U.S. Department of Justice

Criminal Division

In the Matter of Josef Mengele

A Report to the Attorney General of the United States

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Prepared by:

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MEMORANDUM

TO: Robert S. Mueller, III
Assistant Attorney General

FROM: Neal M. Sher, Director
Office of Special Investigations
Criminal Division

SUBJECT: Mengele Report

Enclosed is a copy of OSI's report "In the Matter of Josef Mengele."

The report is the culmination of our investigation, commenced in 1985, into the whereabouts and postwar activities of this infamous Nazi criminal.

I would like to acknowledge the outstanding contributions made to the investigation and to the preparation of this report by the following former OSI personnel: Deputy Director Michael Wolf, Trial Attorney Philip L. Sunshine, and Chief of Investigative Research David G. Marwell.

cc: Mark M Richard

Enclosure

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Introduction

For more than two decades, former SS Hauptsturmfuehrer [Captain] Josef Mengele was the most notorious Nazi criminal thought to be alive. Mengele served during World War II as a "doctor" at the infamous Auschwitz concentration camp in Nazi-occupied Poland, where more than one million prisoners, the overwhelming majority of them Jews, were systematically executed.[1/] When prisoners arrived at Auschwitz, Mengele and his "doctor" colleagues "selected" for slave labor those who appeared medically "fit" (thus consigning them to toil under inhumane and often deadly conditions) or who could be used by the Third Reich in some other way. All other prisoners, the vast majority, were immediately murdered by gassing in specially designed asphyxiation chambers. Mengele was also notorious for performing grotesque pseudo-medical experiments on prisoners -- children and adults alike -- especially those who were twins.

In 1981, the State Prosecutor in Frankfurt issued a warrant for Josef Mengele's arrest.[2/] This document, included in the appendix to this report, contains a lengthy recitation of Mengele's crimes. It is perhaps most accurately described as a catalog of horror. Mengele is accused of murder on a colossal

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1/ The most recent estimate by the Polish government is that between 1.1 and 1.5 million persons died at Auschwitz, among them at least 960,000 Jews. These figures have been tentatively accepted by Israel's Yad Vashem memorial museum and institute.

2/ The State Prosecutor in Freiburg im Breisgau had issued an arrest warrant in June 1959. The Frankfurt State Prosecutor subsequently assumed jurisdiction over crimes committed at Auschwitz, and a new warrant based on more extensive evidence was issued in 1981; see appendix p. 1.

scale. He held in his pointing index finger the power of life and death for the hundreds of thousands of innocents whom he confronted as they stepped from the overcrowded freight trains that brought them to Auschwitz (Oswiecim), Poland, some from the farthest corners of Europe. In a grotesque perversion of the physician's role, Auschwitz's so-called "Angel of Death" employed his knowledge of the workings of life in order to destroy it. He determined who would die immediately in the gas chambers of Auschwitz and who would be exploited for labor or Nazi "science" before being killed. On some, he carried out ghastly experiments without their consent, in an attempt to advance a twisted pseudo-science. Beyond the scale of these crimes, what is perhaps most shocking is their range: from the "detached" direction of mass killings to the personal murder of young children for the "sheer pleasure" of it. These were crimes that prosecutors were prepared to prove before a court of law.

Because of his highly visible and significant role in the Hitler regime's homicidal reign of terror, Mengele effectively became a symbol of the Holocaust; in particular, his name became synonymous with the evil of Auschwitz, the site on which more people were murdered than any other in recorded human history. Understandably, the thought of his remaining a free man was most acutely painful for all Holocaust survivors, especially his victims. If indeed he were alive -- as conventional wisdom had it -- justice demanded that he be held legally accountable for his role in the Third Reich's genocidal policies.

In February 1985, the U.S. Department of Justice undertook an unprecedented investigation. Responding to allegations that Mengele had been in U.S. custody and might have had a relationship with U.S. government institutions or personnel during the period immediately following the Second World War, the Criminal Division's Office of Special Investigations (OSI) was instructed by the Attorney General to initiate a comprehensive investigation. This investigation had two primary goals: 1) to determine Josef Mengele's whereabouts, activities and affiliations from 1945-1949, and 2) to determine his whereabouts in 1985, so that authorities in Germany or Israel could put him on trial.

The questions of Mengele's former and current whereabouts required two distinctly different approaches -- one, an essentially historical investigation, and the other, an unconventional manhunt which began in search of a living man and ended in an attempt to determine whether a long-buried body newly exhumed in South America might be Mengele's. Each effort had its own methodology, and the findings of each will be presented in this report.

The scope of the inquiry ordered by the Attorney General was intentionally broad. OSI was asked to utilize the techniques that it had employed since its creation in 1979 to trace and locate Nazi war criminals, and to exploit its established channels of cooperation with other concerned agencies and countries. In its efforts to ascertain Mengele's current whereabouts, OSI obtained the assistance of the United States

Marshals Service (USMS). The Department was thereby able to rely upon OSI's specialized expertise concerning Nazi war criminals as well as the USMS' experience in locating fugitives.

In all aspects of this inquiry, both OSI and the USMS received substantial assistance from the Federal Bureau of Investigation (FBI), the Department of Defense, various components of the United States intelligence community, the Department of State, as well as other agencies. The Department of the Army contributed significantly to OSI's efforts to determine Mengele's whereabouts immediately after World War II. Indeed, a Department of the Army task force was created to assist OSI and to facilitate access to the extensive documentary material in its possession relating to the work of the Army's occupation forces in Europe immediately after the war.[3/] The task force also assisted in identifying and locating several hundred former Army personnel whose knowledge proved to be essential to the successful conclusion of the historical investigation.

In addition, the Department periodically consulted with members of Congress. Representatives of the Department publicly testified about the investigation at Congressional hearings held on March 19 and August 2, 1985.

The Department of Justice coordinated its investigation with probes by the Federal Republic of Germany and the State of Israel, and sought the assistance of other countries as

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3/ See appendix, p. 44.

appropriate. Both Germany and Israel welcomed United States cooperation, and, as explained below, representatives of the three countries held many meetings in order to share information and coordinate strategies. The cooperation of the Brazilian government must also be specially acknowledged.

As detailed below, the German-Israeli-American effort ultimately led to a grave in the town of Embu, Brazil. There, on June 6, 1985, remains were unearthed of a man who had ostensibly died in 1979. Within days, an international team of forensic scientists completed the examination of the badly decomposed remains and identified them as being those of Josef Mengele.

On June 21, 1985, the Attorney General announced that, after careful study, the United States had accepted the conclusion of the scientists that Mengele was dead. However, neither the German nor the Israeli governments took any official position at that time. Indeed, all three governments agreed that the investigation should continue, until all major unresolved questions could be answered.

Eventually, the only task still uncompleted was a proposed attempt to subject the Embu remains to the comparatively new technique of DNA-typing. For reasons explained below, that effort was stymied for more than four years. The Department of Justice agreed to the request of its German and Israeli partners that it withhold release of this report so long as there remained a possibility that the DNA test could be accomplished. That possibility was at last realized in early 1992.

In March 1992, a team of British experts engaged by the Frankfurt State Prosecutor for the purpose of conducting the scientifically unprecedented DNA analysis of the Embu remains concluded that "beyond reasonable doubt" they were those of Josef Mengele. Upon reviewing the scientists' report, the German and Israeli governments announced on April 8, 1992, that they too now acknowledged officially that Mengele was dead.

With the completion of the DNA examination, this report can at last be issued.

Part I: Postwar Whereabouts

The Four-Part Focus

In early 1985, Mengele's whereabouts following the war and the behavior of U.S. personnel and institutions involved in the occupation of Germany became the focus of intense public interest and speculation. Four allegations emerged: (1) that Mengele was a prisoner of war in U.S. custody in 1945 and had been knowingly released; (2) that he had lived openly under his own name in his own home town following the war, with tacit U.S. approval; (3) that he was arrested by U.S. forces in Vienna in 1946 and released; and (4) that he was used by U.S. intelligence agencies which then assisted him in escaping Europe for South America in 1949.

The initial part of this report addresses each of the above allegations. The first section, "Mengele as POW," focuses on the claim that Mengele was a U.S. POW in the summer of 1945. This section discusses the policy and procedures implemented in U.S. POW camps in the period immediately following the war and describes Mengele's movements in those days.

The second section, "The Guenzburg Question," deals with the widely believed claim that Mengele lived openly under his own name in the U.S. zone of occupation from 1945-1949. This section reviews the U.S. presence in Guenzburg and accounts for Mengele's whereabouts following the summer of 1945, until his escape to South America in 1949.

In the third section, "The Post-War Search for Mengele," we address the possible arrest of Mengele by U.S. forces in Vienna

in 1946, and examine efforts to seek out, apprehend and prosecute Josef Mengele immediately following the war. Focusing on a memorandum mentioning such an arrest, written by a U.S. Army Counter Intelligence Corps agent named Gorby, this section examines U.S. efforts to seek out, apprehend, and prosecute Josef Mengele.

It has been suggested that, as in the case of Klaus Barbie, U.S. intelligence agencies "used" Mengele and aided his escape from justice. (The U.S. intelligence relationship with Barbie was documented in a report prepared by OSI and released by the Department in 1983.) The final section, "The Barbie Analogy," deals with those issues.

The Search for Evidence

Although the ultimate purpose of the investigation into Mengele's whereabouts from 1945-1949 was to determine the actions of U.S. institutions and personnel, it became clear that answers to key questions would not come solely from documents and individuals in the United States. To ascertain, for instance, whether Mengele had been a POW in U.S. custody and, if so, the nature of his custody, OSI had, among other tasks, to identify, locate, and interview surviving former fellow prisoners; only then could it be established when and where Mengele had been confined. Once the POW camps had been identified, OSI was able to locate individuals who were responsible for guarding and discharging Mengele.

In June 1985, Rolf Mengele, Josef Mengele's son, turned over approximately 5,000 pages of his father's diaries and autobiographical writings to a West German mass-circulation magazine. OSI gained access to this material.

Because a good deal of evidence -- both documentary and testimonial -- was located in Germany, a necessary and critical part of the investigation took place there. However, since OSI's investigation was not a traditional criminal inquiry, German law enforcement authorities provided no assistance to OSI in locating witnesses. Nor, for the same reason, could witnesses be compelled to speak with OSI.[4/]

Despite these handicaps, OSI, with the assistance of many individuals and agencies, succeeded in answering all the questions raised at the beginning of the investigation. However, the special difficulties encountered because of the lack of criminal jurisdiction and the scattered witnesses and evidence necessitated a longer and more resourceful effort than otherwise would have been the case. With assistance from the U.S. Army, the National Archives and Records Administration, and many other institutions in the U.S. and abroad, OSI undertook an unprecedented search for evidence, locating and reviewing documents scattered around the world and tracing and interviewing numerous witnesses.

Since western Germany was occupied and administered by the United States Army during the pertinent period of this inquiry,

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4/ The German authorities did, however, conduct witness interviews and provide OSI with copies of their reports.

most of the research centered on Army documents and personnel. The largest and most relevant documentary sources were the intelligence branches of the U.S. Army, especially the Counter Intelligence Corps (CIC). Most of the surviving records of the Army intelligence organizations stationed in Europe immediately after the war were microfilmed in the 1950's and transferred to the Investigative Records Repository (IRR) at Fort George G. Meade, Maryland. These microfilmed records have been of limited value, however, because the indices and finding aids are incomplete and cumbersome to use. When the Mengele investigation began, no one had a complete knowledge of their contents or organization. Although IRR personnel had located approximately twenty indices for various portions of the microfilm, some were incomplete and others were no longer useful for locating the records to which they referred. Moreover, a considerable portion of the microfilmed records had never been indexed.

The Army's Mengele Task Force undertook a massive research effort to review and index, on a frame-by-frame basis, all rolls of microfilm for which no indices existed at the IRR; at the same time, OSI conducted research in the remaining microfilmed records, using the available finding aids.[5/]

In addition, IRR personnel searched hard-copy files for documents relating to Mengele or to leads developed by the Mengele investigation. Between March 18 and October 31, 1985, the Task Force reviewed 326 reels of unindexed microfilm and

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5/ See appendix, p. 45.

placed 272,319 entries into the Defense Central Index of Investigations (DCII), a central computerized index. The IRR also reviewed and indexed 142 catalogs and 27 microfilm reels of indices.[6/]

The microfilm reviewed by the IRR consisted of records of the G-2 (Assistant Chief of Staff for Intelligence) of the Supreme Headquarters Allied Expeditionary Forces (SHAEF), and of the 17th, 66th, 430th and 970th CIC Detachments, which were stationed in Germany, Austria and Italy. Following guidelines devised by OSI, the IRR searched the records for all references to a variety of subjects, including:

-- Mengele, including spelling variations and suspected aliases;

-- persons related to or suspected of involvement with Mengele;

-- war crimes and criminals;

-- concentration camps;

-- SS, including affiliated organizations (e.g., Gestapo, SD);

-- medical experiments;

-- places where Mengele was suspected to have resided;

-- escape routes;

-- certain CIC operations;

-- International Red Cross;

-- emigration to South America.

