that the Nazi state was simply anti-Church. Recently, Gerstein continued, he had had a conversation with a young party member during which he had decided to recommit fully to National Socialism. Thereafter, Gerstein claimed, he discontinued his distribution of pamphlets.²⁶

In view of Gerstein's earlier activities, his actions are perplexing. Had he truly been converted? This is doubtful. His brother Johannes wrote in 1964 that at the time of these written appeals, another brother had drafted one of the letters and that Gerstein had signed it only under pressure from and to please their father, despite the fact that it ran counter to his own convictions.²⁷ Indeed, Gerstein's father took a leading role in Gerstein's reinstatement effort, pleading his case before the party court and coaching Gerstein in how to formulate his appeals.²⁸ At the time of the second appeal, Gerstein wrote to his fiancée, Elfriede Bensch: "Today my letter of defense for the party court was due. My family forces me into insincerity."²⁹ In the end the court concluded that, given his religious convictions, he was not in the position to fulfill his duties as a party member. Nonetheless, it could not be proven that Gerstein had been aware that he had acted illegally, so the exclusion was changed to the less damaging verdict of dismissal (equivalent to a general discharge as opposed to a dishonorable discharge).³⁰

Certainly, Gerstein's interest in church matters was not waning. While his appeal for reinstatement was still in process, he expressed apprehension over the church's situation, predicting an eventual "showdown" with the regime. He wrote in 1937: "The Church's position ... is cause for ever greater concern. We are heading towards difficult decisions that can end only in a mess."³¹ Indeed, it appears that Gerstein did not refrain from his criticism of the regime, for later that year the Gestapo banned him from speaking publicly anywhere in the Reich.³² In mid-July 1938, Gerstein was arrested on the charge of high treason for his connection to the Society for German Freedom, a group seeking the restoration of the Hohenzollern monarchy.³³ He was imprisoned in Welzheim concentration camp for six weeks. The experience nearly destroyed him, as he related in a letter to his American uncle and cousin Robert Pommer and Robert Pommer Jr.: "This was the most terrible time in my whole life. I cannot describe the humiliations, the abuse, the hunger, forced labor and indescribable treatment.... Many times I was only a hair's breadth away from hanging myself."³⁴ He was eventually freed with the help of a sympathetic Gestapo official who was responsible for his case. Apparently, this man had read some of Gerstein's writings and believed that Gerstein was a man of integrity. The official used his influence to have Gerstein released despite opposition from the Berlin Gestapo.³⁵

To recover from his internment, Gerstein took a cruise in the Mediterranean with his wife. While he was away, he learned that his home in Tübingen had been searched. Gerstein considered fleeing to Switzerland, but decided, reluctantly, to return home.³⁶ Once in Germany, Gerstein explored what he believed were the three possible courses of action left to him. Although formally dismissed from the party, he

could (and indeed he revealed a certain desire to) reconcile himself with the government, as he had attempted to do before; he could simply shun politics by finding a job that would allow him some measure of noninvolvement; or he could continue on the path of resistance. His experiences at the hands of the Gestapo had opened his eyes to the injustices and cruelties of the Nazi system. While he believed in the value of exposing these injustices, he feared the personal cost of such a confrontation. He wrote about this to his relatives in America, expressing the ambivalence, uncertainty, and indeed confusion of some of his countrymen at the time:

In your visits to Germany you have seen the good that the Hitler movement has produced: roads, employment, construction—but you were not able to see the tragedy that results from the loss of intellectual freedom, religious freedom, and justice.... We have all been at pains, where we have had to raise resistance, not to strike at political National Socialism, because that is not our affair. We have only tried to defend rights and responsibilities that were and are again and again solemnly guaranteed to us by Herr Hitler and National Socialism.³⁷

Gerstein appears to have wanted to accept National Socialism, if only “politically.” One may well question how Gerstein could still make distinctions between the political or economic aspects of National Socialism and its all-encompassing worldview. In this, one can perhaps detect the last gasp of Gerstein’s Lutheran background. There are echoes there of the doctrine of “Two Kingdoms,” which dictated that social and political events lay outside the sphere of Christian responsibility.³⁸

Soon enough, Gerstein came to question the justifiability of this doctrine, particularly with regard to anti-Jewish measures. This was most clearly expressed in a letter that he wrote to his father in November 1938, following the massive, coordinated, nationwide pogrom against the Jews. Gerstein wrote that he did not share his father’s pro-Nazi views, particularly after *Kristallnacht*: “For one as passionate as I—this can bring with it even more difficult conflicts of conscience.... I was inwardly ‘brought into line’ but these latest things have struck me very deeply.”³⁹ To his wife, Elfriede, Gerstein remarked: “You will see; now [the Nazis] are letting their masks fall away.”⁴⁰

Gerstein, of course, deserves no special congratulations for having been provoked to doubt and reflection by the violence and ugliness of the November pogrom. While there is no evidence that Gerstein was openly antisemitic, certainly his cultural, social, and religious environment suggests a probable ambivalence toward the Jews. A genealogical album compiled by his father concluded with the admonition: “There is nothing but pure Aryan blood in our veins; preserve the purity of the race!”⁴¹ However, at the start of Hitler’s regime, Gerstein Sr. is alleged to have expressed his regret over early anti-Jewish measures to two Jewish lawyers in Hagen.⁴² Like others in his milieu, Gerstein may also have had mixed feelings—as some of his correspondence suggests.

Although a preoccupation with Nazi crimes against the Jews came to motivate Gerstein’s resistance, this same concern did not appear to define his earlier attitude

toward the Nazis. Indeed, even after *Kristallnacht*, his relationship with the regime remained ambivalent. The next few years seem to indicate that at that time Gerstein did not know quite what to do with himself. He took up theological studies briefly, then transferred to medical school at the German Institute for Medical Missions, where he remained until the beginning of the war.⁴³ Unsure what his place in Germany would or should be, Gerstein wrote to his father: “My readiness to return to the mining company and to work quietly, diligently and exclusively, remains as before.... I am ready to take a mining job if it is offered, [but] if my hopes on this matter are shattered, then I will accept it as fate, to take on a medical mission.... You know how reluctantly I would leave Germany.... However, here I must reconcile myself with difficulties.”⁴⁴ Indeed, for a time Gerstein did find work at a private mining enterprise, and more than two years passed before he committed himself anew to resistance.

Disguised Resistance

In March 1941, Gerstein entered the Waffen-SS. In his postwar reports he insisted that his goal had been to learn more about Nazi crimes: “to look into these ovens and chambers in order to know what was happening there and to tell it to the world.”⁴⁵ He claimed that the catalyst for enlisting was his learning about the euthanasia program and the murder of his sister-in-law, Bertha Ebeling, at the Hadamar mental institution in February 1941.⁴⁶

In fact, the immediate circumstances of his joining the Waffen-SS are hazy. It is clear that Gerstein applied to the SS prior to his sister-in-law’s death. Records produced for the trials conducted after Gerstein’s suicide date his application variously as October 1939, early 1940, and September 1940.⁴⁷ From a curriculum vitae that he prepared on 15 August 1940, we learn that Gerstein hoped to join the military in October.⁴⁸ This request seems to have come to naught. It appears that he approached the SS around this time as well, since he commented to his wife on 5 December 1940: “Why I hear nothing from the Waffen SS I don’t know.”⁴⁹

This uncertainty concerning the date of Gerstein’s application to the SS complicates our understanding of his motivations. Explanations range from careerism to depression to resistance. Some have argued that Gerstein realized that his career prospects would be greatly enhanced by his reacceptance into the NSDAP, and offered his service to the SS as a kind of “probation” in the hope of impressing party authorities.⁵⁰ Armin Peters, a former friend of Gerstein’s, testified after the war that the combination of professional difficulties, his recent internment, pressure from his “outspokenly nationalistic” family, and his continuing opposition to the regime drove Gerstein to despair. Gerstein joined the SS, Peters claimed, in the hope that his former concentration camp imprisonment would become known to his superiors and that they would send him to the front, where he would most likely be killed, as punishment.⁵¹ By far the most common and consistent explanation provided by former

friends and contacts for Gerstein's voluntary membership in the SS was curiosity and concern about Nazi crimes. Shortly after the war, the Lutheran bishop Otto Dibelius declared that when he had challenged Gerstein about the decision, asking him how a Christian could enter the SS, Gerstein replied: "Someone has to be inside to witness, and to be a witness to the world."⁵²

The Frankfurt court noted the contradictions between the numerous explanations for Gerstein's joining the SS, but concluded that the judgment of the vast majority of the witnesses was accurate. It stated that Gerstein was no "SS man"; rather, he "represent[ed] the type of man who rejected the Nazi regime from deepest conviction, even hated it, but took part in it, to prevent worse things and to work against it from the inside."⁵³ Not all of the subsequent judicial and governmental authorities agreed, however, and Gerstein's voluntary membership in the SS remained a sticking point in future assessments of his actions.