6/ As an ancillary benefit, the Department of the Army's efforts have proven to be of great utility in OSI's ongoing efforts to locate Nazi persecutors living in the United States.

The IRR gave OSI unprecedented access to its microfilmed files. OSI's research at IRR covered three general categories: 1) advising the IRR staff and reviewing any material discovered; 2) searching the indexed and partially indexed microfilmed records for material relating to leads developed in the investigation; and 3) locating and reviewing files relating not only to the subjects already listed, but also to a variety of other topics, including:

-- The search for and the identification, apprehension, interrogation, internment, transfer, extradition, escape, or release of war criminals, prisoners of war, or persons falling under the "automatic arrest" categories;

-- Underground activities of members of the Nazi Party, the SS, or the German armed forces;

-- CIC informants and operations;

-- The procurement, manufacture, or use of false identity documents, passports, or discharge papers.

Along with the search for records at the IRR, OSI conducted research at a number of archives and records repositories throughout the world. The assistance of the staffs of the following institutions is gratefully acknowledged: the National Archives (Washington, D.C.), the Washington National Records Center (Suitland, MD), the Library of Congress, the Public Records Office and the Department of Army Legal Services (London), the Archive of the French Foreign Ministry (Paris and Colmar), Yad Vashem Martyrs' and Heroes' Remembrance Authority (Jerusalem), the Auschwitz State Museum Archives (Oswiecim), the Main Commission for the Investigation of Hitlerite Crimes (Warsaw), the Deutsche Dienststelle (Berlin), the Berlin Document

Center, the International Committee of the Red Cross (Geneva), the Bundesarchiv (Koblenz and Freiburg), and the State Attorney's Office [Staatsanwaltschaft] (Frankfurt).

As a complement to its documentary research, OSI conducted over 100 interviews in the United States and abroad. The U.S. Army and the staff of the National Personnel Records Center in St. Louis were instrumental in locating individuals of interest to this investigation, often working with only limited personnel data.

Mengele's Autobiography as a Source

No documents surfaced concerning Mengele's residences between 1945 and 1948. Moreover, the best witnesses for such information -- namely, Hans Sedlmeier, an official of the Mengele family-owned company who played an important role in that period, and key members of the Mengele family -- all refused to cooperate with OSI in this investigation.[7/] Initially, therefore, OSI's only recourse was to Mengele's own version of his activities, as reflected in a series of postwar notebooks. This source must, of course, be approached very cautiously. An OSI representative carefully analyzed these writings after being granted access by

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7/ Of family members, only Rolf Mengele, his son, spoke with OSI. Martha Mengele, Josef's second wife, and widow of his brother, Karl, initially agreed to speak with OSI but cancelled the interview at the last minute. Irene Hackenjos, Mengele's first wife, refused to be interviewed.

the West German publishing company Burda Verlag, whose Bunte magazine was given exclusive publication rights to the diaries.[8/]

In a letter to his son dated September 17, 1976, Josef Mengele described a project that he had undertaken to record his experiences. He indicated that during the period 1961-1962 he began writing an account of his life, from birth through the beginning of the First World War, and that he had continued it through a portion of his student days. He abandoned this project for about eight years, he said, but, in 1970, renewed the effort, beginning with a narrative of his flight from Innsbruck, Austria, to Genoa, Italy, and then reworked the portion dealing with his studies. As of the date of the letter (September 17, 1976), he claimed to be working on the "farm period" -- the period immediately after the war, during which he lived on a farm near Rosenheim, Germany.

What makes Mengele's writing project problematic from an investigative standpoint is that he chose to relate his experiences in the form of an "autobiographical novel," the story, as he put it, of a man "marked in very special ways by his time." While he acknowledged that this genre required a certain standard of form and style, he believed it allowed a "flexible treatment of difficult themes," the "exchangeability of one's own experiences and those of other people," as well as the "typifying

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8/ Special thanks are due to Bunte publisher Norbert Sakowski, and his staff for their generous assistance.

of events and people of a certain period."[9] In addition, the form "permitted the easy elucidation of inner connections, causes, completions, and finally the displacement of fate onto entire groups."[10]

Clearly, this so-called autobiographical novel presents problems as a historical source, and cannot be relied upon as being completely accurate. However, OSI was able to verify the key facts and events independently, and determined that they were, in large part, accurately portrayed. In sum, the writings proved to be an invaluable launching point for various aspects of OSI's investigation. Even though Mengele changed the names of individuals and places, compressed some events, and shifted motives and characteristics onto other persons, his autobiographical novel provides important guidance in answering the limited questions of where he was and when he was there.

9/ Letter from Josef Mengele to Rolf Mengele, September 17, 1976, Burda Verlag.

10/ Ibid.

I. The Idar-Oberstein Question: Mengele a POW?

In February 1985, Walter Kempthorne, a U.S. Army veteran, made headlines internationally when he claimed that he had seen Josef Mengele at Idar-Oberstein, a U.S. POW camp, in the summer of 1945. Shortly afterwards, Richard A. Schwarz, another U.S. Army veteran, also disclosed that he guarded a POW at Idar-Oberstein reputed to have been a "sterilization doctor." The publicity surrounding these revelations led, in part, to the February 5, 1985 decision by the Attorney General to initiate an investigation concerning Mengele's postwar whereabouts.[11/]

As a first step in its investigation, OSI set out to determine if Mengele had, in fact, been a prisoner at Idar-Oberstein. After determining that the evidence was insufficient to establish that he had been, OSI examined the entire question of Mengele's postwar whereabouts, and ascertained that Mengele had been in U.S. custody elsewhere. This section of the report describes Mengele's capture, internment, and release from U.S. captivity during the chaotic period immediately after the war.

A. The Idar-Oberstein Camp

1. Background

Both Kempthorne and Schwarz served at the 51st Civilian Internment Enclosure (CIE) located in the XXIII Corps area.

11/ This allegation was also one of the issues examined in Senate hearings, held on February 19, 1985, that led to the establishment of the Department of the Army Mengele Task Force.

Records from the journal of Schwarz's unit[12/] indicate that Battery B assumed guard duty for a displaced persons camp and POW enclosure at Idar-Oberstein on April 19, 1945.[13/] The same records reveal that Battery B was relieved of service with the XXIII Corps on June 12, 1945.[14/] On July 11, the French II Corps assumed administration of Idar-Oberstein and the camp located there.[15/] The camp had a population of 3,177 male and 152 female interned civilians as well as 233 male and 26 female temporarily detained civilians. Two persons claiming to be citizens of the United States and 200 suspected war criminals who had been interned in this camp were removed to Stuttgart, within the United States zone, prior to the turnover of the camp to the French.[16/] XXIII Corps records also contain a roster of prisoners turned over to French administration,[17/] and a list of the 200 alleged war criminals[18/] transferred to a U.S. camp near Stuttgart. Neither the name Josef Mengele nor any of his known

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12/ The headquarters of the 673rd Field Artillery Battalion.

13/ Hq. 673rd FAB 14.19 Apr 1945; NARA: RG407, Office of the Adjutant General, WWII Ops Reports, 1940-49; FBN 673-0.7.

14/ Kempthorne's recollection is that he began his duties shortly after Schwarz's unit departed.

15/ Records of the XXIII Corps.

16/ Report of Operations, XXIII Corps, 1-31 July 45; NARA: RG407, Box 5027.

17/ Roster of Prisoners PW Camp No. 51; NARA: RG407, Box 35758.

18/ Hq. XXIII Corps, Office of the Provost Marshal, Roster CI #51, 10 July 45, NARA: RG407, Box 35758.

aliases appear on this list. Likewise, his name does not appear on the roster of over 3,000 prisoners handed over to the French.

2. The Idar-Oberstein Revelations

In the early summer of 1945, Walter Kempthorne was serving with the U.S. Army 1280th Combat Engineer Battalion, which was attached to Headquarters, XXIII Corps. According to a July 10, 1945 entry in his father's diary, Kempthorne was assigned to guard duty at a camp at Idar-Oberstein sometime at the end of June or the beginning of July 1945.[19/] The camp was located in what became the French zone of occupation in mid-July 1945, and was transferred to French administration on or about July 10. Kempthorne served at the camp for approximately two weeks, and recalled for OSI that he performed both tower and perimeter guard duty.

In an interview with OSI, Kempthorne described how he and John Hall, a fellow guard who had dealings in the camp with one of the interior guards, entered one of the buildings inside the camp. According to Kempthorne, they went down a flight of stairs, and, at the bottom, observed a prisoner standing rigidly at attention, breathing hard and perspiring profusely, as if he had just completed rigorous exercise. When Kempthorne asked one of the two guards who was with the prisoner what was going on, the guard replied that he was getting the prisoner in shape to be

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19/ Kempthorne had written to his father on July 2, 1945, describing his transfer to an MP detachment assigned to guard POWs. OSI interview with Walter Kempthorne, March 13, 1985.

hanged. According to Kempthorne, the guard referred to the prisoner as "Mengele, the bastard who sterilized 3,000 women at Auschwitz." Although the names "Mengele" and "Auschwitz" did not mean anything to Kempthorne at the time, he is fairly certain that he accurately recalls the guard's statement.

Kempthorne described the prisoner as being about 5'8" or 5'9", weighing about 165 pounds. He had black hair that was thinning in the middle and appeared to have been treated with some kind of substance to make it lighter. Kempthorne claims that the prisoner was wearing horn-rimmed glasses which were too large for his head and which made his eyes look bigger than they actually were. He believes the prisoner was dressed in civilian clothes.

Shortly after learning of Kempthorne's revelations, Richard A. Schwarz wrote to New York Senator Alfonse M. D'Amato regarding his experience as a guard with the 673rd Field Artillery Battalion (FAB) at Idar-Oberstein in late May and early June 1945. In describing his temporary assignment of guarding war criminals,[20/] Schwarz recalled that one prisoner had the reputation of being a "sterilization doctor." Schwarz does not recall the name of that individual, but as proof of the existence of the "doctor," he offered a letter he had received from one of his friends, Gene Bokor, written in 1945, which refers to a letter that Schwarz, himself, had written to Bokor describing his guard duty. Bokor wrote to Schwarz that "your description of

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20/ OSI Interview with Richard Schwarz, March 6, 1985.

your prison chores with the SS men, the sterilization doctor, etc. was very interesting."[21] OSI contacted Bokor to learn if he had any information or recollection concerning the letter from Schwarz; he did not.[22]

Schwarz told OSI that he served with a Thomas W. Riley, who had also guarded the "doctor." OSI contacted Riley,[23] who recalls having served in a prison camp and having guarded POWs. His description of the physical layout of the camp matched those of Schwarz and Kempthorne. Riley vaguely recalled a sterilization doctor, but could not remember names or details. OSI searched for others who might have been able to supply information about the "sterilization doctor" at Idar-Oberstein with no success.[24]

3. Conclusion

Schwarz's recollections, along with the letter he sent to his friend, support the conclusion that a doctor suspected of committing sterilizations was interned at Idar-Oberstein. The records, however, do not support Kempthorne's more pointed claim

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21/ Letter, Gene Bokor to Richard Schwarz, Property of Richard Schwarz.

22/ Interview with Gene Bokor, March 14, 1985.

23/ Interview with Thomas W. Riley, May 15, 1985.

24/ For example, we interviewed Lee Kaufman, the commander of the camp, who recalled nothing about any doctor. OSI interview with Lee Kaufman, March 21, 1985. Other possible witnesses, such as Col. Sherman Watts, the Provost Marshal of XXIII Corps and Capt. William Haney, commander of Battery B of the 673rd FAB, are deceased.

that this individual was Josef Mengele. Kempthorne states that he was inside the camp on only one occasion, and while he believes he was told that the prisoner was named Mengele, he admits that the name, "Mengele," and the place, "Auschwitz," would have meant nothing to him at that time. Under the circumstances and in the absence of any corroborating evidence, OSI cannot conclude that Mengele was interned at Idar-Oberstein.

B. Thomas Berchthold

Information concerning Mengele's possible internment in an Allied POW camp (this one a British camp) was provided by another individual -- a former German POW.

In the summer of 1964, a letter appeared in the Guenzburger Zeitung, the local newspaper in Mengele's home town, Guenzburg, Germany, concerning an encounter with Josef Mengele in a British POW camp in the summer of 1945. The writer was Thomas Berchthold from Burgau, Germany, which is in the Guenzburg district. Berchthold wrote that he had been a soldier in a German anti-aircraft unit and had been taken prisoner by the British near Luebeck, Germany, on May 2, 1945.[25/] He was held in a British POW camp near Neumuenster, and there came in contact with a man he believed was Josef Mengele.

According to his account,[26/] Berchthold exchanged cigarettes for tins of ham with a prisoner who recognized his Swabian accent

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25/ See also Deutsche Dienststelle record on Thomas Berchthold.

26/ Guenzburger Zeitung, Summer 1964.

and drew him into conversation. According to Berchthold, this man, who was in an officer's uniform and came from the SS section of the camp, told him that he was Josef Mengele. Berchthold had doubts at first because Mengele's accent did not seem correct. When he met this individual again the following day, the reputed Mengele described his own imminent release and offered to take a postcard to Berchthold's relatives. The man, however, never reappeared, and Berchthold assumes that he fled Europe by way of Denmark or Sweden.