Gerstein claimed that despite his resistance activities, arrests, and party status, he had received help from members of the Gestapo, who vouched for him to the SS.⁵⁴ We know that he began basic training with the Waffen-SS on 10 March 1941 in Arnhem, Holland, and at the Oranienburg concentration camp.⁵⁵ Thereafter, owing to his education in engineering and medicine, Gerstein was placed in the medical-technical service of the hygiene division of the Berlin SS Leadership Office. He was later appointed head of the technical health department, where among other duties he oversaw disinfection processes with highly poisonous gases, including Zyklon B.⁵⁶

Then came his fateful expedition. On 8 June 1942, Sturmbannführer Rolf Günther, Adolf Eichmann's deputy at the Reich Security Main Office, handed Gerstein an order to obtain one hundred kilograms of Zyklon B. The stated purpose: to examine the possibilities of replacing the existing killing method in the death camps (i.e., carbon monoxide) with this poison gas.⁵⁷ In his postwar reports, Gerstein claimed that he complied to find out more about the killings.⁵⁸ In August he traveled east with two other SS officers. Odilo Globocnik, the SS and police leader for the Lublin district who had established the Belzec, Majdanek, Treblinka, and Sobibór death camps, met them in Lublin and told them that what they were about to see was of the utmost secrecy; anyone who spoke about it elsewhere would be shot. He informed the men that the victims left behind a vast amount of clothing, which had to be disinfected; and second, that a faster-acting gas was required for the gas chambers.⁵⁹

Shortly after seven o'clock the next morning, a train arrived at Belzec carrying 6,700 Jewish men, women, and children from Lvov. Nearly 1,500 were already dead. Ukrainian guards drove the people from the cars. Someone ordered them to undress, and even to remove their eyeglasses and any prosthetic limbs. Women and girls had their hair cut off "in one or two strokes." Prodded with whips and bayonets, the people passed naked in front of Gerstein and the others and through a barbed-wire corridor. An SS man announced that nothing was going to happen to them and encouraged them to breathe deeply in the "inhalation rooms" to protect themselves

against disease. The camp commandant, Christian Wirth, ordered the six rooms filled to capacity. The diesel motor for pumping carbon monoxide into the chambers started, then failed. Gerstein could hear people crying inside. He noted that it took nearly three hours for the motor to restart; in another thirty-two minutes everyone was dead. Camp workers then opened the chambers and began removing the dead. They found family members still clasping each other's hands in death. The bodies were searched for hidden valuables—Wirth invited Gerstein to feel the weight of a can filled with gold teeth—and then buried in huge pits. Gerstein claimed that he lied to Wirth, saying that the Zyklon B he had brought with him had been damaged in transit and could not be used. The entire quantity was buried. Over the next few days, Gerstein toured Treblinka. He then left for Warsaw.⁶⁰

Ignoring Globocnik's warning not to talk about what he had seen at the camps, Gerstein immediately began speaking about the crimes that were being perpetrated there. On his way home aboard the overnight train from Warsaw to Berlin, Gerstein happened to meet the secretary of the Swedish legation, Baron Göran von Otter. Weeping, Gerstein told the secretary everything that he had witnessed and pleaded with him to convey it to the Swedish government and the Allies. He suggested that the RAF drop leaflets over Germany about these crimes.

Once at home in Berlin, Gerstein attempted to inform as many people as he could. He visited Archbishop Cesare Orsenigo, the papal nuncio in Berlin, in an attempt to pass the information to the Vatican, but was turned away once he admitted to being in the SS.⁶¹ He asked Dr. Winter, the legal adviser to the Catholic bishop of Berlin, to notify the Vatican.⁶² He informed anti-Nazi friends and contacts, including the press attaché of the Swiss legation, Dr. Paul Hochstrasser; Peter Buchholz, the chaplain of Plötzensee prison; and Dr. Otto Dibelius, the Lutheran bishop of Berlin. Gerstein also prepared a report for friends in the Dutch resistance. They in turn forwarded the news to their government in London, which reprimanded them for spreading such unbelievable stories.⁶³ Gerstein told all of his friends and contacts from the church.⁶⁴ He estimated that he informed hundreds of people.

What Gerstein did in the SS after 1942 remains largely a mystery. He wrote very few letters in 1943 and 1944 and said little in his postwar reports about his day-to-day activities during these years. He did reveal that he visited various camps, including Mauthausen and Auschwitz-Birkenau. He offered no explanation of why he had visited these places, saying only that he tried to avoid these trips "because it was common to hang or execute people in honor of the visitor." He witnessed experiments on human beings at Ravensbrück and was informed of experiments at Buchenwald; he heard about the torture of partisans and the murder of Polish priests and intelligentsia, and was aware of the disappearance of hundreds of homosexuals into the "ovens" in Oranienburg.⁶⁵ These were also the months when Gerstein became most deeply embroiled in the crimes of the SS. On orders from his superiors, he coordinated the supply of Zyklon B to Auschwitz and Oranienburg.

In his report, Gerstein explained that one day in early 1944, SS-Sturmbannführer Günther asked him to acquire a large quantity of Zyklon B. Gerstein wrote that it was “enough to kill millions” and was needed for “an obscure purpose.” At the time, he suspected that it would be used against the German people, prisoners of war, or foreign workers, since Günther had suggested storing it in a shed in Berlin so that the gas would be “readily available.” Gerstein convinced Günther that this was too dangerous and persuaded him to have it sent to Auschwitz and Oranienburg instead.⁶⁶ Gerstein claimed that he “directed” the Zyklon B to be used for disinfection immediately on arrival at the camps.⁶⁷ Unfortunately, all documentation concerning the ultimate use of the gas has been lost. Gerstein might have succeeded in keeping it from being used against people, but he might also have failed.

Balancing his duties as an SS officer with his personal resistance mission placed an enormous physical, spiritual, and psychological strain on Gerstein. Toward the end of the war, his knowledge of what was happening in the East, his recognition of his own complicity (albeit outward) in it, and the powerlessness he felt at having failed to provoke concrete responses from the Allies, the Papacy, and the neutral powers weighed heavily on him. His friend Otto Wehr wrote that Gerstein was haunted every waking hour by the memory of the functioning gas chambers.⁶⁸ A series of letters written in 1944 between Gerstein and his father reveals the former’s vacillation between feelings of guilt and redemption. In response to his father’s efforts to encourage him, Gerstein wrote:

Your words deeply shocked me, which you [wrote] to me as I wrestled with the most difficult things: “Hard times demand hard measures!” No, such words are not sufficient to render acceptable what has happened.... However tight the limitations on a man may be he must never lose a single one of his standards or ideas. He may never exonerate himself by saying: That is not my business; I cannot change things. This thing concerns me. *I bear this responsibility and this guilt, and indeed as a conscious person I have a corresponding measure of blame.*⁶⁹

His father replied:

You are a soldier and an official and you must carry out the orders of your superiors. The person who gives the orders is the one who bears the responsibility, not the one who carries them out. You must do what you are ordered to do.⁷⁰

Gerstein responded:

I lent my hands to nothing that this all has to do with. If I, and so far as I received such orders, I did not carry them out and changed how they would be carried out. I myself emerge from the entire [matter] with clean hands and an angelically pure conscience.⁷¹

In April 1945, Gerstein turned himself over to the French military authorities in Rottweil and offered himself as a witness for the criminal prosecution of top Nazi officials. He was placed in “honorable” custody, during which time he composed his

reports. In July the French formally arrested him, charged him with murder, and sent him to the Cherche-Midi prison in Paris.⁷² The report of his interrogation there shows that they utterly rejected Gerstein's claims that he had served the SS only in order to resist and that none of the gas that he had supplied had been used against human beings. Rather, they treated him as someone who was trying to trade information for amnesty.⁷³

Twelve days after his arrival in Paris, Gerstein was found dead in his cell, evidently of suicide by hanging.⁷⁴ He had left behind some letters explaining the reason for his suicide, but these were lost shortly after his death.⁷⁵ In the years since, unsubstantiated accusations of murder have been leveled against both the French and fellow imprisoned SS-men. In my view, it is almost certain that Gerstein took his own life. The anguish caused by having to play the double role of resister and loyal SS officer, the ever-present pressure from his father to conform, the torturous knowledge of the relentless killing, and the constant fear of reprisal had driven him on several earlier occasions to consider suicide. Whatever his reasons were for resisting earlier, they were not strong enough to sustain him through this last ordeal.

The Trials

Gerstein's story does not end with his death. During the following twenty-four years, three sets of legal proceedings were undertaken: a criminal trial, a denazification hearing, and a series of related rehabilitation/pension/compensation cases. All involved several appeals and revisions. Although each one was initiated for a different legal purpose, adjudicated by different authorities, and governed by different laws and processes, ultimately they all had to pass judgment on activities that had simultaneously supported and opposed a criminal regime. These trials add important new layers to Gerstein's story. The first trial revealed a more direct and controversial connection between Gerstein and the Holocaust, while the other two demonstrated the ambivalence and disdain with which Gerstein was remembered.

The defendants in the criminal trial, held in 1948 and 1949 in Frankfurt am Main, were three former employees of the Degesch Company, which marketed Zyklon B.⁷⁶ Degesch, the Deutsche Gesellschaft für Schädlingsbekämpfung (German Company for Combating Vermin), was a subsidiary of Degussa (a German precious metals smelting company); its mandate was, among other enterprises, to research and develop the use of toxic gases for extermination and fumigation. Degesch enjoyed exclusive distribution rights for the products and procedures it developed. Two companies manufactured Zyklon B for Degesch: Dessauer Werke and Kaliwerke. The chemical was delivered to customers by two other companies: Tesch and Stabenow (Testa) and Heerdt and Lingler (Heli).⁷⁷ The principal defendant in the trial was Dr. Gerhard Peters, Degesch's former manager. For having supplied Zyklon B to Auschwitz during the period 1941–1944, aware of its intended purpose, he was charged with murder and with having been an accessory to murder.⁷⁸

According to the German penal code, to be found guilty of the crimes charged, the accused had to be proven to have *knowingly* provided help to the perpetrator of a crime. In this case the crime was premeditated murder, defined as murder committed “out of base motives, maliciously or cruelly.”⁷⁹ It is because the element of knowledge of the crime’s circumstances was of such decisive importance that Gerstein came to play (albeit posthumously) such an important role in this trial. Peters claimed that it was a Lieutenant Kurt Gerstein who had first informed him that Zyklon B was being used to kill people. The conversation took place in June 1943, when Gerstein presented the Degesch official with a request to deliver Zyklon B to Auschwitz and Oranienburg. Peters’s guilt or innocence therefore hinged on what the court believed was said during this exchange and on the actual disposition of the gas once it reached the camps.

Peters alleged that Gerstein told him that the Zyklon B was being used, on orders from Heinrich Himmler, for the execution of death sentences against convicted criminals and, in exceptional cases, to kill patients deemed physically or mentally incurable. Peters added that Gerstein wanted to alleviate the unnecessary suffering of these unfortunates and therefore requested that the customary irritant present in Zyklon B be omitted—which was done. The two men agreed that this use of the gas was abominable, but ordered and unavoidable. Gerstein further requested that the deliveries be sent directly from Degesch to the camps—that is, excluding the Testa delivery firm.⁸⁰ On this basis, the men arranged a standing monthly order of 200 kilograms of irritant-free Zyklon B to both Oranienburg and Auschwitz.

The court examined the functioning of both camps with an eye to how they employed Zyklon B. Oranienburg was largely a camp for political prisoners, prisoners of war, and forced laborers; thus its primary function was not murder. It did include a Waffen-SS Disinfectant School, which instructed personnel on the use of delousing chambers and fumigation. It also had one tiny gas chamber (about the size of two conventional shower stalls), used mainly for experimental purposes. Although 30,000 to 35,000 people died there, most of them perished by shooting.⁸¹ By contrast, Auschwitz (the Frankfurt court included Birkenau in its references to Auschwitz) was a murder installation, and gas chambers operating with Zyklon B were the primary means of mass killing.⁸²

The court heard testimony on Gerstein’s personality; his resistance activities, including his intensive work on behalf of Evangelical Youth; his dismissal from the party and imprisonment for anti-Nazi activities; his entrance into the SS; his experience at Belzec; and his attempts to alert the Allies, Neutrals, and Churches to the destruction of the Jews. The consensus among witnesses was that Gerstein joined the SS only in order to sabotage and never wavered in his intentions throughout his service there: “Gerstein remained true to his Christian convictions to the end and worked against the destructive will of the National Socialists as best he could”; “Gerstein was a model of genuine humanity.... His life was only and exclusively ‘service to the

next, 'readiness to help and suffer at every instant'; "I am convinced that he was and remained an anti-Nazi."⁸³ Pastor Herbert Mochalski (Niemöller's successor at St. Mary's Church in Berlin-Dahlem) testified that by 1945, Gerstein was completely exhausted by his perpetual struggle and double role.⁸⁴

However, uncertainty concerning the fate of the Zyklon B he had sent to the camps remained. Invoices, account sheets, and dispatch reports clearly indicated that Degesch had indeed sent irritant-free Zyklon B to Oranienburg and Auschwitz as a result of Gerstein's order.⁸⁵ Regarding the first shipment, there was evidence that Gerstein had personally collected the Zyklon B from the manufacturing plant in Dessau and destroyed it on the way to Lublin by faking a truck accident.⁸⁶ Former workers at Oranienburg testified that while they had received shipments of Zyklon B, some of these were rerouted out of the camp, possibly to Auschwitz.⁸⁷ Therefore, neither the first shipment nor the shipments sent to Oranienburg could be shown to have been used to kill people, and neither Peters nor Gerstein could be held liable for the outcome of these quantities of the poison. Invoices did show that 1,775 kilograms of irritant-free Zyklon B originating with Gerstein's order did reach Auschwitz, but the court could not establish with certainty how it ultimately was used.⁸⁸

Witnesses for Gerstein testified that he had assured them that these shipments were destroyed or, at least, never used against people. Allegedly, he had told them that he was paying off a man in Berlin to ensure the destruction of the shipments, that he misdirected shipments so that they were not available in the camps, and that he had enlisted several "absolutely reliable" people to ensure that the shipments would not be used.⁸⁹ In his reports, Gerstein stated that he had made the gas "disappear," diverting it to alternate purposes such as disinfection or delousing. The court simply did not believe that this could be true. It referred to other witnesses who testified that delousing in Auschwitz was done by other methods, because Zyklon had become an increasingly scarce commodity.⁹⁰ The court further declared that the omission of the irritant from the Zyklon was in fact evidence that it was intended for use against people, since, their argument went, the absence of a perceptible warning would prevent resistance by the victims and therefore accelerate the killing process. Moreover, irritant-free Zyklon B would not have been used for delousing, because of the increased danger to the camp staff.⁹¹

The only other evidence, in addition to the witnesses' testimony, that "Gerstein's" Zyklon B was not used in Auschwitz to kill people was a letter written by Gerstein to Peters on 24 May 1944, declaring that "absolutely nothing has been used from this [the Auschwitz and Oranienburg] quantity" and asking about the poison's shelf life "because the entire stored quantities may suddenly be required."⁹² The court accepted that it may have been true that the poison had not been used up to that point, but added that it could have been used after the letter was written. At that very time, there was both an increased need for Zyklon B at Auschwitz, because of the deportation of Hungarian Jews in the spring and summer of 1944, and a shortage

of Zyklon's availability, because of the recent bombing of the Dessau manufacturing plant.⁹³

Returning to the issue of the purpose of the gas, the court questioned the accuracy of Gerstein's reports. In these documents, Gerstein never mentioned the crucial June 1943 conversation with Peters that resulted in the standing order to ship 200 kilograms of irritant-free Zyklon B monthly to Auschwitz and Oranienburg. On the other hand, he did describe receiving an order to acquire Zyklon B in early 1944 for an "unknown purpose." The court declared that these two orders in fact must have been one and the same, and that Gerstein's explanation that he suspected that this gas (the gas he was asked to obtain in 1944) would be used against the German people, prisoners of war, or foreign workers was a deliberate misrepresentation.⁹⁴ The court believed that, contrary to his claims, Gerstein knew that the Zyklon B would be used in the general program of destruction at Auschwitz. In the end, the court accepted that Gerstein had had good intentions to spy and to sabotage, but concluded that ultimately he was successful only in small measure. He had helped individuals and he had spread the truth about the Nazis' crimes to many; but "he did not succeed in eliminating the deliveries of poison gas in a decisive way."⁹⁵ Since an average of six kilograms of Zyklon B was required to asphyxiate 1,500 people, "Gerstein's" 1,775 kilograms of Zyklon B accounted for 450,000 deaths in Auschwitz.⁹⁶

Because the court concluded that Gerstein's resistance had failed, it found Peters guilty of having been an accessory to manslaughter.⁹⁷ The prosecution had not proven any criminal initiative, malice or cruelty on Peters' part; therefore the court rejected the murder charge. At one point during the proceedings, Peters pleaded that had he known the true extent of the Nazi program of destruction, he would have found a way from within Degesch to hinder the use of the poison gas. The court replied that any involvement with the distribution of Zyklon B was reprehensible: "All participation in such an action, regardless of motive and purpose, will be perceived by every moral-minded person as participation in an especially crass wrong, and therefore wrong itself. The knowledge of what is right requires that if one cannot help, then one should keep away from any connection to the action."⁹⁸ Peters was sentenced to five years' imprisonment.⁹⁹

Before turning to the far-reaching consequences of the judicial conclusion that Gerstein had failed to keep the Zyklon B from being used against human beings, we must consider whether the court's evaluation of him was sound. The Frankfurt court's assessment centered on the June 1943 Zyklon B order. Although, as mentioned, Gerstein never referred to this order in his reports, several key circumstances surrounding it and the 1944 order that Gerstein did discuss caused the court to deduce that they were actually the same. In this the court was probably correct. Both orders were described as having been filled by a Dr. Peters at Degesch and sent to Oranienburg and Auschwitz, and Gerstein attached to his report invoices that were produced by Degesch in connection with the June 1943 order. However, the court's

understanding of the 1943 order and Gerstein's description of the 1944 order diverged in one crucial respect: purpose. As we have seen, Gerstein claimed that the gas was originally intended for storage in Berlin and that he had suspected it would be used against Germans, POWs, or foreign workers.¹⁰⁰ The court discounted this claim, but there were gaps in its explanation as well. It never accounted for the fact that Gerstein had been asked to acquire only a fraction of the Zyklon B that was needed and used in Auschwitz during this period. It did not explain why Gerstein had been asked to obtain this Zyklon B when the Hamburg distribution firm Tesch and Stabenow (Testa) had already been supplying and continued to supply Auschwitz with the Zyklon B it required. It was unable to find any former workers at Auschwitz who could remember using the 500-gram canisters that Gerstein had requested. Last, it laid decisive probative value on the omission of the irritant although a general chemical shortage had resulted in the presence of ever smaller amounts of irritant in Zyklon B as the war progressed.¹⁰¹ Taken together, these issues—which were raised on appeal of the Frankfurt court's judgment—did not persuade the court to accept Gerstein's explanation of the gas's purpose. Therefore, his account was never explored. Without further evidence, it is unlikely that we will ever fully understand the original intended purpose of Gerstein's order for Zyklon B. However, in the end, no amount of supposition, however compelling, can explain away Gerstein's outward complicity: he coordinated the supply of poison gas to the epicenter of the Nazi destruction of Jews at a time when a shortage of Zyklon B coincided with an increased demand for it for the purpose of mass killing. He was not posted at Auschwitz; therefore his control over the use of the gas could not have been absolute. Although Gerstein wrote and told friends and contacts that none of the poison that passed through his hands was used against human beings, the possibility of failure cannot be ruled out. At the same time, the court's insistence that Gerstein did fail skewed subsequent evaluations of his life and activities, as evident in the verdicts of the denazification hearing and the rehabilitation, pension, and compensation cases.