Berchthold told his story again in 1985 to a German journalist who questioned him closely,[27] and an account of it appeared in the German magazine Konkret.[28] When asked whether he might have confused Mengele with someone else, Berchthold stated that was impossible because the person who claimed to be Mengele knew too many details about the Mengele family's farm equipment firm in Guenzburg.[29]

However, when Berchthold was subsequently interviewed by the German police,[30] his story was significantly different from his letter to the newspaper and his conversation with the German journalist. Berchthold told the police that his fellow prisoner in the English POW camp told him that he came from Mengele in

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27/ OSI interview with Hermann Abmayr, May 31, 1985. Gedaechtnisprotokoll, Hermann Abmayr, March 9, 1985.

28/ Konkret, Vol. 4; April 1985.

29/ Ibid.

30/ Interview with Thomas Berchthold by German authorities, April 27, 1985.

Guenzburg, presumably meaning the factory; he did not say that he was Mengele. Berchthold also told the police that the individual never mentioned his first name. Moreover, Berchthold could not identify any photographs of Mengele.[31/]

Because the letter to the Guenzburg newspaper was written in 1964, before Mengele's immediate postwar activity was the source of speculation, it is quite possible that Berchthold believed that he saw Mengele in the British POW camp. The most powerful proof that he was mistaken, however, lies in the overwhelming evidence that Mengele was elsewhere between May 2 and June 15, 1945, as discussed below.

C. Josef Mengele: American POW

Having determined that there was no credible evidence that Mengele was interned at Idar-Oberstein or the British camp at Neumuenster, OSI commenced an independent investigation into Mengele's movements during the period immediately following the war. The nature of the surviving records made the task extremely difficult. Fortunately, after locating key witnesses and gaining access to Mengele's autobiographical writings, a clear picture emerged concerning when, where, and how Mengele was taken into custody, held, and eventually released by U.S. forces.

31/ Ibid.

1. POW Records Reveal Little

The fragmentary state of the surviving records is the major obstacle in determining whether any given individual was held by U.S. forces immediately after the war. Records have not survived for POWs[32/] in American custody who were released before approximately September 1945.[33/] OSI inspected U.S. POW files retained by the Prisoner of War Information Bureau (PWIB) and later transferred to Germany.[34/] They are now maintained by the Deutsche Dienststelle[35/] in Berlin where, along with German military personnel records, they are consulted in the process of evaluating pension and other claims by former German servicemen based on their service in the armed forces of Nazi Germany. Officials at the Deutsche Dienststelle confirmed that the United States did not keep copies of records for those German prisoners

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32/ There is a technical distinction between those individuals taken into custody before the end of hostilities, "POWs," and the masses of individuals classified as "Disarmed Enemy Forces," who fell under U.S. jurisdiction after hostilities ceased. For the purposes of this report, however, all German military personnel in U.S. custody will be referred to as POWs.

33/ The early Standard Operating Procedures [SOP] for handling of POWs included a requirement to forward a copy of the POW form to the Central Registry of War Criminals and Security Suspects (CROWCASS). "Disbandment of German Disarmed Forces" 19 May 45 RG338; VIII Corps; AG Records BX7570. This practice was halted as impractical and all copies of the POW forms, some 8 million, were destroyed. "Report by United States and British Delegation to Permanent Commission for CROWCASS," RG466 War Crimes Office JAG; Bonn Embassy, Extradition Board Files.

34/ These files were transferred to Germany in 1965 under arrangement with the German Government.

35/ The Deutsche Dienststelle is an institution similar to the U.S. National Military Records Center in St. Louis.

who were in custody and who were released before approximately September 1945.[36/]

Accordingly, if, as this investigation ultimately established (see discussion infra), Josef Mengele had been in U.S. custody and released during the summer of 1945, it would not be possible to confirm those facts through American POW records, nor would it be possible to prove that Mengele was not a U.S. prisoner of war. Personnel records at the Deutsche Dienststelle do, however, reveal that there were 17 individuals named Josef Mengele who served with the German armed forces during World War II.[37/] Of these seventeen, only one is listed as having been an American POW, but this individual could not be the Josef Mengele who was an SS doctor at Auschwitz.[38/]

The only other possible documentary proof that Mengele was a POW would be a POW roster that might have survived in the records of the Provost Marshal or other units responsible for the guarding of U.S. POW camps. In the course of this investigation, hundreds of boxes of archival records were screened for such rosters; Mengele's name appeared on none.

36/ OSI verified this by searching for records of individuals known to be U.S. prisoners released before September 1945. No records were found.

37/ See appendix, p. 55.

38/ A list of individuals detained by the U.S. compiled by the PWIB and currently maintained by the National Archives contains three listings for a Josef Mengele. An analysis of the original records, now at the Deutsche Dienststelle, from which the list was compiled indicates that all three references to Josef Mengele refer to one man who was taken prisoner in Italy in 1943, when the criminal Mengele still was at Auschwitz. See appendix, p. 53.

Accordingly, the conclusions which follow -- as to Mengele's movements after the war, his arrest, capture and release by the U.S. -- are based on witness testimony and on Mengele's autobiographical writings.

2. Mengele's Immediate Postwar Movements[39/]

a. Mengele Joins Hospital Unit

In the final days of the war, Josef Mengele, wearing a German Army (not SS) officer's uniform, appeared at a German military field hospital in Saaz, in the Sudetenland.[40/] The head of internal medicine for this unit, Kriegslazarett (Field Hospital) 2/591, a mobile hospital attached to Kriegslazarett-Abteilung 59, was Dr. Otto-Hans Kahler, an old friend of Mengele's who had worked with him at Dr. von Verschuer's Institute before the war.[41/] Kahler recognized his friend and, at Mengele's request, asked the commander of the unit for permission for Mengele to join them.[42/] The commander apparently

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39/ For a map of Mengele's movements, see appendix, p. 52.

40/ OSI interview with Otto-Hans Kahler, September 22, 1985. Documents discovered at the German Federal Archives (NS 4GR/Vorl. 8) show that Mengele was assigned to the Gross Rosen Concentration Camp following the evacuation of Auschwitz as late as February 7, 1945. Some witness testimony suggests he was then transferred to the Mauthausen concentration camp in Austria, but this has not been confirmed. In any event, by May 2, he had shed his SS uniform and made his way to the Sudetenland.

41/ OSI interview with Otto-Hans Kahler, September 22, 1985.

42/ It is interesting to note that, according to Kahler, Mengele was at this time suffering from severe depression, to the point of contemplating suicide during the period they were together immediately following the war. In fact, Kahler told OSI that he

(continued...)

assented, since Mengele was with the unit at the time it broke camp and moved northwestward from Saaz through Karlsbad. The unit came to rest in a forest encampment in the Erzgebirge.

The unit stopped in an area that was still unoccupied by any Allied power. This "no man's land" fell formally within the U.S. area of responsibility but lay east of the forward U.S. line. As a result, German troops, with the Red Army to their east and the halted American Army to their west, were stuck between them in the heavy forests just north of the Czech border in what later became East Germany. Although these Germans had nowhere to go, staying where they were entailed the risk of capture by the Soviet Army, a universally dreaded fate.

b. No Man's Land

Apparently, in the confusion of the move, Kahler was separated from Mengele, who had fallen in with another element of Kriegslazarett Abteilung 591. Dr. Fritz Ulmann, a neurologist with the staff of this unit, recalls that Mengele was with him in "no man's land."[43/] Unlike Kahler, however, Ulmann did not know Mengele and did not become aware of his identity until after they left the forest in the Erzgebirge.

42/(...continued)
consulted Dr. Fritz Ulmann, a neurologist in the unit who presumably had an understanding of psychological issues about Mengele. Kahler says he referred Mengele to Ulmann and asked him to look after his former colleague. Kahler does not speculate as to the cause of Mengele's depression, but does indicate that Mengele spoke openly about having performed selections at Auschwitz.

43/ OSI interview with Dr. Fritz Ulmann, October 1, 1985.

According to Ulmann, an American officer contacted his unit shortly after it arrived in "no man's land," assuring them that no harm would come to the prisoners and instructing them to remain where they were. Mengele and his colleagues stayed in their forest encampment for approximately six weeks. In mid-June, the field hospital was ordered to move westward into the American zone, due to the impending occupation of the area by the Soviet Army. According to U.S. military records, responsibility for German troops in the area would have fallen to the Soviet Army except in areas agreed upon locally.[44/]

Mengele's autobiographical account reveals that he and his comrades greatly feared capture by the Soviets:

> At the end of the war, my unit was in Czechoslovakia and on the night of the armistice we moved toward the west and reached the Saxony area where we were held by the Americans and where the Russians at first could not follow us. We were in a type of no man's land. As long as we had food, the only thing that worried us was when the area would fall. Finally as the food was becoming more and more scarce, and the rumors that the Russians would occupy the area increased, we decided to take action. With a few vehicles from our medical unit, we formed a column and through a trick were able to drive through the American lines and reached the Bavarian area. In the neighborhood of the first large city, we were naturally stopped and were brought to an American prison camp. We achieved our goal just as we were running out of fuel.[45/]

Mengele's account is consistent with the available evidence, except that U.S. military documents and Ulmann's testimony establish that the medical column's movement through the American

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44/ SHAEF to Twelfth Army Gp., 12 June 1945; NARA: RG407, WWII Ops. Rpts. 1940-48, VIII Corps, 208-3.2, Box 4055, see appendix, p. 56.

45/ Mengele Papers: "Die Bauernzeit."

lines was by agreement, and was not, as Mengele suggests, accomplished surreptitiously.

Although Ulmann told OSI that the Americans contacted the German field hospital when it was in "no man's land," it is unlikely that the identity of any of the field hospital personnel was communicated to the Americans. The question of Mengele's identity at that time is also complicated by Mengele's alleged use of different names. Ulmann, who had the responsibilities of a "deputy battalion commander," took roll call from time to time, and remembers that Mengele used at least four or five different names while he was with him in this forest encampment.

c. Camp One: Schauenstein

When the field hospital moved westward into the American zone in Bavaria, its personnel were taken into U.S. custody, and Kahler was reunited with Mengele. The three doctors, Kahler, Ulmann, and Mengele, were interned in a POW camp near the city of Hof. Several facts led OSI to conclude that the camp was in the city of Schauenstein.

(1) Both Kahler and Ulmann recall being housed in a building that contained large bolts of cloth. The only POW camp in the Hof area that matches this description was located in Schauenstein, in the CA Waldenfels spinning mill, which produced ball bearings during the war, and was also used as a cloth warehouse for the German Navy;

(2) OSI located the former commander of the guard detail at Schauenstein and received a photograph[46/] of the main yard at the POW camp from him. Both Ulmann and Kahler

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46/ See appendix, p. 61.

identified this photograph as the POW camp where they, along with Mengele, were interned; and

(3) The Zahlmeister (Paymaster) of Kahler's unit confirmed that Schauenstein was the location of the camp.[47/] [48/]

OSI dates Mengele's arrival at Schauenstein to the middle of June 1945.[49/] According to Kahler, Mengele initially used the name Josef Memling when he was registered at the camp. Josef Memling was a famous Bavarian painter, and Kahler, an art enthusiast, distinctly recalls that Mengele used it early on at the camp. Accordingly, it can be presumed that Mengele did not have with him any papers which would have exposed his true name and revealed his status as an SS officer. It is more likely that Mengele discarded his identity papers, choosing to risk the possible penalties of being without them over the almost certain consequences of admitting the truth. As an added advantage, Mengele, according to both Ulmann and Kahler, did not have an SS tattoo, the significance of which is discussed below.

The camp at Schauenstein was established in late April or early May 1945,[50/] initially under the control of the 9th Armored

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47/ During a followup OSI telephone conversation with Otto-Hans Kahler on February 6, 1986, Kahler disclosed that he had pursued with his former paymaster the question raised by OSI, when the two met at a veterans reunion. According to Kahler, the paymaster confirmed that the camp was in Schauenstein.

48/ Ulmann told OSI that the camp was at Naila, but this can be explained by the fact that Schauenstein was in Landkreis Naila.

49/ Records of the U.S. VIII Corps indicate that arrangements to clear the "no man's land" of German troops were instituted in mid-June.

50/ OSI interview with Sofia Notz, February 7, 1986.

Division.[51] Paul M. O'Bryan, a platoon leader in Fox Company of the 385th Infantry Regiment, was sent to Schauenstein to assume responsibility for the security of the camp.[52] According to O'Bryan, no prisoners were discharged at Schauenstein before July. Two officers, Lieutenant Victor Simone and Lieutenant Kenneth Austin, arrived at Schauenstein a few weeks after O'Bryan, and established a discharge center to begin the process of releasing prisoners. O'Bryan recalls that no files were maintained on German prisoners except those kept by the prisoners themselves, until discharge procedures were established. It is likely, therefore, that no American authority was aware of precisely who was in custody at Schauenstein until sometime in July 1945.

The American authorities at Schauenstein relied heavily on German personnel to handle administrative matters.[53] The result of this reliance on German personnel meant that no American had direct contact with the mass of prisoners interned at Schauenstein. Simone indicated that no lists of wanted persons were consulted in the discharge process, and that SS members -- who were not released -- were identified by blood-type tattoo

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51/ In early June, the 76th Infantry Division took control of the area.

52/ OSI interview with Paul M. O'Bryan, February 10, 1986.

53/ For example, O'Bryan recalls that two individuals, both named Schmidt, interpreted for American authorities and prisoners and handled administrative details and that the discharge center had five German clerks to process the paperwork. Simone remembers a man named "Karl" who, throughout the discharge procedure, acted as interpreter and generally "got things done." Ibid.; OSI interview with Victor Simone, February 12, 1986.

and/or identification papers. Since Mengele did not have a blood-type tattoo, and since any identification papers he might have used presumably did not disclose his SS affiliation, it is likely that he succeeded in remaining unrecognized at Schauenstein.

d. Camp Two: Helmbrechts

Both Kahler and Ulmann told OSI that they remained in the first camp for approximately six weeks, after which they were transferred with Mengele to another camp, south of Schauenstein, where they remained for approximately two weeks before being released. Based on Ulmann's recollection, OSI believes that this second camp was the one located at Helmbrechts,[54/] a city south of Schauenstein and west of Hof. Ulmann maintains that he and Mengele were discharged from this second camp. His discharge certificate was signed by an officer assigned to the 400th Armored Field Artillery Battalion (AFAB), a unit that was stationed in the Helmbrechts area in August 1945.[55/]

On or about July 1, 1945, Battery A of the 302nd Field Artillery Battalion (302nd FAB), 76th Division, was assigned to establish and run the camp at Helmbrechts. The Battery had been in charge of a POW camp in Gera which was turned over to Soviet

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54/ 76th Inf. Div. G-1 periodic report 15 July 45; NARA: RG407, WWII Ops. Rpts. Box, 11459. OSI interview with Ulmann.

55/ See appendix, p. 62, for a copy of Ulmann's Discharge Certificate which OSI obtained from him. Elements of the 400th AFAB were also stationed at a POW camp at Muenchberg. The possibility exists, therefore, that Ulmann, and hence Mengele, were sent there instead of Helmbrechts.

Army administration at the end of June. The Battery, along with prisoners who resided in the western part of Germany, went south and set up on the site of a former German labor camp at Helmbrechts. On July 31, 1945, Battery B of the 400th AFAB was transferred to Helmbrechts, where it apparently supplemented Battery A of the 302nd FAB.

Discharging prisoners was the order of the day at Helmbrechts. Unlike Schauenstein, which had a fairly stable population, there was a high turnover at Helmbrechts. One of the buildings at the camp was dedicated to the discharge process. Long tables were set up, and the prisoners filed down the central corridor. Cleveland Kirk, a lieutenant with the 302nd FAB, and one of the officers who was in charge of overseeing the discharge process, recalled for OSI what transpired at Helmbrechts.[56/] All of the prisoners were inspected for SS tattoos. Those who were found to be in the SS were subject to a different standard of review than the other prisoners. Those who did not have SS tattoos were released if there was nothing suspicious in their papers. If questions were raised, the prisoner was interrogated by one of the officers, with the help of one of the two interpreters in the camp. If questions still remained, the file or the individual himself was transferred to superior headquarters. According to Kirk, the discharge procedure was run by Sergeant Eugene Greenstein, under whom served three or four

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56/ OSI interview with Cleveland Kirk, November 27, 1985.

lower ranking enlisted men, as well as several local Germans.[57] Kirk believes that if an individual had no papers, he would have been interrogated by one of the officers. Kirk believes -- although he is not certain -- that "wanted lists" were relied upon during the discharge process.[58]

According to Kirk, although the population of the camp never exceeded 1,000 POWs, there was a great deal of turnover. Indeed, a monthly report for the 302nd Field Artillery Battalion reveals that 2,000 POWs were processed and discharged from the camp during July.[59] As prisoners were discharged, they were transported by truck to designated drop-off points within the U.S. zone.

According to Ulmann, he and Mengele were discharged at the same time. Although Ulmann's discharge paper is not dated, it is signed by a Captain Claudius J. Walker, who was with the 400th AFAB. Walker arrived in the Helmbrechts area on July 31 and was transferred out on August 8. Thus, we can date Ulmann's, and therefore Mengele's, discharge to the first week of August 1945. Ulmann also asserted that Mengele was discharged under his own name, a claim supported by Kahler, who told OSI that he is fairly

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57/ Unfortunately, Eugene Greenstein, who was interviewed by OSI on December 4, 1985, can recall very little about his experience at Helmbrechts.

58/ The role of "wanted lists" in discharging POWs is discussed in more detail in Section C(1), below.

59/ Headquarters, 302nd Field Artillery Battalion, History: 1 July 1945 to 31 July 1945; RG94, World War II Operations Reports 1940 to 1948, 76th Infantry Division, Box 11518.

certain on this point.[60] The credibility of this claim is discussed infra. In any event, OSI's investigation has concluded that Mengele also received a copy of a discharge certificate belonging to a fellow internee at the camp, whom OSI has identified as Ulmann, and that he later used this as his own and as the basis for his alias during the postwar period (see discussion infra).

When they were discharged, Ulmann and Mengele were taken by truck to Munich. Ulmann recalls that Mengele got off in or near the city of Ingolstadt, north of Munich and east of Guenzburg, Mengele's hometown.

D. The Release of POWs

Mengele's discharge from the American camp at Helmbrechts can be explained, in part, by the chaotic conditions in the summer of 1945, the procedures employed to discharge POWs, and the safeguards used to attempt to prevent the release of war criminals and suspects.

On May 16, 1945, General Omar N. Bradley informed General Dwight D. Eisenhower that the German army supplies that the Seventh Army had been using to feed the disarmed enemy troops would run out that day. He added that within four days, all of the supplies that could be obtained from civilian sources in the

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60/ OSI interview of Dr. Otto-Hans Kahler, September 22, 1985.

area would also be depleted, concluding that "these disarmed forces will either have to be fed or released."[61/]

Bradley asked for immediate authority to discharge German POWs. Although Supreme Headquarters Allied Expeditionary Forces (SHAEF) could not authorize a blanket release, it did issue directives to expedite the discharge of prisoners.[62/] Directive No. 3, issued on May 16, 1945, authorized the discharge of men over 50 years of age. Directive No. 4, issued on June 3, 1945, authorized the release, to their respective governments, of nationals of Belgium, France, The Netherlands, and Luxembourg who had served in the Wehrmacht.[63/]

A report by SHAEF G-1 [Personnel], dated June 14, 1945, revealed "anxiety" that the "present rate of discharge is not sufficiently rapid to enable disposal of prisoners of war and Disarmed German Forces to be completed before the water and before the food situation becomes acute." By early June, G-1's attitude towards discharge, as reflected in an inspection report, was "to discharge as many as possible as fast as possible without

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61/ Cable, Hq., 12th Army Group, to SHAEF Forward, 16 May 1945, in SHAEF SGS 370.01. Quoted in Earl F. Ziemke, The U.S. Army in the Occupation of Germany, 1944-1946. (Hereinafter "Ziemke.") (Washington, D.C.: Center of Military History, United States Army, 1975.) Page 293.

62/ Some discharge directives had already been issued, including "Disbandment Directive No. 1," issued May 15, 1945, which authorized the release of "Agricultural workers, coal miners, transport workers and such other key personnel as are urgently needed," and Directive No. 2, also issued May 15, 1945, which authorized the discharge of women who were not members of the SS, concentration camp guards, or German.

63/ Ziemke, op cit, page 293. See appendix, p. 63, for Discharge Directives.

a great deal of attention to categories."[64] This attitude was reflected in the 12th Army Group's release rate, which averaged 30,000 prisoners a day. The 21st Army Group hoped to increase its discharge rate from 13,000 to 20,000 POWs a day.[65] The Third Army alone had released over a half million disarmed enemy troops by June 8.[66]

The U.S. Army found itself in a very difficult situation. With over three million German POWs in custody, dwindling food supplies, and with a significant and growing displaced person population with its own pressing needs and problems, the U.S. needed to discharge German POWs as quickly as possible. On June 29, 1945, SHAEF issued Disbandment Directive No. 5 which, in effect, authorized what had been going on for some time: a general discharge of German nationals held as prisoners of war, except those in automatic arrest categories, SS men, and war criminals.[67] From that date, the Army discharged German POWs at an even faster rate. On July 5, 1945, SHAEF issued Disbandment Directive No. 6, which authorized the release of non-German nationals not covered by earlier directives. By the middle of August, the rush appeared to be over.

64/ Quoted in Ziemke. Ibid.

65/ SHAEF G-1 Division, subject: Disbandment Directive No. 5, NARA 387.4/12, June 14, 1945.

66/ Ziemke, p. 293.

67/ Ibid, page 294. The categories of those who were to be detailed is discussed in the next section of this Report.

1. Release Procedures

Discharge procedures were simple and were similar to those in the 12th Armored Division areas as described by Professor Earl F. Ziemke in his book, The U.S. Army in the Occupation of Germany:

> "The men lined up in the stable compound. On entering the building, they removed their shirts and raised their arms to be inspected for the SS blood-type tattoo. (SS men were held either as prisoners of war or, if they had enough rank, under automatic arrest.) After they were inspected, German doctors gave them superficial physical examinations and separated any who were obviously sick. Next the men filled out counterintelligence questionnaires and were interviewed briefly to determine whether they were subject to automatic arrest or had technical skills of intelligence interest. Those who fell into neither category were given slips stamped with a 'B' and could be discharged. Those with an 'A' slip were put under automatic arrest when they reached the end of the line. With a 'C' they were held as prisoners of war. The next step was to fill out the so-called P-4 form, on which the soldier was required to give his name, the names of his close relatives, and his place of residence. After completing the form, he turned his Soldbuch (pay book) over to a German clerk and received a discharge form and instructions on how to act. If he was going to a place in the Seventh Army area, he was also given half a loaf of black bread and about a pound of lard, his rations for the trip, and could leave the stable to wait for a truck to take him home.[68/]

Throughout the discharge process, U.S. personnel relied to a significant extent on German assistance, and the Helmbrechts and Schauenstein camps were no exception, as noted above. One explanation for the reliance on German personnel was the background of the U.S. personnel assigned to POW duty.[69/] Most

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68/ Quoted in Ziemke, pages 293-294.

69/ For more on U.S. reliance on German personnel, see J.F.J. Gillem, The Employment of German Nationals by the Office of U.S. High Commissioner for Germany (Historical Series of HICOG), Chapter 1.

of them had been combat soldiers only weeks before. They lacked the training, motivation, and German language capability that might have made them more effective in these administrative tasks. The dramatic advances of the last months of the war, the exhilaration of victory, and the desire to return home made the guarding of a POW camp and the discharge of German POWs a task that did not engage the interest of most of those assigned to it. Moreover, this task fell to the more experienced and battle-weary veterans in the Army, those who had been away from home the longest and who had experienced the most. This was the result of a huge personnel swap that took place in the summer of 1945. Individuals who had accumulated few "points" were consolidated in one unit, while those with high points were consolidated in another. The intention was to send the "low pointers" to the Pacific Theatre, where the war with Imperial Japan raged on, and to send the higher pointers, after a few months of occupation duty, home.[70/]

70/ As luck would have it, the "low pointers," in many cases, because of the early end of the war in the Pacific, got home first. The U.S. Army Redeployment program resulted in a massive reduction in U.S. military personnel in Europe. By June 1946, 99.2% of the total Theater strength on VE Day had been redeployed: 780,000 men sent to the Pacific or the U.S. for further service; and over 2.2 million were discharged. See D. Franklin, Come as a Conqueror: The U.S. Army's Occupation of Germany, 1945-1949 (New York, 1967).

2. Attempts to Prevent Release of War Criminals

a. Automatic Arrest Categories

Despite the desire to discharge as many prisoners as possible as quickly as possible, certain safeguards were instituted to try to ensure that those who played a significant role in the creation and maintenance of the Nazi state were not discharged. For example, "automatic arrest" categories were established based solely on position, regardless of personal activity. Automatic arrest categories included all members of the Nazi party above a certain leadership rank and all members of the SS above noncommissioned rank.[71]

b. Wanted Lists

The U.N. War Crimes Commission issued a series of wanted lists that named individuals sought for war crimes by member countries.[72] List No. 8, issued in May 1945, names Mengele as wanted by Polish authorities. It is unlikely, however, that this list ever reached the units responsible for running the POW camps in which Mengele was interned. According to one account, even the commander of the large prisoner of war enclosure at Dachau

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71/ See appendix, p. 92.