When Gerstein died, he left behind a wife and three young children. Having little means of support, Frau Gerstein applied for a government pension in October 1949. There was some question as to whether the widow of a former party member and SS officer was entitled to state support; therefore, authorities convened a denazification tribunal to determine the degree of Gerstein's service to the Nazi regime. Denazification, a process begun by the occupation authorities after the war, sought to root out all traces of National Socialism from German society. Professionals and any persons seeking political or civil service appointments, or any form of managerial position in private sector employment, had to complete a questionnaire detailing their wartime activities. If there was any doubt about an individual's political sympathies, that person would appear before a denazification tribunal. The tribunal would examine evidence and testimony and pass a verdict, placing the individual in one of five categories: main offender, tainted, lesser offender, follower, and exonerated.

Atonement measures (which sometimes applied to the person's family as well) involved restrictions on employment, loss of property and income, and exclusion from state financial support.

In adjudicating Gerstein's case, the tribunal (located in Tübingen) read dozens of witness affidavits and letters, examined Gerstein's reports, and, most important, reviewed the records generated by the Degesch case. In its view, the Degesch judgment provided the most detailed available picture of Gerstein's activities.¹⁰² Witness testimony described Gerstein's early resistance activities on behalf of the church, his motivations for joining the SS, and his reason for remaining in that organization even after he learned of its crimes. One of Gerstein's former contacts in the Dutch resistance declared: "[Gerstein] explained to me explicitly that as an ordinary soldier he could do nothing at all but that as an officer he had a much greater chance of undermining [the Nazi system] from the inside with [its] own means. Again and again he stressed that he remained at his place only in order to sabotage as much as possible."¹⁰³ Only a few of the witnesses who testified for Gerstein discussed his connection to Zyklon B, but those who did insisted that he had been successful in destroying the gas. For instance, Pastor Rehling declared:

He received orders to acquire large quantities of poison to distribute in the destruction camps and also to establish space in Berlin, in which one could at any moment gas people at once. The purpose of this last measure was certainly not clear at the time. I learned that Gerstein himself destroyed some of this poison by driving the transport trucks into ditches and overturning them. In other cases he took measures to ensure that the gas ... escaped on the way.¹⁰⁴

Despite the compromises suggested by Gerstein's service to the regime, witnesses were unanimous in their conviction that Gerstein was always an opponent of National Socialism and that he should be exonerated.

By contrast, the tribunal was deeply suspicious of how Gerstein had managed to join the SS, given his past opposition and arrests, and concluded that he must have demonstrated a genuine loyalty to the regime. Citing letters he wrote to the High Party Court and his father during the period 1936–1938 concerning his reinstatement to the Nazi Party, the tribunal cast doubt on whether Gerstein had actually been an uncompromising and irreconcilable opponent of the National Socialist worldview. The tribunal remained unconvinced that Gerstein had joined the SS intending to spy and sabotage; rather, it held that such intent became evident only after his visit to Bełżec. Further, it insisted that, by remaining in the SS, Gerstein ensnared himself in the Nazi killing program. Although it conceded that Gerstein was never a willing accomplice to these crimes, it observed that he was "an important link in the chain of responsible people" and had to have realized that he was not in a position to hinder the program of destruction. Following his experience at Bełżec, he should have resisted "with all his strength" being used "as a handyman for organized mass murder."¹⁰⁵

Regarding Gerstein's attempts at sabotage, the denazification tribunal adopted the Frankfurt court's conclusion that Gerstein had failed to divert the shipments of Zyklon B from their intended use against prisoners at Auschwitz. The tribunal accepted the Degesch trial's conclusion that Gerstein had known that the Zyklon B he acquired was to be used for murder, and that he had thus "cooperated in definitive ways with the most monstrous crimes of the Nazi State." The tribunal noted that he would have been tried as a war criminal had he not committed suicide. Based on this finding, in the court's opinion, Gerstein deserved to be classified as a "main offender." However, this opinion was tempered by Gerstein's resistance activities prior to his entering the SS and his attempts to inform contacts at home and abroad after visiting Bełżec. In the end, the tribunal labeled Gerstein "tainted," the second-worst category.¹⁰⁶

Frau Gerstein appealed the decision. On reviewing the evidence of the case, an appeals tribunal confirmed the earlier judgment. Transmitting the order for Zyklon B to Degesch, the tribunal declared, made Gerstein an accessory to murder, since he knew "in full measure" the purpose of this gas.¹⁰⁷ Again, the tribunal rejected Gerstein's contention that he could best resist the regime from within. Rather, it insisted that Gerstein had to have recognized his powerlessness to prevent the crimes and should have left the SS.¹⁰⁸ Moreover, Frau Gerstein had to assume the costs of the proceedings—more than 24,000 deutschmarks.¹⁰⁹ She was also blocked from accepting a \$3,000 inheritance from Gerstein's American uncle Robert Pommer.¹¹⁰ These penalties threw the Gerstein family into crisis.

Although Frau Gerstein allowed the matter of her husband's denazification status to rest for several years, she was not discouraged from seeking financial restitution from the government. With much outside support, she sought Gerstein's rehabilitation and compensation for the persecution he had endured as an opponent of National Socialism. In summer 1954, through the intervention of the former Bundestag president (and longtime friend of Gerstein) Dr. Hermann Ehlers, she sought clemency from the minister-president of Baden-Württemberg. The granting of clemency, essentially a reclassification of Gerstein as "exonerated," was the most straightforward way to recognize the merit of Gerstein's resistance, as well as to provide financial relief to Gerstein's heirs. The ruling was at the minister-president's discretion. To assist him in his decision, he asked the Clemency Committee of the Baden-Württemberg Justice Ministry to investigate Gerstein's case.¹¹¹

The committee's report, which relied heavily on the denazification tribunal's verdict, reached the by now familiar conclusion: it questioned Gerstein's motives for joining the SS, emphasized "his cooperation in the killing of innumerable Jews in Auschwitz," and concluded that he should have done more to keep from being involved in SS crimes.¹¹² Following the committee's recommendation, Minister-President Gebhard Müller denied the clemency claim. However, since so many

important witnesses had vouched for Gerstein, he decided that the family should no longer be held accountable for the cost of the denazification proceedings.¹¹³

The same government officials who proposed rejecting Frau Gerstein's claim for clemency informed her that she could apply for a "Kriegshinterbliebenenrente," essentially a war widow's pension, according to the Federal Assistance Law (*Bundesversorgungsgesetz*, BVG). A recent development in the law stipulated that denazification decisions no longer impeded applications for this type of state support.¹¹⁴ The BVG provided support for individuals—or their heirs—who had suffered damage to their health or economic situation because of the war.¹¹⁵ The law made particular provisions for former prisoners of war. Accordingly, Frau Gerstein applied for support on the basis of her husband's death while in French custody. The application was rejected and appealed several times before a final and binding decision was reached. In the end, provincial authorities concluded that Gerstein's arrest by the French was legitimate. In July 1962, they rejected Frau Gerstein's BVG claim.¹¹⁶

The matter rested for two years until a Jewish merchant and former concentration camp inmate named Issy Wygoda presented himself to the provincial Justice Ministry in 1964 and requested an annulment of the denazification tribunal's verdict against Gerstein. Wygoda sought to remove the classification of "tainted," arguing that Gerstein had stood up for human rights despite persecution and imprisonment. He further requested that Frau Gerstein and her children be recognized under the Federal Law for the Compensation of the Victims of National Socialist Persecution (*Bundesentschädigungsgesetz*, BEG), which awarded funds to individuals who had been persecuted and had suffered physical harm and/or damage to their professional lives on account of their race, religion, or political beliefs.¹¹⁷ In particular, Wygoda proposed that Gerstein's heirs could claim compensation for his dismissal from his civil service job in 1937 for resistance activities.¹¹⁸ Through radio, the press, and private letters, numerous individuals and organizations supported Wygoda's proposal for Gerstein's rehabilitation.¹¹⁹ Most notably, the head of the Central Council of Jews in Germany proclaimed publicly that Gerstein's informing contacts about the mass murders of Jews was a true act of resistance.¹²⁰ On 20 January 1965 Minister-President Gerhard Kiesinger of Baden-Württemberg announced Gerstein's formal reclassification as "exonerated."¹²¹

Adjudication of the compensation claim was complicated, however. Provincial and federal authorities considered Gerstein's case simultaneously. The provincial Justice Ministry examined Gerstein's case in light of Article Six of the BEG, which stipulated that any former member of the NSDAP or one of its organizations was excluded from compensation unless the individual's membership was only nominal in character and he or she had fought National Socialism at risk to him- or herself. The authorities agreed that during the period of his membership in the NSDAP and SA, Gerstein had actively resisted the Nazi regime. However, they continued, his SS membership could not be excused. As with so many previous adjudications, Gerstein's

connection to Zyklon B was seen as conclusively damning. Despite his efforts to render the poison unusable, “Gerstein’s behavior had provided a considerable contribution to the National Socialist destruction of the Jews.”¹²²