72/ The identification of war criminals and the development of a mechanism by which they would be apprehended and prosecuted began long before the end of the war. The United Nations War Crimes Commission began work in London in January 1944. Its mission was to compile names of war criminals and evidence against them pursuant to agreements made in the Moscow Declaration of November 1943. See Section 3 for more complete discussion, see appendix, p. 71.

was completely unfamiliar with the U.N. War Crimes Commission, not to mention the lists that it issued.[73]

Another Allied organization was established with the express responsibility to coordinate efforts for the listing and location of war criminals. This organization, the Central Registry of War Criminals and Security Suspects (CROWCASS), was set up in Paris at the end of 1944. Plagued almost from the start by a lack of sufficient management and resources to perform the enormous task that was assigned to it, CROWCASS failed to be effective during its first year in operation, when its function was most critically needed. The first CROWCASS list, published in July 1945, included the names previously listed on U.N. War Crimes Commission wanted lists as well as additional names submitted to CROWCASS. However, to be effective, a wanted list must, of course, find its way into the hands of individuals who are in a position to locate and apprehend those named on it, and in the case of the July 1945 CROWCASS wanted list, printing and distribution had still not been completed by October 1945.[74]

Distribution and production problems were not the only difficulties that plagued CROWCASS. Initially, the plan was for CROWCASS to be a repository of names of those individuals who were wanted either for war crimes or as "security suspects." It

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73/ See Tom Bower, Blind Eye to Murder, London: Granada Publishing Ltd., 1983, page 270.

74/ Memorandum from Melvin G. Kidder to Colonel P.S. Lauben, Subject: CROWCASS, 12 October 1945. NARA: RG332, ETO, Records of the Secretary, General Staff Classified General Correspondence 1944 to 1945 000.1-000.5, Box 1. See appendix, p. 83.

quickly became clear that including security suspects in the program was a burdensome and impractical responsibility. Recognizing that CROWCASS could not deal with the tremendous volume of names that fell under this loosely defined rubric, it was decided to drop the security suspect listing and reduce CROWCASS to a war crimes wanted list only.

The early mismanagement, compounded by the confused mission, served to undermine the value of CROWCASS even after attempts were made to correct the problems, since many of its intended users continued to doubt its accuracy and reliability and chose to ignore it.

c. Blood-type Tattoos

Given the pressure to discharge German POWs quickly and the requirement to take into custody certain individuals based on their membership in the SS, a litmus test was devised to separate SS men from other POWs. It was common knowledge among discharging personnel that most members of the SS bore blood-type tattoos under the left arm.[75/] Whereas the test was generally accurate for proving who had been in the SS, it failed to identify those members of the SS, including Mengele, who had not received the blood group tattoo.

75/ As early as November 1944, POWs understood that only SS men had the blood group tattoo, and those who had the mark were anxious to obliterate it. Some went so far as to attempt to have the blood-type tattoo removed surgically. A G-2 report, dated 25 June 1945, indicates that "two German doctors [were] arrested [in the] XXI Corps area for removing tattoo marks from SS personnel."

An analysis of tattooing procedure based on interrogations of SS POWs was prepared by U.S. military intelligence in November 1944.[76] The report concludes that, far from a universal practice, the tattooing of SS personnel was subject to much variation. The report states that tattooing was usually performed immediately after blood group had been determined by medical examination at SS training centers. POWs questioned claimed that there was no way to refuse the tattoo. The report also indicated that "almost without exception," the tattooing was done by medical officers. In addition, the report concluded that tattooing of SS personnel was a wartime practice, and that personnel were generally not tattooed before the outbreak of the war. Of 102 POWs -- each known to have been in the SS -- interrogated in Devizes between October 12 and November 4, 1944, 22 did not have a blood-type tattoo.

E. A Note on the Witnesses

As is evident in the foregoing analysis, two witnesses -- Kahler and Ulmann -- were responsible for answering the critical questions concerning Mengele's capture, internment, and release immediately following the end of the war. Without them, OSI would have been forced to rely exclusively on Mengele's quasi-autobiography; it would not have been possible to determine in which camps Mengele was held, how he was discharged, his lack of

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76/ "Report on Interrogation of 102 SS and other POWs at Devizes, 12 Oct to Nov 44," NARA: RG332, ETO MIS-4; Misc Interrogation Records, 1944-46, Box 128.

an SS tattoo, and the fact that he used his own name. In light of their importance, an explanation of how these two witnesses were found is in order. One discovery was serendipitous, the other the result of directed research.

1. Dr. Kahler

Dr. Otto-Hans Kahler's encounter with Mengele at the end of World War II might never have come to light were it not for research conducted by a German geneticist, Dr. Benno Mueller-Hill, about Nazi scientists.[77] In the course of research for his 1984 book, Toedliche Wissenschaft [Lethal Science],[78] Dr. Mueller-Hill interviewed Kahler because of his association with Dr. von Verschuer[79] at the Kaiser Wilhelm Institute before the war. An unexpected result of the interview was the anecdote about Mengele joining Kahler's medical unit in the last days of the war. OSI subsequently learned of Kahler's existence from William Bemister, a documentary filmmaker.

2. Dr. Ulmann

OSI identified and located Dr. Fritz Ulmann based on clues to his identity contained in Mengele's autobiographical account of his postwar movements. In this account, there is a character by the name of "Ulmeier," from Munich, who was with Mengele in

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77/ OSI interview with Kahler.

78/ (Hamburg: Rowohlt, 1984)

79/ Dr. von Verschuer was the head of the Hereditary Biology and Racial Hygiene Institute. He was a leader in twin research.

the POW camp and who gives Mengele a copy of his discharge certificate. The fact that Mengele used false names in the account made it almost impossible to know who "Ulmeier" actually was.

There was, however, one clue. In the autobiography, Mengele changes "Ulmeier's" discharge paper to read "Holmeder." OSI assumed that "Holmeder" was the disguised name for "Holmann," which was the confirmed alias -- Fritz Holmann -- under which Mengele lived immediately following his release. If "Holmeder" was the disguised form of "Holmann," studying the methodology employed in effecting the metamorphosis from the former to the latter, OSI reasoned, might make it possible to discover what name "Ulmeier" was disguising. Using an algebraic-like equation, OSI developed a list of possible names including "Ulmann." In addition, OSI theorized that since Mengele, in his book, kept the first name "Hans" for the characters "Ulmeier" and "Holmeder," the real "Fritz Holmann's" first name was also likely "Fritz."

With this information, OSI checked old Munich telephone directories and discovered that a neurologist by the name of Dr. Fritz Ulmann lived in Munich in 1950. OSI then checked Wehrmacht (Armed forces) medical personnel records at the National Archives and determined that a Dr. Fritz Ulmann had indeed served as a medical officer in the German Army. These records also supplied a date of birth.

Confirmation that this Dr. Ulmann was the one associated with Mengele came in two ways: First, when OSI interviewed Kahler, he, with some surprise (because he had forgotten),

confirmed that Dr. Ulmann was with him at the POW camp and that Ulmann and Mengele were quite close. Second, OSI checked Ulmann's name and birthdate with the Deutsche Dienststelle [German Service Agency] in Berlin, and the records supplied in response indicated that Ulmann was assigned to Kriegslazarett-Abteilung 591 (which was Kahler's unit). With this confirming information in hand, OSI checked with the German resident registration office in Munich in an attempt to determine Ulmann's current whereabouts, if indeed he was still alive. Ulmann was quickly traced.

Dr. Fritz Ulmann was surprised to receive a telephone call from OSI and maintained that he had never spoken to anyone about his experience with Mengele. Although initially reluctant to meet with an OSI representative, Ulmann finally agreed and provided helpful information. Ulmann admitted that he had had two discharge papers, one from the camp at Schauenstein and the other from Helmbrechts.[80/] Although he did not directly admit to having given one of them to Mengele, he did not dispute the fact, and it is not unreasonable to conclude that he did. Both Ulmann and Kahler appeared generally to be credible witnesses, and OSI was ultimately able to confirm many of their statements from other sources.

As noted earlier, Dr. Ulmann claims that Mengele was released under his own name, and Dr. Kahler believes that this is probably correct. Dr. Kahler states that Mengele ultimately

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80/ Ulmann supplied a copy of his Helmbrechts discharge certificate to OSI (see appendix).

abandoned his "Memling" alias while in American captivity, possibly in response to Kahler's alleged appeal to Mengele that it was undignified and ill-suited to the honor of a German officer to use a false name.

In the absence of complete POW records, however, it has proven impossible to verify the claim that Mengele was discharged from the Helmbrechts camp under his true name. The evidence on this point remains inconclusive and, to some extent, contradictory.

Mengele's autobiography makes no mention of his having received a discharge paper under his own name, nor of his ever having presented himself to the Americans under his real name. To the contrary, the only discharge document mentioned by Mengele is the one issued under the name "Ulmeier" (i.e., the one he altered to read "Holmeder"). Mengele indicates that "Ulmeier" had obtained a duplicate copy of his own discharge paper from the camp office and given it to Mengele. (OSI believes this to be a more likely explanation of the fact that Ulmann had two discharge papers than Ulmann's explanation that he got one at Schauenstein and one at Helmbrechts.) It is possible that Mengele had Ulmann's duplicate paper altered (to "Holmann") while he was still at Helmbrechts, thus allowing both him and Ulmann to be released at the same time without detection.

If, while at Helmbrechts, Mengele used a name (whether his own or a variation on Ulmann's name) that differed from the alias that he used at Schauenstein, the question arises how Mengele could have effected such a change without arousing his captors'

suspicions. When queried on this subject by OSI, Dr. Kahler stated that he was unsure how the change had been accomplished. He speculated, however, that prisoners might have been transferred from the first camp to the second without any paperwork following them. Indeed, as noted above, it appears that American forces did not, at first, create <u>any</u> records on the prisoners interned at Schauenstein, and that when records were finally produced, the prisoners may have kept their own papers. There was, moreover, a heavy reliance on German personnel to handle the paperwork. It is possible that Mengele effected a name change <u>before</u> the transfer to Helmbrechts or even that this transfer was carried out prior to the registering of Schauenstein's prisoner population.

That a name change actually could be accomplished by a resourceful prisoner without detection by the Americans is illustrated by the case of Adolf Eichmann. During his initial captivity in an American POW camp, Eichmann gave his name as "Adolf Karl Barth." Later, after his transfer to another POW camp, Eichmann identified himself as "Otto Eckmann." Like many of his fellow prisoners, he claimed that his identity documents had been destroyed at war's end, "on orders." (American personnel accordingly had to accept the prisoners' stories in most instances.) Of particular relevance to the Mengele case is the fact that Eichmann was never confronted by his U.S. captors with the fact of his name change. Eichmann also had little difficulty obtaining false identity papers while in U.S. custody; SS comrades in the camp, possibly assisted by sympathetic German

or Austrian civilian employees of the camp, saw to it that Eichmann received the bogus documents, which he then used following his escape.[81/]

That Mengele did possess a second discharge paper -- in his true name -- seems likely. Frau Otillie Miller, whose farm Mengele visited in 1945 following his release from Helmbrechts (see discussion infra), told OSI that she recalled Mengele possessing two discharge papers, one in his own name and the other in a name that she thought was similar to "Dr. Neumann."

What cannot be conclusively ascertained is how Mengele obtained an alternate discharge certificate in his own name. Drs. Ulmann and Kahler suggest that Mengele simply presented himself to U.S. personnel at some point as Josef Mengele and was discharged under that name. However, equally (if not more) plausible is the theory that a spare discharge paper was prepared for him covertly by a confederate civilian employee of the Helmsbrechts camp or that Mengele obtained, from some other source, a forged discharge paper in his true name.

Arguing against the proposition that Mengele presented himself for registration and/or discharge under his real name are several facts. First, it strains credulity to believe, as Kahler claims, that an appeal to Mengele's sense of "honor as a German officer" would have persuaded him to risk his very life by suddenly presenting himself to his Allied captors as Josef

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81/ See Gideon Hausner, Justice in Jerusalem (N.Y.: Harper & Row, 1966), pp. 268-271; Moshe Pearlman, The Capture and Trial of Adolf Eichmann (N.Y.: Simon and Schuster, 1963), pp. 28-33.

Mengele. If Mengele had not felt it dishonorable to employ a variety of aliases while still serving the Third Reich, it is highly questionable that he would have subsequently deemed it somehow dishonorable to deceive his enemies. Indeed, it is difficult to see anything particularly dishonorable about a prisoner of war trying to deceive his captors as to his identity. Moreover, considering Mengele's obvious lack of concern about the "honor" of his physician's profession -- which, after all, is based on the solemn duty to save life and ameliorate pain, not to destroy life and inflict pain -- there is little reason to believe that Mengele would risk so much merely to vindicate an abstract (and highly questionable) proposition about the "honor" of a German officer. Reversion to his true name would also have been a striking -- indeed unique -- departure from Mengele's consistent practice in Europe during the 1945-49 period: (1) shortly before Nazi Germany's capitulation, he used several aliases while still serving in Germany's armed forces; (2) next, he adopted the alias "Josef Memling" and used it while in American custody; (3) after his discharge, he used "Fritz Ulmann" and/or "Fritz Holmann" as his alias, based on a discharge document that the real Dr. Fritz Ulmann gave him; and (4) finally, as discussed <u>infra</u>, he obtained Red Cross documentation and Argentine immigration documents under the name "Helmut Gregor," under which name he sailed from Genoa to South America in 1949, after being willing to resort to the "dishonorable" tactic of lying to the authorities in Germany's erstwhile ally, Italy, as well as officials of the International

Red Cross, about his identity. In light of Mengele's consistently and desperately fought struggle to conceal his identity, it is extremely difficult to believe that an appeal to "the honor of a German officer" would somehow have persuaded him, even briefly as claimed, to shed the Memling alias at (of all times) the crucial period in which he at last faced the tantalizing prospect of securing his release from American custody. Moreover, if Mengele agreed that it was beneath the honor of a German officer to deceive the American occupation forces about his identity, it may fairly be asked why he felt the need to leave Helmbrechts with Ulmann's discharge certificate in his possession. What deception that was somehow more "honorable" than deceiving his former enemies could Mengele have planned to perpetrate with that document?