This decision was not made public, nor did it conclude the matter. The federal authorities were responsible for reviewing the case in light of the Law for the Compensation for National Socialist Injustice of Members of the Public Service (*Gesetz zur Regelung der Wiedergutmachung nationalsozialistischen Unrechts für Angehörige des öffentlichen Dienstes*, or BWGöD). This law, related to the BEG, applied specifically to former civil servants. It also contained an exclusion clause, whereby former members of the NSDAP or any of its organizations, and supporters of National Socialism (and by extension, their heirs) were blocked from compensation, unless they had fought National Socialism actively and had been persecuted because of it.¹²³

Federal Ministries of the Interior and Economy reviewed Gerstein’s case in light of the BWGöD. In comparison to all previous decisions, the federal authorities were the most stringent in their application of the law, declaring that Gerstein’s membership in the Nazi Party and SA demonstrated sufficient personal support of the regime to exclude his heirs from compensation. The tone of the ministries’ report denoted more than a narrow interpretation of the law; rather, it seemed to indicate impatience, if not antipathy, toward the Gerstein case: “With this decision, the claimant and her advisor are prevented from blowing out of proportion Gerstein’s entry and activity in the Waffen SS as a resistance action.” At the same time, the ministries seemed reluctant to publicize this decision. Instead, they suggested a private settlement that would avoid “considerations and explanations about Gerstein’s behavior.”¹²⁴

As it happened, former civil servants (or their heirs) who were denied compensation according to the BWGöD came under an article of the federal constitution that governed the awarding of pensions to former civil servants. Adjudication on this basis was no longer a matter of compensation but a matter of pension stemming from former civil service employment. The apparent contradiction in denying compensation but granting pension was resolved by privileging the constitutional law over the BEG/BWGöD. Regarding the application of this provision, the law declared that any person whose activity *seen in total above all* served the maintenance of the illegal and arbitrary system of National Socialism no longer enjoyed employee rights.¹²⁵

Authority reverted to provincial authorities in Baden-Württemberg for a final decision. The Baden-Württemberg Finance Ministry prepared one last exhaustive report on Gerstein’s life and activities. In it, the ministry remarked that although his intentions to sabotage seemed to have been confirmed by his spreading the truth of these crimes to contacts at home and abroad, Gerstein had nevertheless facilitated the delivery of Zyklon B to places where he knew mass killings were being carried out. Ultimately, however, “his” Zyklon B represented only a fraction of the amount consumed at Auschwitz, and, more important, there was no definitive proof that it had been used to kill human beings. The Finance Ministry concluded that the conditions

of exclusion were not necessarily met and that ethical considerations pointed to a settlement in the form of a widow's pension in view of Gerstein's former civil service employment.¹²⁶ But, because this was considered a "borderline" case, the ministry suggested a private settlement that would cover all claims in one stroke.¹²⁷

During a meeting of the Baden-Württemberg ministers of finance and justice on 13 June 1969, provincial government authorities presented Frau Gerstein with a final settlement. Since Kurt Gerstein had lost his position as a mine inspector and civil servant for reasons "other than officially sanctioned," his wife obtained a widow's pension stemming from her husband's former civil servant status. The settlement simultaneously and explicitly ruled out any further claims under the BEG and the BWGöD.¹²⁸

It is important to highlight the difference between the compensation and pension components of the settlement, since these terms implied two distinctly different justifications. Compensation denoted making amends for an injustice. The injustice contested in the Gerstein case was originally the denazification judgment that barred Gerstein's heirs from financial support despite his history of resistance to the Nazi regime. The denazification classification was changed, but this did not involve restitution for the persecution Gerstein had suffered in his personal or professional life at the hands of the Nazis. Rather, it shifted the focus of debate to a comparison of Gerstein's voluntary membership in several Nazi organizations with the regime's persecution of him in order to decide, in effect, which was worse. In the end, government authorities denied compensation claims because Gerstein's resistance was not valued highly enough to mitigate his membership in the NSDAP, SA, and SS. The implicit conclusion was that Gerstein was not an irreproachable victim. On the other hand, *pension* denoted that which was Gerstein's right as a former state employee. The awarding of this pension entailed a rather ambivalent recognition of Gerstein's motives and resistance activities—a recognition that was weakened by the provincial government's weary resignation to the fact that there was simply insufficient evidence to show why Gerstein's family should be denied it.

Conclusion

For the courts and government bodies that passed judgment on Gerstein's life, the insurmountable problem was his coordination of Zyklon B shipments to Auschwitz. With this, the courts concluded, Gerstein crossed the line from a potentially justifiable compromise with the Nazi regime to criminality and, moreover, to a betrayal of his conscience. The courts acknowledged that he did not approvingly participate in SS crimes and had had good intentions to sabotage, but concluded that the "machinery was stronger than he was." They intimated that Gerstein could have avoided being drawn into the program of destruction, and thereby kept his conscience clean, had he left the SS after his experience at Belzec. On numerous occasions, the courts insisted that, once he knew the scope of the Nazis' crimes, he must have recognized

his powerlessness to prevent them and should have exempted himself from any involvement. The courts' tone was dismissive and at times also contemptuous.

Beyond disputing Gerstein's decision to remain in the SS, some of the courts also questioned Gerstein's motives for joining the SS in the first place. This is understandable. As discussed above, the timing and circumstances surrounding Gerstein's voluntary membership are murky. Moreover, opposition to anti-Jewish policy was not the primary motivating factor, even if we accept Gerstein's postwar explanation. According to Gerstein and to witnesses, it was a broader concern with crime and truth that led him to the SS. Earlier and ongoing opposition to anti-Jewish policy would have enabled the courts (and us) to draw clear links between his prewar and wartime SS resistance activities. As it is, the connection is more tenuous. Even after his imprisonment for anti-Nazi activity and the shock of *Kristallnacht*, Gerstein appears to have longed for some sort of coexistence, if not reconciliation, with the regime. Indeed, in the years between the pogrom and his joining the SS, Gerstein was neither consistent in, nor articulate about, his actions. Certainly the pressure from his family, the lack of clear spiritual or other guidance except in a most general way, and his own reservations about the regime pushed him in several directions at once. Unfortunately for his family, his actions came to be judged in a series of legal processes in which the qualities of consistency and clarity were what were needed to make his case convincing.

Whatever doubts linger about the last few years preceding his entry into the SS, there is no question that his experience at Belzec was the defining moment in his relationship to the Nazi state. The urgency and vividness of his description of the mass gassing, composed nearly three years after the event, are evidence that witnessing the murder of these Jews was just as horrifying then as the day Gerstein lived it. His communications and attempted communications to religious, Neutral, and Allied circles and his interventions in the gas supply offer proof of his profound desire to bring these murders to an end.

In assessing Gerstein's actions, the courts returned again and again to the idea that Gerstein should have left the SS rather than become involved in its crimes. The implication is that Gerstein would have been in a better legal (and moral) position had he never tried to subvert the crimes of the Nazis from within. But I would argue that Gerstein's decision to stay in the SS after Belzec is deserving of greater consideration than the courts granted. For Gerstein, the experience of total evil required a response without limitations. Therefore, he consciously entrenched himself in the very machinery of destruction in order to maximize the potential of his opposition. Gerstein's commitment to opposition, I would add, originated in his personal understanding of Christian faith. His religious devotion was not an abstract or ritualistic spirituality; rather, he felt that belief in God had to be accompanied by action. As his good friend Helmut Franz explained: "He hated nothing more than cheap, false piety.... The faith was only legitimized if he himself showed compassion for and

helped his neighbor.”¹²⁹ Once in the SS and a witness to its crimes, he felt this sense of responsibility to his fellow man all the more deeply. Indeed, he knew, from personal experience, the futility of resistance from outside the Nazi apparatus. So he remained where he was—at great risk, it should be emphasized, to himself and his family. It was an extraordinary, unique, and deeply troubling decision. Indeed, the moral quandary involved in reconciling Gerstein’s deliberate participation in a criminal organization to his stated intentions was not limited to the courts alone. His longtime friend and confidant Pastor Rehling remarked: “He was considered by his contemporaries with a shake of the head.”¹³⁰

Although Gerstein embarked on his path of resistance from within the SS consciously and with commitment, once his course was set, he found himself in a psychologically impossible situation. Maintaining his post required at least an outward show of loyalty to the SS. Moreover, Gerstein must have realized that his chances of halting the destruction program were small. Therefore, despite having followed the demands of his conscience, he was tormented by his decisions. His wartime conversations, correspondence, and his eventual suicide reveal that the peace of mind that is the customary reward for acting according to one’s conscience eluded him until the end. Still, Gerstein never lost faith in the potential of his position in the SS, just as he always believed that if the world knew what was happening to the Jews, enough people would join him in opposing the Nazis to bring about their demise. The tragedy of Gerstein’s story is that he was alone in his efforts, that these efforts in all likelihood were swallowed up by the Nazi machine, and that ultimately his resistance implicated him in the deaths of innocent people. But recriminations are misplaced if they are based (as the courts’ conclusions were) on the belief that Gerstein’s resistance was illusory conceit. The courts’ dissatisfaction with Gerstein’s case rightly belongs to the refusal by others to risk as much as he did in the response to catastrophe. As Gerstein’s good friend wrote to his widow, had more people accepted responsibility for fighting the evil of Nazism, “it would not have come to this in Germany.”¹³¹

Notes

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1. I used three versions of Gerstein’s report: one written in French, dated 26 April 1945, and two written in German, dated 4 and 6 May 1945. The Institut für Zeitgeschichte published the German 4 May 1945 report with a commentary by Hans Rothfels in the inaugural issue of its quarterly. See Hans Rothfels, “Augenzeugenbericht zu den Massenvergasungen,” *Vierteljahrshefte für Zeitgeschichte* 1 (1953): 177–94.