In sum, it appears that if Mengele really did manage to procure a discharge paper under his true name, it was not because of his concern with honor, but rather because he believed (not implausibly) that it might be useful in the future to possess a discharge certificate in his own name.[82/]

82/ A possible motive for Mengele's former comrades and acquaintances to cling to the assertion that Mengele was discharged under his own name may be hypothesized. By the autumn of 1985 (when these individuals were first contacted in Germany by OSI), the German press had carried numerous stories reporting on demands from various quarters that those who helped Mengele evade justice be prosecuted for, inter alia, obstruction of justice. The press also reported that at least one person was actually under federal investigation in Germany for his role in shielding Mengele. Under these circumstances, it is easy to understand why Kahler (who knew of Mengele's "Memling" deception but never notified the American occupation forces or German successor authorities -- even though his old friend had confided

(continued...)

F. Conclusion

Josef Mengele was in U.S. custody for at least six weeks, in two separate POW camps, in the summer of 1945. It is possible that he was discharged under his own name even though he was, at the time of his release, listed as a war criminal on at least two wanted lists and was subjected to procedures designed to avoid the discharge of such individuals. It must be said, however, that if Mengele presented himself to his captors at some point under his true name, seriously faulting those who discharged him still requires one to disregard, or at least depreciate enormously, the following facts:

1. Mengele was able to join a Wehrmacht Military Hospital unit and remain with it for approximately six weeks before his capture. His Wehrmacht uniform, membership in a hospital unit, and support from colleagues who knew him and could vouch for him, would have eased him through whatever difficulties he may have faced because of his lack of appropriate documentation. His lack of identifying papers would not necessarily have been suspicious to the Americans. In the last days of the war, many fighting men lost, abandoned, or destroyed personal belongings and papers.

2. Mengele was released at the high point of the POW discharge effort and at a time when even the modest safeguards that were mandated received lower priority;

3. The wanted lists on which Mengele's name appeared probably did not reach the unit responsible for his discharge in time. If they did, his lack of an SS

82/(...continued)
to him that he had performed "selections" at Auschwitz) and Ulmann (who actually participated in Mengele's escape from justice by providing him with one of his own discharge certificates) would today claim that Mengele ultimately dropped his ruse and presented himself to the Americans under his actual name. Under this scenario, the blame is conveniently shifted onto the Americans. Kahler, of course, goes a step further and claims that it was he who convinced Mengele to use his real name, for reasons of "honor."

tattoo and his coherent and supported cover story may have removed Mengele from suspicion, just as they saved him from automatic arrest; and

4. Mengele had no SS tattoo. Without this telltale sign, he was able to withstand the most effective of the screening procedures employed by his captors. Although the tattooing practice was widespread and standard procedure for the SS, a large number of SS personnel were not tattooed. Medical personnel were charged with the responsibility for the tattooing procedure itself, and Mengele may have been able to escape the procedure because he was among the individuals responsible for carrying it out.[83/]

II. The Guenzburg Question: Was Mengele Living Openly Under His Own Name?

"The Guenzburg Question" is raised by the allegation that Mengele lived openly after the war in his hometown, Guenzburg, under his own name. This claim implies at least ignorance and at worst acquiescence or complicity on the part of U.S. authorities stationed there. Accordingly, any satisfactory answer to this question requires both a determination of whether Mengele in fact lived in Guenzburg as well as an examination of the U.S. presence there.

A. The Mengele Family and Guenzburg

According to the census of May 1939, the city of Guenzburg had a population of 6,949. During the war, the population grew to about 10,500, swelled by individuals fleeing to Guenzburg from areas that had been destroyed through intensive Allied bombing,

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83/ His desire not to have a tattoo may have been motivated by his extreme vanity and fastidiousness concerning his appearance, as described by his wife.

as well as by workers, including foreign laborers, assigned to local armaments firms. Guenzburg escaped significant damage until April 9, 1945, when a Messerschmitt factory located there was the target of a large Allied bombing raid. Two further air raids, on April 15 and April 19, destroyed the rail yards and disrupted public utilities.

Guenzburg was the seat of Landkreis Guenzburg, a county made up of 67 separate communities with a total population at the end of the war of approximately 45,000. Located in Schwaben, Guenzburg lay in the westernmost part of Bavaria. Primarily agricultural, the most significant industry in Guenzburg was the Mengele factory, producer of agricultural equipment. Although not as large as it is today, the Mengele factory prior to and during World War II was a significant economic factor in Guenzburg. The Mengele family, as a result, exercised considerable influence in the town and was well known by all.

As a part of the initial activity of the Military Government following Germany's surrender, the city administration was purged of active Nazis, streets were renamed, and a welfare office was established. For the first phase of the occupation, in addition to the Military Government Detachment, a U.S. Army infantry regiment was stationed in Guenzburg.[84/]

Immediately following the war, and for several years, the Mengele name and power were less a factor in Guenzburg life than previously or since, a decline due in part to the fate of the

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84/ "Report Concerning My Activity as Mayor of the City of Guenzburg during the Period 28 April 1945 through 2 July 1945," NARA Fragebogen Guenzburg, No. 101.

Mengele family. The head of the family, Karl Mengele, was arrested, under automatic arrest provisions, by the Americans at the end of April because of his position as the Kreiswirtschaftsberater (District economic advisor) and was interned, first in Ludwigsburg, north of Stuttgart, and later at Moosburg in Bavaria. Two of his three sons were far from home: Alois was a prisoner of war in Yugoslavia, and Josef was, as far as the family claimed to know, "somewhere in the east." Karl's wife "Wally," his daughter-in-law Irene (Josef's wife), and grandson, Rolf (Josef's son), had moved to the small village of Autenried, not far from Guenzburg. Karl, Jr., who had received a draft deferment because his service with the Mengele firm was considered essential war duty, stepped down from the firm because he suspected, rightly, that he would place it in jeopardy by remaining with it. He was the subject of a prolonged denazification procedure, the result of which left him banned from the Mengele premises. Karl, Jr., handed general management over to Hans Sedlmaier, whose loyalty to the family was unquestioned.[85/]

Despite the post-war absence of anyone from the Mengele family in a position of power, for those who lived in Guenzburg before the war, the Mengele name still held an almost mythic quality. Known for his philanthropy, Karl, Sr., was reputed to

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85/ As discussed later in this report, Sedlmaier proved to be a key player in the search which resulted in the discovery of Mengele's remains in Brazil. It is important to note that Sedlmaier was known to authorities immediately after the war as a person close to the family.

have placed sausages in the windows of the poor people of the town.[86] As the major employer, the Mengele factory meant food on the table for a large number of Guenzburg families. When Hitler came to Guenzburg in 1932, it was in the Mengele factory that he gave his rousing speech.

1. The Military Government Detachment

On April 25, 1945, at approximately 7:00 a.m., American troops entered Guenzburg. The town hall was taken by 9:30 a.m., and the police were disarmed. By the afternoon of the next day, a detachment of the Military Government arrived in the city and undertook, as a first step, to restore essential services. Karl Mengele, Sr., was called upon to restore water service. Leonhard Seethaler was installed as mayor, and, according to a report that he drafted in July 1945, the entire economic and official life of the city was at a standstill.[87] Streets had to be cleared, utilities restored, and the supply of necessary foodstuffs ensured. A hospital was established in the former Hitler Youth home to replace the one destroyed during the war, and patients were admitted by the middle of May. Temporary bridges over the Danube were constructed to replace those destroyed by retreating German troops. The entire male population between the ages of 16

86/ OSI interview with Charlotte Tersteggen, September 30, 1985, Germany.

87/ "Report Concerning My Activity as Mayor of the City of Guenzburg during the Period 28 April 1945 through 2 July 1945," NARA Fragebogen Guenzburg, No. 101.

and 65 was drafted to perform the necessary labor, and, after a few days, life began to return to normal.

Military Government Detachment I6C3[88/] arrived in Guenzburg along with combat units of the 1st Infantry Division. The Detachment remained in Guenzburg, although this was a departure from its original plans. Many who were scheduled to occupy positions of leadership in the U.S. occupation of Germany had been sent home, the result of the point system that was designed to permit those U.S. military personnel who had served the most time to return home the earliest.[89/]

The Military Government Detachment in Guenzburg was responsible for bringing life back to normal as quickly as possible, and, at the same time, destroying all remnants of Guenzburg's Nazi past. The civil service in the district had to be purged, curriculae in the schools had to be recast, and teachers had to be vetted. The press and other media were subject to strict control and the political life of the district had to be reinaugurated without Nazi influence. Those who had supported or contributed to Nazi rule had to answer for their activities. Military Government ran the courts and licensed the

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88/ The designation of the Detachment changed over time, and was variously known as Detachment G293 and H293. For more on U.S. occupation of Germany see J.F.J. Gillem, State and Local Government in West Germany, 1945-1953 (ed. by the Historical Division of HICOG, 1953); John Gimbel, A German Community under American Occupation (Stanford, 1961). Carl J. Friedrich et al., American Experiences in Military Government in World War II (New York, 1948).

89/ As noted earlier in note 70, this intention was not always realized.

industry. Gradually, all of its tasks were turned over to local authorities, and, in the early 1950s, the Military Government withdrew.

2. U.S. Contact with the Mengeles

Due to the widespread belief that Mengele lived openly in Guenzburg following the war and that this open residence was permitted by U.S. authorities stationed there, considerable resources were devoted to determining the facts behind the allegation. OSI identified, located, and interviewed all surviving personnel assigned to U.S. authorities in Guenzburg, including all surviving members of the Military Government Detachment, the CIC Field Office, and selected representatives of the 14th Infantry Regiment and the 76th Constabulary.[90/] OSI also identified and located nearly all of the local civilian German employees of these organizations. Finally, all available documentary evidence produced by the CIC and the Military Government Detachment in Guenzburg was reviewed. The results were surprising.

The first commander of the Military Government Detachment in Guenzburg, James G. Horrell, recalls arriving in Guenzburg in April 1945 to find a "mess."[91/] His mission was to get things

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90/ See appendix, p. 114.

91/ OSI interview with James G. Horrell, April 30, 1985. Horrell recalls a large fire in Guenzburg which may have been at the Mengele factory; he and his men put it out. Interestingly, this fire is described in Mengele's autobiography, as is the assistance of the Military Government command in extinguishing it.

working again. His recollections of the Mengele family and firm are limited. He recalls meeting Karl Mengele, Sr., and one of his sons early in his service in Guenzburg and remembers knowing that Karl Mengele had another son who was an SS doctor. He could not recall taking any action in regard to the SS doctor Mengele and stressed that he had no indication at the time that this son was wanted as a war criminal.

Horrell's secretary, Charlotte Terstegen (nee von Schmidt auf Altenstadt), told OSI that Karl Mengele, Jr. visited Horrell on at least two and perhaps more occasions. She believes that the purpose of the visits was to discuss the Mengele business, not Josef Mengele. Mrs. Terstegen, a refugee from her native Holland, moved to Guenzburg near the end of the war and lived with a family friend across the street from the Mengele home. She recalls that Joseph Mengele's wife, Irene, with whom she was acquainted, once visited her home because of her position with the Military Government. Irene Mengele was extremely upset and sought Terstegen's help for her husband. Terstegen was unable to recall any other details.

Arnold Jacobius, a German-Jewish refugee, was a sergeant with the Military Government Detachment. His German language ability made him extremely useful to the unit, especially in the area of education. He was responsible for rebuilding the Guenzburg school system and, as a result of his efforts, he is still a welcome guest in the town. Jacobius recalls that Josef Mengele was sought by the Military Government Detachment, but

that there was no comprehensive search for Mengele in Guenzburg since everyone believed that he was not there.

Eric Ruzicka, a Yugoslav refugee who settled in Guenzburg, was a "jack of all trades" for the Military Government Detachment. His former colleagues recall that with his linguistic skills and survivor instincts, he seemingly could get anything done. Among other duties, he ran the jail in Guenzburg, and served as interpreter. Ruzicka told OSI that he was personally involved in the search for Josef Mengele, whose name, he stated, probably appeared on a "wanted list." Unfortunately, it is difficult to place much reliance on Ruzicka's recollection since he considerably changed his story in a subsequent interview.