2. Statement of Otto Völckers, 16 February 1949, Staatsarchiv Sigmaringen (Hereafter SAS), Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

3. Helmut Franz, *Kurt Gerstein: Aussenseiter des Widerstandes der Kirche gegen Hitler* (Baden: EVZ-Verlag Zürich, 1964); Saul Friedländer, *Kurt Gerstein ou l'ambiguïté du bien* (Paris: Casterman, 1967); Pierre Joffroy, *L'espion de Dieu: La passion de Kurt Gerstein* (Paris: Grasset, 1969); Jürgen Schäfer, *Kurt Gerstein, Zeuge des Holocaust: Ein Leben zwischen Bibelkreisen und SS* (Bielefeld: Luther-Verlag, 1999). Friedländer's biography appeared also in translation as *Kurt Gerstein: The Ambiguity of Good* (New York: Knopf, 1969 and 1983); *Counterfeit Nazi: The Ambiguity of Good* (London: Weidenfeld and Nicolson, 1969); and *Kurt Gerstein oder die Zweispältigkeit des Guten* (Gütersloh: Bertelsmann Sachbuchverlag, 1968). Joffroy's has appeared as *A Spy for God: The Ordeal of Kurt Gerstein* (New York: Harcourt Brace Jovanovich, 1971); *Der Spion Gottes: Die Passion des Kurt Gerstein* (Stuttgart: Koehler Verlag, 1972); *Der Spion Gottes: Kurt Gerstein—ein SS-Offizier im Widerstand?* (Berlin: Aufbau Taschenbuch Verlag, 1995). Florent Brayard, a historian at the Paris Institut d'Histoire du Temps Présent, also has written about Kurt Gerstein. His article "Humanity versus Zyklon B" in John Roth and Elisabeth Maxwell, eds., *Remembering for the Future 2000: The Holocaust in an Age of Genocide* (London: Macmillan, 2001) examines the moral implications of Gerstein's request to have the irritant present in Zyklon B removed prior to its use against human beings. His article "Un rapport précoce de Kurt Gerstein" (*Bulletin du Centre Historique Français de Jérusalem* 6 (2000): 69–88) examines the Dutch government's wartime reception of the eyewitness account of the mass gassing at Bełżec—a report that Gerstein had provided to contacts in the Dutch resistance in 1943. At a January 1998 Potsdam conference titled "Vom Prozess zur Geschichte: Die juristische und historische Aufarbeitung der Shoa in Frankreich und Deutschland," Brayard presented a paper entitled "Comment écrire l'histoire sans archives? Un regard sur l'historiographie du camp d'extermination de Bełżec," in which he discussed the impact of Gerstein's reports on the historiography of the Bełżec camp.

4. Joffroy, *A Spy for God*, p. 10.

5. See: Lucy S. Dawidowicz, ed., *A Holocaust Reader* (New York: Behrman House, 1976), p. 86; Klemens von Klemperer, in David Clay Large, *Contending with Hitler: Varieties of German Resistance in the Third Reich* (Cambridge: Cambridge University Press, 1991), p. 133; Peter Hoffmann, *The History of the German Resistance, 1933–1945* (London: Macdonald and Jane's, 1977), p. 23; Israel Gutman, ed., *Encyclopedia of the Holocaust* (New York: Macmillan, 1990), p. 575; Raul Hilberg, *Perpetrators Victims Bystanders: The Jewish Catastrophe, 1933–1945* (New York: HarperCollins, 1992), p. 218; Richard Gutteridge, *Open Thy Mouth for the Dumb! The German Evangelical Church and the Jews, 1879–1950* (Oxford: Blackwell, 1976), p. 255.

6. Raul Hilberg, *The Destruction of the European Jews*, student ed. (New York: Holmes & Meier, 1985), p. 236, and Hilberg, *The Destruction of the European Jews*, rev. ed., 3 vols. (New York: Holmes & Meier, 1985), pp. 890–92; Franciszek Piper, *Auschwitz, 1940–45: Central Issues in the History of the Camp*, vol. 3, *Mass Murder* (Oświęcim: Auschwitz-Birkenau State Museum, 2000), p. 199. Gerstein was not the sole supplier of Zyklon B to Auschwitz. For more on this, see note 88.

7. Saul Friedländer, *Pius XII and the Third Reich: A Documentation* (New York: Octagon Books, 1980), p. 129; Walter Laqueur, *The Terrible Secret: The Suppression of the Truth about Hitler's "Final Solution"* (Boston: Little, Brown, 1980), p. 50; Susan Zuccotti, *Under His Very Windows: The Vatican and the Holocaust in Italy* (New Haven: Yale University Press, 2000), p. 108.

8. Hoffmann, *The History of the German Resistance*, p. 24; Gutteridge, *Open Thy Mouth for the Dumb*, pp. 255, 280.

9. Kurt Rehling, "Ein Aussenseiter des Widerstandes: Kurt Gerstein; sein Leben und sein Wirken in der Sicht eines Freundes," report located in the archives of the Kurt Gerstein House Hagen-Berchum. Although originally published in three parts by the *Westfälische Kirchenblatt* in 1964, this work was reprinted as one article in a collection of material edited by the Förderkreis "Kurt Gerstein" and titled "Kurt Gerstein: Eine fesselnde Biographie," produced for the third conference on Kurt Gerstein held at the Kurt Gerstein House on 21 and 22 November 1997 in Hagen-Berchum.
10. Ludwig Gerstein, letter to Kurt Gerstein, 8 October 1938, Evangelische Kirche von Westfalen, Landeskirchliches Archiv Bielefeld (hereafter LAB), Bestand 5, 2, no. 65d.
11. Kurt Gerstein, German Report, 4 May 1945, Zentrale Stelle der Landesjustizverwaltungen, Ludwigsburg (hereafter ZstL), 206 AR-Z 827/63, Blätter 2228–2245. The Federation of German Bible Circles decided to dissolve itself rather than join any Nazi youth organization. In a ceremony during which members burned their flags, Gerstein gave a speech comparing the organization's dissolution with Scapa Flow, where, in June 1919, the German navy scuttled most of its High Seas Fleet to prevent the ships from falling into Allied hands. Schäfer, *Kurt Gerstein: Zeuge des Holocaust*, pp. 71, 75–76.
12. Kurt Gerstein, French Report, 26 April 1945, LAB, Bestand 5, 2, no. 32 and 34. On Gerstein's activities in the German Evangelical youth movement, see Schäfer, *Kurt Gerstein: Zeuge des Holocaust*.
13. Gerstein's contacts included, among many others, Dr. Martin Niemöller (co-founder of the Confessing Church), Dr. Otto Dibelius (the Evangelical Bishop of Berlin), and Dr. Hermann Ehlers (head of the Evangelical Central Council and future Bundestag President).
14. Kurt Gerstein, letter to Egon Franz, 19 Aug. 1934, LAB, Bestand 5, 2, no. 178.
15. Ibid.
16. Statement of Kurt Rehling, 11 April 1946, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.
17. Ernst Brinkmann, "Im Engagement für die christliche Sache: Kurt Gersteins Lebensweg," *Beiträge zur Geschichte Dortmunds* 62 (1965): 1–18.
18. Baden-Württemberg Staatsministerium, report on the Gerstein case, 27 January 1965 and Baden-Württemberg State Ministry, Overview re: Kurt Gerstein, 6 July 1964, Archives of the Staatsministerium Baden-Württemberg (hereafter SMBWA), Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969; Gerstein, French Report; and Otto Wehr statement, 24 January 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138. Original copies of three of the pamphlets that Gerstein authored are held at the Landeskirchliches Archiv in Bielefeld.
19. Arrest order for Kurt Gerstein, 26 September 1936, quoted in Schäfer, *Kurt Gerstein: Zeuge des Holocaust*, p. 101.
20. Gerstein, French report.
21. Statement of Gerhard Schinke, 27 Jan. 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