The persons described above are the only employees of U.S. authorities in Guenzburg who recalled any matters related to Josef Mengele immediately after the war. Possibly due to the relative lack of interest on the part of the U.S. personnel assigned to Guenzburg or the low profile kept by the Mengele family and firm during this period, very few of the U.S. servicemen stationed in Guenzburg even recall the name "Mengele." Local nationals employed by the Military Government Detachment remember the Mengele family, but they have no recollection of any attempt by U.S. authorities to locate Josef. Likewise, while the CIC agents recall searching for war criminals, none has any recollection of searching for Josef Mengele. For instance, Gustav Teller, a Jewish refugee from Vienna who recalls that he was particularly sensitive to war crimes matters, was with the

first CIC detachment in Guenzburg, and cannot recall any effort to look for Mengele.[92] Indeed, some of the more reliable witnesses interviewed were confident that neither the Military Government nor the CIC made any specific effort to find him.

However, as discussed below, OSI has learned that Josef Mengele's wife, Irene, was interrogated by U.S. officials searching for Josef on June 11, 1945 in Autenried. Apparently, these officials were not acting on a high-level mandate, but were engaged only in an initial effort to locate a potential suspect, in this case Josef Mengele.[93] Although it is not clear which U.S. officials questioned her, it is possible that it was done by members of the U.S. Military Government Detachment.

3. Conclusion

On the basis of all information reviewed concerning the U.S. presence in Guenzburg, OSI has concluded that Josef Mengele was not of substantial significance to U.S. personnel stationed there. Some of the reasons for this are addressed later in this report, but it is fair to conclude that rather than being involved in a conspiracy to protect the man, U.S. personnel, for the most part, were not made aware of his particular crimes and,

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92/ OSI interview with Gustav Teller, May 11, 1985.

93/ This information came directly from Irene Mengele. OSI reviewed certain entries in a diary maintained by Irene Mengele in 1945. In an interview with Rolf Mengele, her son, during which he spoke with his mother by telephone, Rolf confirmed this information.

consequently, did not aggressively search for him. None of this, of course, addresses the issue of where Mengele actually went after his release from the Helmbrechts camp; that question is addressed next.

B. Mengele in Rosenheim

1. Visit to Millers

Following his release from the camp at Helmbrechts and his transportation as far as Ingolstadt, Mengele found his way to Donauwoerth, a town east of Guenzburg. He intended to visit his former schoolmate and friend, Dr. Albert Miller, a veterinarian who had moved from Guenzburg to Donauwoerth. Miller's wife, Otillie, still remembers how Mengele, dressed in a uniform without insignia, appeared at her door sometime in the summer of 1945.[94/] He stayed for lunch and for conversation, perhaps for a period of an hour and a half, and related his experience in a POW camp as well as details of his journey to Donauwoerth. Apparently he had in his possession two discharge certificates [Entlassungsscheine], one in his own name and the other in the name of another doctor.[95/] On his way, Mengele apparently met a farmer who had two bicycles, one of which he lent to Mengele. Fearful that carrying two discharge papers might present problems if he were to encounter an American control point, Mengele

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94/ OSI telephone interview with Otillie Miller, January 27, 1986.

95/ Otillie Miller recalls the name as being something like Neumann, which is indeed close to Ulmann.

decided to hide one of them. He chose the one in his own name, rolled it up, and slipped it into the handlebars of the borrowed bicycle. When he and the farmer arrived in Donauwoerth and Mengele gave up the bicycle, he apparently forgot to remove the hidden discharge certificate.

Dr. Miller gave Mengele a ride to a nearby town in the direction of Guenzburg. Mengele, however, declared that he had no intention of going home. The Millers inquired as to what they should say in the event that Mengele's family asked after him. Mengele replied, according to Otillie Miller, that should his brother, Karl, ask about his whereabouts, the Millers should say that Mengele had gone to his friend, meaning a woman friend, who lived near Gera or Jena. Miller stated that she and her husband even offered to arrange a ride for Mengele as far as Guenzburg, but that he rejected the offer.

Miller dates the visit as July or August 1945. Based on the proximity of Donauwoerth to Ingolstadt and Miller's assertion that Mengele still had with him two discharge papers, it is reasonable to conclude that the visit likely took place shortly after his release from the camp at Helmbrechts.[96/]

In any event, Miller recalls that both Karl and Irene Mengele visited her some time after her husband had been taken into custody by the Americans in September 1945. They spent less than an hour with her, and she recounted to them Josef's visit

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96/ Mrs. Julia Kane, who lived in Guenzburg in 1945-1946, interviewed by OSI in November 1985, stated that Mengele's visit to the Millers was generally known in Guenzburg.

during the previous summer. According to Miller, this was her first contact with the Mengele family since Josef's visit.

2. Visit to Soviet Zone

Miller's assertion that Mengele intended to go to Gera or Jena is curious since both cities were located in the Soviet zone in mid-summer 1945. It would seem an imprudent risk for anyone to cross into the Soviet zone; and it would have been extremely risky for any German of military age, and especially for a former SS officer and concentration camp doctor, to do so. The visit to the Soviet zone, however, takes on more credence in light of the evidence provided by Mengele's autobiographical novel. Without Miller's statement as corroboration, Mengele's claims of a visit to the Soviet zone might have appeared to be the result of literary license. Together, however, the two pieces of evidence must lead one to examine seriously the possibility that he did, indeed, visit the Soviet zone in the summer and early fall of 1945.

According to his autobiographical novel, Mengele went to the Soviet zone in order to visit a nurse whom he had met in the hospital unit that he joined at the end of the war. He claims that he was able to find her home based on conversations he had had with her in the "No Man's Land." He admits that it was a very risky undertaking to cross the heavily guarded border, but gives no reason why he would have subjected himself to such risks. He writes only that he found it very difficult to live there and decided to return to the U.S. zone. Kriegslazarett 591

was a unit that originated in the Gera area and many of its members, therefore, came from there.[97] According to Dr. Kahler, those who came from the Gera area went home directly from the "No Man's Land" and did not enter the U.S. zone; accordingly, they were not taken prisoner by the Americans.[98]

3. Life on the Farm

According to his autobiography, when Mengele arrived in the village of Mangolding in the Rosenheim district in mid-October 1945, his cover story was that he had just returned from the Soviet zone where he had undertaken an unsuccessful search for his wife who had been evacuated to central Germany during the war. Maria and Georg Fischer were proprietors of a farm in the small village of Mangolding.[99] Georg Fischer died of stomach cancer in 1959, but Maria Fischer gave a statement[100] to the effect that "Fritz Holmann" (Mengele) came to their farm after the war and remained there until August 1, 1948, a date that she is precise about because, as noted below, it relates to an event in her own family history. Alois Fischer, Georg's brother, recalls clearly that Fritz Holmann was a satisfactory farmhand, industrious and obedient.

97/ Erkennungsmarkenlisten for Kriegslazarett 591 (WASt).

98/ OSI interview with Otto-Hans Kahler, September 27, 1985.

99/ Mengele refers to this locale as Manharding in his autobiography.

100/ OSI is indebted to writer Gerald L. Posner for his assistance in obtaining this statement.

According to his autobiographical account, which covers the period October 1945 through approximately December 1946, Mengele stayed close to the farm except for weekly visits to a nearby village, and a trip to visit his wife some distance from Rosenheim.[101/] Mengele describes nearly routine weekly visits to a small town, Reidering, where he met with a physician whom he calls Wieland. In the autobiography, Wieland is the brother-in-law of "Hans Ulmeier," the man who gave Mengele a copy of his discharge certificate.[102/] Wieland is a source of constant support throughout the period covered by Mengele's autobiographical account. It is Wieland who recommends the Rosenheim area as a place of refuge. It is Wieland who sends Mengele to look for work in Mangolding. It is Wieland, as Mengele's agent, who visits Mengele's brother in Guenzburg, bringing Karl Mengele, Jr. (referred to as "Franz") news that his brother, Josef, is well and living in the Rosenheim area. It is during this visit that Wieland sets up a meeting between Mengele and Karl which was to take place on the Autobahn about ten kilometers from the farm where Mengele was working. Hans

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101/ A good deal of space in the autobiography is devoted to a discussion of Mengele's relationship with his wife, whom he calls Irmgard. It is likely that when he discusses his deteriorating relationship with his wife that he is employing the kinds of literary devices that the autobiographical novel permitted him. On one hand, it would be imprudent to take as the truth the reproduced conversations and the details of several meetings that Mengele describes with his wife. What can be learned, on the other hand, is what Mengele felt about his wife and how he perceived her behavior.

102/ OSI tried to identify "Wieland" using clues from the autobiography and through Ulmann's assistance. The clues proved misleading, and Ulmann would not cooperate.

Sedlmaier accompanies Karl on the visit, which is an occasion for Karl to fill Josef Mengele in on what had happened to the family, the firm, and the town.

Sometime after Karl's visit, Irene Mengele visits her husband[103/] and discusses what had transpired since she last saw him. She recounts the visit by the American military personnel searching for him. She also suggests that Mengele should leave Germany since a normal life there was impossible. From the visit, it is clear to Mengele that his marriage is over, since Irene wanted an open, normal life. His attempts to save the marriage fail.

In the autobiography, Mengele describes two events that indicate that he was aware that his life in hiding was anything but secure. He describes the distribution of the denazification questionnaires [Fragebogen] in the Rosenheim area and claims that he filled out his own and that of the other individuals who were working on the farm, and gloats over his successful lies.[104/] Mengele recounts how he, around the time that the Fragebogen were distributed, learned of a case of a war criminal who was arrested in Rosenheim and extradited to Belgium. These events had a sobering impact on him.

Mengele's autobiographical account ends abruptly in the winter of 1946. He describes a visit to Wieland, during which he

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103/ From the text itself, it is possible to date this visit from Irene as approximately October 1946.

104/ OSI could not locate these Fragebogen and believes that they were likely destroyed.

also meets with Hans Ulmeier, the man whose discharge certificate provided him with his new identity. The visit was an unpleasant one. Wieland asks Mengele to give up the discharge paper, apparently upset by the way that Mengele endangered the security of "Ulmeier," with his injudicious travel. Wieland reasoned that were Mengele to be captured, it would be easy for the authorities to establish that he was using "Ulmeier's" discharge paper, thereby placing "Ulmeier" at risk. The story ends after describing only one-half of Mengele's period on the farm.

4. Whereabouts Unknown

Maria Fischer dates Fritz Holmann's (a/k/a Mengele) departure from her farm with some precision. Connecting it with a significant date in her own personal history, the serious illness of her husband, she maintains that "Fritz" left on August 1, 1948. Mengele's detailed autobiographical account covers his residence on the farm only through the winter of 1946, and is, therefore, of little help in establishing when he left the farm and what he did thereafter. The autobiography, however, establishes the date of his exit from Germany as mid-April 1949. Combining, therefore, the evidence from Maria Fischer and the evidence from the autobiographical account, leaves a period of eight and one-half months (August 1948 to mid-April 1949) for which one cannot account for Mengele's whereabouts.[105/]

105/ The account of Mengele's postwar activities that was published by the German illustrated magazine Bunte claims that Mengele resided for some time in the forests outside of

(continued...)

C. Conclusion

The evidence suggests that, with the exception of a brief trip to the Soviet zone in the summer of 1945, Josef Mengele lived in the U.S. zone until he left Europe in the spring of 1949. Contrary to what has become a widely accepted view, Mengele did not live openly under his own name in his hometown. Instead, he lived in fear under an assumed name and, at least throughout the most dangerous part of the postwar period, he lived in relative isolation from his family, in Rosenheim -- some distance from Guenzburg.

Ironically, it appears that Mengele need not have been so concerned about his safety. The U.S. Military Government Detachment and other U.S. authorities assigned to Guenzburg did not continue the search for him after initial efforts to find him failed.[106/]

The question remains whether Josef Mengele could have been found in his Rosenheim hideout if there had been a more

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105/(...continued)
Guenzburg. The account, which is based on interviews with Rolf Mengele, suggests that this residence on the outskirts of Guenzburg occurred in the summer of 1945. OSI has concluded in this section that this was not in fact the case, that Mengele was elsewhere during this period. It is therefore possible that the Bunte account was correct in substance but not in timing. A distinct possibility, therefore, exists that Mengele moved from his farm hideout in the summer of 1948 to be nearer his family in Guenzburg for the crucial preparations for his exit from Europe. OSI cannot confirm this hypothesis, because the people who know will not speak, and no written evidence has been found.

106/ In fact, another man named Josef Mengele who lived in Guenzburg at the time maintains he was never troubled to establish his identity. Interview with Hermann Abmayr. OSI has no basis for evaluating the credibility of this testimony.

aggressive search to find him. To answer this question, one might draw a parallel to Mengele's residence in South America for three decades. Just as a link to Guenzburg existed throughout Mengele's South American residence, so did one exist when Mengele lived in Rosenheim. Irene traveled often to visit her husband. Although she took a number of precautions to frustrate potential followers, those precautions apparently were unnecessary: even though U.S. investigators did interview Irene Mengele in an apparent effort to locate her husband, OSI has located no evidence which indicates that any investigator ever attempted to follow Irene's movements aggressively.