22. Statement of Pastor Gädeke (first name not indicated), 27 January 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.
23. The brochures were titled “Entchristlichung der Jugend” (The De-Christianization of Youth), “Ein Wort zur kirchlichen Lage” (A Word on the Church Situation), “Predigt am 3. Mai 1935 in der Gemarker Kirche zu Wuppertal-Barmen, gehalten vom Pastor Humburg” (Sermon by Pastor Humburg of 3 May 1935 in the Wuppertal-Barmen District Church), and “Erklärung zum Protokoll der Gendarmerie—Station Penzberg/Oberbayern zur Anzeige wegen Nichtbeflagung der Kirchen am 1. Mai 1936” (Declaration on the Protocol of the Police Force—Penzberg Station/Upper Bavaria on the Reporting of Churches for not Flying the Flag 1 May 1936), all in Baden-Württemberg Staatsministerium, Overview re: Kurt Gerstein, 6 July 1964, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.
24. Baden-Württemberg State Ministry, Overview re: Kurt Gerstein, 6 July 1964.
25. Übersicht über die berufliche und politische Betätigung des Kurt Gerstein, geb. 11.8.1905 in Münster i.W. (Overview of the Professional and Political Activity of Kurt Gerstein, Born 11.08.1905 in Münster i.W.), (n.d.) Hauptstaatsarchiv Stuttgart (hereafter HAS), Bestand A 3619.
26. Kurt Gerstein, letter of appeal to the party court in South Westphalia, 28 Nov. 1936, Bundesarchiv Berlin (hereafter BAB), Bestand OPG Gerstein, Kurt 11.08.1905.
27. Friedländer, *Kurt Gerstein: The Ambiguity of Good*, p. 50.
28. Ludwig Gerstein, letter to Kurt Gerstein, 8 Oct. 1938, LAB Bestand 5, 2, no. 65d.
29. Kurt Gerstein, letter to Elfriede Bensch, 22 Jan. 1937, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969. Gerstein became engaged to Elfriede Bensch, a pastor’s daughter, in November 1935. They married on 31 August 1937. He spoke very little of her in his letters and reports, and, although he wrote to her frequently, it is not clear how much he told her of his resistance activities. They spent most of the war years apart—he in Berlin and abroad, she in Tübingen.
30. High Party Court, judgment re: Kurt Gerstein, 10 June 1939, LAB, Bestand 5, 2, no. 28.
31. Kurt Gerstein, letter to Elfriede Bensch, 18 Feb. 1937, LAB, Bestand 5, 2, no. 244.
32. Munich Gestapo, ban on public speaking for Kurt Gerstein, 24 May 1937, BAB, Records of the Munich Gestapo VGH/Z W 186.
33. Attorney General of the Stuttgart Provincial Court, records of the criminal case against Dr. Richard Wenz et al. on the charge of preparation of high treason, 2 Sep. 1938, Institut für Zeitgeschichte, München (hereafter IZM), Fa 130/2.
34. Kurt Gerstein, letter to Robert Pommer and Robert Pommer Jr., November 1938, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.
35. Statement of Kurt Rehling, 1 Feb. 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.
36. Völckers statement, 16 Feb. 1949.

37. Gerstein, letter to Robert Pommer and Robert Pommer Jr., November 1938, SMBWA. This was one of the letters Gerstein wrote during his Mediterranean cruise and is therefore uncharacteristically candid.
38. Gutteridge, *Open Thy Mouth for the Dumb*, p. 281.
39. Kurt Gerstein, letter to Ludwig Gerstein, 26 Nov. 1938, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969. My emphasis.
40. Hey et al., *Kurt Gerstein, 1905–1945*, p. 45.
41. Gerstein Sr. exhibited a preoccupation with the Gerstein-Schmemann genealogy. Between 1934 and 1946 he wrote and published four family histories. See Ernst Brinkmann, “Im Engagement für die christliche Sache—Kurt Gersteins Lebensweg,” *Beiträge zur Geschichte Dortmunds* 62 (1965): 1–18.
42. Testimony of R. Coste, 8 Sep. 1951, quoted in Friedländer, *Kurt Gerstein: The Ambiguity of Good*, p. 11.
43. Gerstein, German report, 4 May 1945, and Friedländer, *Kurt Gerstein: The Ambiguity of Good*, p. 50.
44. Kurt Gerstein, letter to Ludwig Gerstein, 26 Nov. 1938, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.
45. Gerstein, German report, 4 May 1945. In his French report Gerstein wrote: “I had but one desire: to see, to see into all this machinery and to cry it aloud to the people!”
46. Gerstein, German report, 4 May 1945, and Gerstein, French Report.
47. “Overview of the Professional and Political Activity of Kurt Gerstein”; Baden-Württemberg Justice Ministry, note for the Gerstein rehabilitation, 20 Nov. 1967, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969; Dr. H. Wilhelm, report for the State Commissariat for Political Cleansing in Tübingen, 3 March 1950, Hessisches Hauptstaatsarchiv Wiesbaden (hereafter HHAW), Records of the criminal case against Dr. Gerhard Peters, Abt. 461, no. 33395–33404.
48. Kurt Gerstein, curriculum vitae, 15 Aug. 1940, LAB, Bestand 5, 2, no. 93.
49. Kurt Gerstein, letter to Elfriede Gerstein, 5 Dec. 1940, LAB, Bestand 5, 2, no. 107.
50. Hey et al., *Kurt Gerstein, 1905–1945*, p. 49.
51. Armin Peters, statement for the provincial court in Frankfurt am Main, 23 October 1954, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.
52. Dr. Otto Dibelius, letter to Ernst Küpper, 5 July 1946. Pastor Rehling concurred, explaining that Gerstein had entered the SS “with the pronounced will to 1) study as thoroughly as possible the plans and intentions of the Third Reich, and 2) hinder murders and rescue oppositionist friends at the time of the Third Reich’s collapse, which he expected.” (Rehling statement, 11 April 1946) Both in SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.
53. Irene Sagel-Grande, H.H. Fuchs, and C.F. Rüter, eds., *Justiz und NS-Verbrechen: Sammlung Deutscher Strafurteile wegen Nationalsozialistischer Tötungsverbrechen, 1945–1966*,

vol. 13, Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern* (Amsterdam: University Press Amsterdam, 1975), LG Frankfurt am Main vom 27.5.1955, 4a Ks 1/55, 23.

54. Gerstein, German report, 4 May 1945; and Gerstein, French report.

55. Gerstein, German report, 4 May 1945. It should be noted that the concentration camp that was built in the town of Oranienburg (35 kilometers outside Berlin) to house political prisoners ceased to exist in March 1935. It was, for all intents and purposes, replaced in 1936 by the much larger Sachsenhausen camp, located on the outskirts of Oranienburg. Sachsenhausen was constructed as a model for concentration camps and housed a training school for concentration camp personnel. The 1938 transfer of the Office of the Inspectorate of Concentration Camps to the Oranienburg area reinforced Sachsenhausen's status as a model camp. The camp contained a school that trained SS personnel in all methods of disinfection and delousing. Because of the close relationship between the Sachsenhausen camp and both the former Oranienburg camp and the town of Oranienburg, it was very common, particularly among SS personnel, to refer to Sachsenhausen as "Oranienburg." Gerstein did this in his reports and letters; the courts and government officials who reviewed his case did likewise. In the interests of consistency with the sources, I use the term Oranienburg, but the reader should understand that the references are actually to Sachsenhausen.

56. Gerstein, German report, 4 May 1945; and Gerstein, French report.

57. Interrogation of Kurt Gerstein at the 2nd Military Tribunal of Paris for the investigation of war crimes, 19 July 1945, LAB, Bestand 5, 2, no. 489b.

58. Gerstein, German report, 4 May 1945.

59. Gerstein, French report.

60. *Ibid.*, and Gerstein, German report, 4 May 1945.

61. Gerstein, French report.

62. Gerstein, German report, 4 May 1945.

63. Gerstein, French Report; and statement of Dr. Hermann Ehlers, 26 Jan. 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

64. Dibelius letter, 5 July 1946; Rehling statement, 1 Feb. 1949; Statement of Otto Wehr, 16 Feb. 1949; Völckers statement, all in SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

65. Gerstein, German report, 4 May 1945; and Gerstein, French report.

66. Gerstein, French Report; Gerstein, German report, 4 May 1945; and Kurt Gerstein, German Report, 6 May 1945, excerpt contained in Sagel-Grande et al., *Justiz und NS-Verbrechen*, vol. 13, Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern*, LG Frankfurt am Main vom 27.5.1955, 4a Ks 1/55, 20. There is a slight discrepancy among the reports on this point: only one mentions Berlin as the original destination (German Report of 4 May 1945), but all three name Auschwitz and Oranienburg as the final destinations.

67. Gerstein, German report, 4 May 1945; and Gerstein, French report.

68. Wehr statement, 24 Jan. 1949.

69. Kurt Gerstein, letter to Ludwig Gerstein from hospital in Helsinki, 5 March 1944, LAB, Bestand 5, 2, Nr. 29. Emphasis in the original.
70. Ludwig Gerstein, letter to Elfriede Gerstein describing what he had written to Gerstein in 1944, 24 Nov. 1946, SMBWA.
71. Kurt Gerstein, letter to Ludwig Gerstein from hospital in Berlin, fall 1944, LAB, Bestand 5, 2, Nr. 1.
72. Verbal proceeding for Kurt Gerstein at the 2nd Permanent Military Tribunal in Paris, 13 July 1945, LAB, Bestand 5, 2, no. 489a.
73. Interrogation proceeding of Kurt Gerstein at the 2nd Military Tribunal in Paris, 19 July 1945, LAB, Bestand 5, 2, no. 489b.
74. J. Truiller, Cherche-Midi prison doctor, handwritten note about the discovery of Gerstein's body and the apparent cause of death, 25 July 1945, LAB, Bestand 5, 2, no. 489c.
75. L'Officier Greffier, Chef du Dépôt Central d'Archives de la Justice Militaire, letter to Ministre des Armes, Direction de la Gendarmerie et de la Justice Militaire, Paris, 26 Oct. 1960, IZM, Eich 183, Gerstein, Kurt SS-Ostuf.
76. The judgment of this first trial was appealed and revised seven more times before a final binding verdict was reached in May 1955. All eight judgments with reasons are published in Sagel-Grande et al., *Justiz und NS-Verbrechen*, vol. 13, Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern*.
77. The British tried three employees of the Tesch and Stabenow firm in 1946 for their complicity in the murder of interned Allied civilians by means of Zyklon B. Bruno Tesch and Karl Weimbacher, owners of Testa, were sentenced to death. See: Angelika Ebbinghaus, "Der Prozeß gegen Tesch & Stabenow: Von der Schädlingsbekämpfung zum Holocaust," *1999 Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts* 13 (1998) 2: 16–71, and Piper, *Auschwitz, 1940–1945*, vol. 3, *Mass Murder*, p. 199 n. 612.
78. Sagel-Grande, et al., *Justiz und NS-Verbrechen*, vol. 13: Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern*, LG Frankfurt am Main vom 28.3.1949, 4 Ks 2/48, 2.
79. Edouard Kohlrausch and Richard Lange, eds., *Strafgesetzbuch mit Erläuterungen und Nebengesetzen* (Berlin: de Gruyter, 1950), p. 282.
80. Sagel-Grande et al., *Justiz und NS-Verbrechen*, vol. 13: Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern*, LG Frankfurt am Main vom 28.3.1949, 4 Ks 2/48, 2 and 23.
81. *Ibid.*, 10.
82. *Ibid.*, 4. The majority of the victims killed at Auschwitz were Jews, but the Nazis also murdered Sinti and Roma, Poles, and Soviet prisoners of war there.
83. *Ibid.*, 17–20.
84. *Ibid.*, 19.
85. *Ibid.*, 29–30.
86. *Ibid.*, 32.
87. *Ibid.*, 33.

88. Ibid. The Frankfurt court painstakingly traced the amounts of Zyklon B that had been delivered in accordance with Gerstein's 1943 order as well as the amounts of Zyklon B that had been delivered to Auschwitz by the Testa firm. Using Degesch dispatch and accounting records, the court calculated that the total amount of Zyklon B sent to Auschwitz and Oranienburg in accordance with Gerstein's order totaled 3,790 kilograms. Indeed, Gerstein attached invoices to his 26 April 1945 report for shipments of Zyklon B that accounted for 2,175 kilograms. Since the shipments to Oranienburg could not be proven to have remained or been used there, they were discounted. Therefore, the court could show that altogether only 1,775 kilograms of irritant-free Zyklon B had been sent to Auschwitz in accordance with Gerstein's order (590 kilograms in 1943 and 1,185 kilograms in 1944). Testa's bookkeeping records—examined in the British trial of the firm's former manager Dr. Bruno Tesch and others revealed that in 1942 alone, Testa delivered 7,478 kilograms of Zyklon B to Auschwitz. In 1943 it delivered 12,174 kilograms. Only partial records exist for 1944, but these show that that year Testa delivered 1,999 kilograms to Auschwitz. Incidentally, these figures are the ones quoted by Raul Hilberg in both the student and the revised edition of his *Destruction of the European Jews* (pages 237 and 890, respectively). However, these figures did *not* include the deliveries made in accordance with Gerstein's order. See Sagel-Grande et al., *Justiz und NS-Verbrechen*, vol. 13: Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern*, LG Frankfurt am Main vom 28.3.1949, 4 Ks 2/48, 11, 33–38, and *ibid.*, vom 27.5.55, 4a Ks 1/55, 6. Therefore, although "Gerstein's" Zyklon B accounted for a great quantity of the poison shipped to Auschwitz, he was not the sole, or even the main, supplier to the camp.

89. Sagel-Grande et al., *Justiz und NS-Verbrechen*, vol. 13: Lfd. no. 415: *Massenvernichtungsverbrechen in Lagern*, LG Frankfurt am Main vom 28.3.1949, 4 Ks 2/48, 33.

90. *Ibid.*, 10 and 34.

91. *Ibid.*, 34.

92. *Ibid.*

93. *Ibid.*

94. *Ibid.*, 37.

95. *Ibid.*, 38.

96. *Ibid.*

97. *Ibid.*, 1.

98. *Ibid.*, 55.

99. *Ibid.*, 62.

100. On Hitler's wartime intentions regarding the treatment of "internal enemies," including discussion of Günther's order to Gerstein, see Florent Brayard, *"La solution finale de la question juive": La technique, le temps et les catégories de la décision* (Paris: Fayard, 2004), especially the concluding section, "L'ennemi intérieur," pp. 437–78.

101. Drost (attorney representing Gerhard Peters, no first name indicated), appeal report for the Frankfurt jury court, 25 July 1949, HHAW, Records of the criminal case against Dr. Gerhard Peters, Abt. 461, no. 33395–33404. Of nearly 24.2 tons of Zyklon received at Auschwitz, Testa

supplied over 21.6 tons. Testa supplied over 66 tons of Zyklon to various camps during the period 1942–1944.

102. Baden-Württemberg Province State Commissariat for Political Cleansing, Denazification Tribunal, judgment with reasons, 17 August 1950, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

103. J. H. Ubbink, statement for Erika Arajs at the U.S. Department of Justice, 14 Sep. 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

104. Rehling, statement, 1 Feb. 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

105. Baden-Württemberg Province State Commissariat for Political Cleansing, Denazification Tribunal, judgment with reasons, 17 Aug. 1950, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

106. *Ibid.*

107. Baden-Württemberg Province State Commissariat for Political Cleansing, Denazification Tribunal, judgment upon appeal with reasons, 16 Nov. 1950, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

108. *Ibid.*

109. Baden-Württemberg Province State Commissariat for Political Cleansing, Denazification Tribunal, judgment with reasons, 17 Aug. 1950, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

110. Memorandum re: communication of Erika Arajs, U.S. Department of Justice, Overseas Branch, Munich, re: Robert Pommer Trust, 9 Feb. 1950, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

111. Baden-Württemberg Justice Ministry, letter to Elfriede Gerstein, 28 Nov. 1955, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

112. Report of the Clemency Committee of the Baden-Württemberg Justice Ministry, proposal with reasons, 20 Dec. 1955, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

113. Minister-President of Baden-Württemberg Gebhard Müller, letter from the State Ministry to Baden-Württemberg Justice Ministry, 23 Dec. 1955, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

114. Baden-Württemberg Justice Ministry, letter to the Baden-Württemberg State Ministry, 1 Feb. 1956, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

115. On the wording of article 1 of the Bundesversorgungsgesetz (Gesetz über die Versorgung der Opfer des Krieges), see: http://bundesrecht.juris.de/bundesrecht/bvg/_1.html (accessed Dec. 2004).

116. Judgment of the Sozialgericht Reutlingen in the matter of the state pension for Elfriede, Arnulf, Olaf, and Adelheid, 25 July 1962, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

117. Memorandum no. 22A, "Regarding Kurt Gerstein," 27 Jan. 1965, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

118. Issy Wygoda, letter to Baden-Württemberg Justice Ministry, 31 March 1964, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969. How Wygoda came to involve himself in Gerstein's case is not clear. He may have first heard about Gerstein through a letter to the editor of the *Frankfurter Allgemeine Zeitung*, written by two of Gerstein's former friends in February 1964, which called for a reconsideration of Gerstein's status. In all his correspondence with Baden-Württemberg authorities, Wygoda emphasized the importance of Gerstein's story for restoring the view, particularly among German youth, that there were also upstanding and courageous Germans who resisted the Nazis. See also Issy Wygoda, letter to Minister-President Georg Kiesinger, 14 Sep. 1964, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

119. Baden-Württemberg State Ministry, letter to the Baden-Württemberg Justice Ministry re: 10 June 1964 letter from the German Coordination Council of the Society for Christian-Jewish Cooperation asking that Gerstein's heirs be recognized under the Bundesentschädigungsgesetz, 23 June 1964, HAS, Bestand A 3619; Herbert Wild to Herbert Weisselberg, 10 July 1964; Anneliese Schümer, statement, 16 June 1964; Herbert Mochalski, letter to Baden-Württemberg State Ministry, 13 Aug. 1964, all in SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

120. Hendrik Georg van Dam, Central Council of Jews in Germany, statement for South German Radio, 18 June 1964, SMBWA; Hendrik Georg van Dam, letter to the Baden-Württemberg State Ministry, 3 July 1964, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

121. Memorandum no. 22A, "Regarding Kurt Gerstein," 27 Jan. 1965, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

122. Baden-Württemberg Justice Ministry, memorandum on the Gerstein case prepared for the Baden-Württemberg State Ministry, 14 Dec. 1964, HAS, Bestand A 3619.

123. Excerpts from the German Legal Code: articles 1, 5, 8, and 31a of the *Gesetz zur Regelung der Wiedergutmachung nationalsozialistischen Unrechts für Angehörige des öffentlichen Dienstes* (BWGöD), n.d., SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969.

124. Federal Ministry of the Interior, Memorandum: Judgment of the Gerstein case from the point of view of the BWGöD, prepared for the Federal Ministry of the Economy, no date but probably Jan./Feb. 1968, HAS, Bestand A 3619.

125. Law quoted in "Note on the Gerstein Compensation Case," 20 Nov. 1967, SMBWA, Aktenbund 0655, 148 717/65 Kurt Gerstein, von 1955–1969. My emphasis.

126. Baden-Württemberg Finance Ministry, report for the Baden-Württemberg State Ministry, 12 March 1969, HAS, Bestand A 3619.

127. Cabinet meeting memorandum re: payment of pension according to Basic Law 131 to Frau Elfriede Gerstein, 29 April 1969, HAS, Bestand A 3619.

128. Baden-Württemberg Justice Ministry, settlement with Frau Elfriede Gerstein prepared in agreement with the Federal Ministry of the Economy and the Baden-Württemberg Compensation Office, 13 June 1969, HAS, Bestand A 3619.

129. Franz, *Kurt Gerstein*, p. 13.

130. Rehling statement, 1 Feb. 1949, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138.

131. J. H. Ubbink, letter to Elfriede Gerstein, 3 Aug. 1946, SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138. See also Saul Friedländer's eloquent discussion of the paradoxical implications of the denazification tribunal's decision in his *Kurt Gerstein: The Ambiguity of Good*.