III. The Gorby Question: Arrest of Mengele in 1946-1947?

In April 1947, Benjamin Gorby, a CIC agent assigned to Region V in Regensburg, received word from an informant that a Dr. Mengele had been arrested in Vienna. Gorby wrote to the commander of the Vienna CIC Detachment in order to obtain more information about the arrest, since Mengele figured in one of his investigations. The possibility, raised by Gorby's 1947 memo (which was publicly disclosed in January 1985 by the Simon Wiesenthal Center in Los Angeles), that Mengele had been arrested by U.S. forces (and obviously not prosecuted thereafter) was one of the early and major issues that prompted the public call for the OSI investigation.[107]

107/ See appendix, p. 86.

The results of OSI's investigation permit an explanation of the basis of Gorby's belief that Mengele had been arrested. Unfortunately, the lack of complete records from that period precludes a conclusive understanding of the facts behind the claim. In this section of the report, an analysis of all the available evidence traces the initial rumor of Mengele's arrest and its impact on foreign governments, private groups, as well as Agent Gorby. A discussion of the supposed 1946 arrest, which OSI is confident never really took place, is followed by an analysis of what was done to find Mengele by U.S. authorities with principal responsibility for the apprehension of war criminals.

A. 1946 Arrest?

The arrest of Josef Mengele was reported in a newspaper published in Vienna, Der Neue Weg,[108/] on December 15, 1946. A small notice on page fourteen simply reported the arrest of "One of the Greatest War Criminals" and asked that anyone who had information about the activity of this "mass murderer" send statements to the "Aktionskomitee der juedischen KZler [Action Committee of Jewish Concentration Camp Inmates]" in Vienna. Two weeks later, the Hungarian newspaper Vilagossag,[109/] published by the Social Democrats, printed a front page article reporting Mengele's arrest. The article indicated that the information upon which it was based came from the announcement published two

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108/ See appendix, p. 88.

109/ See appendix, p. 87.

weeks earlier in Der Neue Weg. The following day, Vilagossag, again on page one, reported that the Hungarian Minister of Justice stated that his country was unable to seek the extradition of Mengele, but promised to do everything possible to supply evidence to the Austrian court and to work through regular channels for judicial assistance. He clearly indicated his belief that Mengele was in custody in Austria.

A week later, Vilagossag printed another article concerning the purported arrest, giving more details and reporting that Mengele had been arrested by U.S. police in Bavaria. The article named two individuals as the source for the information on the arrest that served for the basis of the announcement in Der Neue Weg. The individuals, D. Freimann, residing in Frankfurt, and Mordka Danielski, residing in Trostberg, apparently supplied Der Neue Weg with the information that Mengele had been arrested in October 1946 in Bavaria. The article suggests that all information about the arrest was sent to a Dr. Otto Wolken, a Jewish physician in Vienna.

The Daily News Bulletin of the Jewish Telegraphic Agency in London carried an item on January 5, 1947 relating to the arrest of Josef Mengele.[110/] According to this article, the Polish Military Mission had requested that American authorities hand over Mengele who had recently been arrested "near Berlin," and the Americans were expected to agree to this request because most

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110/ The item was datelined "Warsaw, January 3, 1947." See appendix, p. 89.

of the witnesses who could testify against Mengele resided in Poland.

The reports of Mengele's purported arrest did not go unnoticed. Indeed, they led to a broad distribution of the information as well as action on the part of many interested groups to collect testimony concerning Mengele's crimes. To understand the question of "Mengele's 1946 arrest," it is necessary to examine the basis for the early published accounts, and the effect of the accounts on others.

The article appearing in Der Neue Weg which, in turn, formed the basis of the article in Vilagossag, may have originated from a different source than the notice in the Jewish Telegraphic Agency (JTA) Daily News Bulletin. Whereas Der Neue Weg and Vilagossag appeared to have received their information from two individuals in Germany, Danielski and Freimann, the Jewish Telegraphic Agency report may have been based on different information.

Colonel Marion Mushkat, who served as director of the Polish Military Mission in occupied Germany and who now lives in Israel, told OSI that when he questioned several defendants in one of the postwar Auschwitz trials, they informed him that Mengele had been arrested by the Americans.[111/] According to Mushkat, on the basis of this information, he submitted an extradition request on

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111/ OSI interview with Marion Mushkat, Israel, July 18, 1985.

behalf of the Polish government to the American authorities and announced this step at a press conference he convened.[112/]

1. News of Mengele's Arrest: Origin and Spread

In the wake of the reports in Der Neue Weg and Vilagossag (and possibly others), survivors in various towns and cities in Hungary (Budapest, Tapolca, Papu, Gyulakeszi, Kaplantoti and Szekesfehervar) recorded their testimonies and sent them to Vienna.[113/] The process of collecting testimony against Mengele continued for several months and encompassed ever larger numbers of survivors in more and more communities in different parts of the world as the news spread.

From January to early March 1947, testimonies from survivors in Hungary, Rumania, Holland, Austria, and the United States were sent to Vienna. At the same time, the news regarding Mengele's arrest was published in additional newspapers. The first was the Jewish Telegraphic Agency, which on January 23, 1947 published an item in its Daily News Bulletin (dateline: Bucharest, January 22) which related that the Jews of Transylvania had been deeply stirred by the news of Mengele's arrest and the news that the Polish Government had submitted an extradition request to the American occupation authorities in Germany. It also noted that

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112/ OSI could locate no coverage of this press conference in any major Polish newspaper. As discussed below, OSI has concluded that, in fact, a formal request for Mengele's extradition was never made by the Polish government to the United States. See pages 112-15.

113/ Yad Vashem file 0-5/39.

the Cluj (Romania) Jewish weekly Egyseg (Unity) was searching for witnesses who could testify against Mengele and that a group of survivors had applied for exit visas to attend the trial.[114/]

The second newspaper was the Revisionist Zionist daily Ha-Mashkif, published in Tel Aviv on January 24, 1947. This article was based on the JTA release of the previous day, but added something that had not appeared in the original release -- that Mengele was to be tried soon in Warsaw. However, the source of this additional piece of information was not disclosed; it is likely that it was based on confusion over the trial of Rudolf Hoess, the commandant of Auschwitz, which was to begin shortly in Poland.

The third newspaper that carried the news of Mengele's arrest was Mahnruf, published in Vienna by the Austrian Association of Former Anti-Fascist Victims of Political Persecution. In the January 31, 1947 issue, it printed a quarter-page notice announcing the arrest of Mengele, who was described as "one of the most important war criminals." Mahnruf also called upon those able to testify to notify the Association or the Mahnruf.[115/]

The next significant development came in the latter half of March when the news of Mengele's arrest was published in several Displaced Person (D.P.) newspapers in occupied Germany. The

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114/ Jewish Telegraphic Agency, Daily News Bulletin, January 23, 1947, p. 2, "Transylvanian Jews Eager to Testify at Trial of Former Chief Physician at Auschwitz Death Camp."

115/ See appendix, p. 90.

first to do so were Undzer Weg and Jidisze Cajtung on March 21, 1947. They were followed by Undzer Moment (March 24, 1947); Undzer Wort (March 28, 1947); Ibergang (March 30, 1947); and Bafreiung (April 4, 1947).[116] The notices published in all the newspapers were virtually identical. They reported that Mengele had been arrested in Vienna and called for survivors who could testify against him to notify -- in person or in writing -- the Legal Department of the Central Committee of Liberated Jews in the American zone in Germany. The notices -- with one exception (Undzer Wort) -- were not highlighted in any manner and appeared as part of a regular feature of these newspapers which routinely called for survivors from specific locales to come forward as witnesses against criminals who had been detained by the authorities. The notice in Undzer Wort was published under the official heading of the Legal Department of the Central Committee of Liberated Jews; in the others it appeared under headings such as "We Are Searching for Witnesses Against Nazi and War Criminals" and "Miscellaneous Notices."

None of the newspapers added any details regarding Mengele's arrest (apart from the fact that he had been arrested in Vienna, an apparent assumption based on the initial appearance of the notice in a Vienna newspaper). They did not specify who had arrested him, where he was being held, or where or when he was to be put on trial.

116/ Copies of these newspapers are available at Yad Vashem.

The various notices published in the D.P. newspapers set off a wave of activity in numerous D.P. camps as witnesses came forward to testify against Mengele. Earlier, in January 1947, the Central Committee of Liberated Jews in the American zone of Germany had called upon the local committees in each area and camp to establish Nazi War Criminal committees. These committees recorded the testimonies and forwarded them to the Legal Department of the Central Committee in Munich. During the period from late March through the end of May 1947, testimonies against Mengele were sent from D.P. camps all over Germany: Wasseralfingen, Stuttgart, Moosburg, Eggenfelden, Windsheim, Vilseck, Hausstein, and Bad Reichenhall. However, such testimony added no informative details regarding Mengele's whereabouts and referred to him merely as "the one who had been arrested in Vienna."[117/]

During this period, Jewish groups in Vienna were attempting to determine more specific details regarding Mengele's reported arrest. For instance, on April 8, 1947, Wilhelm Krell and one Mr. Lewit from the Jewish community in Vienna, wrote to Dr. Schmorak of the Polish-Jewish committee asking him to reveal where Mengele was being held so that they could submit the material they had collected against him. They had received no answer to a similar request for information from their contact in

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117/ Yad Vashem: M-21/3/75; O-5/39; M-21/III/38.

Germany -- Mordka Danielski. OSI has found no record of any response to this request.[118/]

On May 30, 1947, the Palestinian Jewish daily Davar reported that, according to news "recently received from Warsaw," the Polish government had turned to the American authorities in Germany and asked that Mengele be extradited to Poland.[119/] This report, as well as similar previous ones, might possibly have prompted queries regarding Mengele's whereabouts to be directed to Jewish groups in Poland. Thus, on June 19, 1947, Tuvia Friedman, head of the Jewish Historical Documentation Center in Vienna, wrote to the Central Jewish Historical Commission in Lodz inquiring whether Mengele was being held in Poland, since the Viennese organization had evidence against him and was eager to forward it to the proper authorities.[120/] The response by Dr. Joseph Kermish (Secretary-General) and Nachman Blumenthal (Manager) of the Central Jewish Historical Commission was that Mengele was indeed in Poland, having been extradited together with the first group of German war criminals who had committed crimes in Auschwitz. Unfortunately, that information was inaccurate. According to Kermish and Blumenthal, the investigation was in progress, but the trial date had still not been set. Moreover, the trial which was originally to have been held in Auschwitz, would -- because of technical reasons -- take

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118/ Yad Vashem: 0-5/11, Krell to Schmorak, 8 Apr 47.

119/ Davar, 30 May 47, p. 2.

120/ Friedman to Blumenthal, 19 June 47, Yad Vashem: 0-5/4.

place in Cracow, and they suggested that the material against Mengele be sent to Poland as soon as possible.[121/]

During the summer months, Friedman and Krell, on behalf of the Action Committee of Jewish Former Concentration Camp Inmates, corresponded regarding the best means of sending the testimonies against Mengele collected in Vienna to the Polish authorities.[122/] It is not clear, however, if this question was resolved since further correspondence between them could not be located.

OSI devoted a considerable part of its energies in this investigation to determining the source and facts behind the reported arrest of Mengele in 1946. Attempts were made to locate the individuals who were cited in several different places as being the sources of the information upon which Der Neue Weg based its initial announcement of the arrest. OSI was able to locate Mordka Danielski, who changed his name to Milton Daniels, in the United States. During an extensive interview, Danielski maintained that he had no recollection of ever having supplied the Vienna newspaper or any other organization or person with any information concerning the arrest of Josef Mengele. To be sure, Danielski, as a former inmate of Auschwitz, knew Mengele, if only by reputation. He steadfastly maintained, however, that although he did live in the place listed for Danielski in the various documents, he had nothing to do with informing anyone of

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121/ Kermish and Blumenthal to Friedman, 30 June 47, YVA: 0-5/5.

122/ YVA: 0-5/11.

Mengele's arrest. He added that, following his liberation from Auschwitz, he had "nothing to do with Mengele."[123/] OSI identified D. Freimann -- the other purported source of the 1946 arrest report -- as David Freimann (a/k/a Freeman) who immigrated to the U.S. in 1949 and died in Germany in 1976.[124/]

OSI then attempted to contact Dr. Otto Wolken, the individual in Vienna who was the reputed recipient of Danielski's information. However, Dr. Wolken, a prisoner physician at Auschwitz, and a man known to Danielski, died some years ago. His widow, although very willing to help OSI, was unable to clarify the role her husband may have played in the publishing of the news of Mengele's arrest.[125/] In addition, OSI was able to locate relatives of Dr. Wilhelm Krell,[126/] the editor of Der Neue Weg, and enlisted their assistance in resolving the question.

Der Neue Weg was a publication of the Aktionskomittee der juedischen KZler which was a group of Jewish concentration camp survivors that had its headquarters at Alserstrasse 18 in Vienna. In 1947, it united with other Austrian groups of victims of Nazi persecution to form the Bund der politischen Verfolgten Oesterreichs [Austrian Union of Political Persecutees]. According to authorities consulted by OSI, this quasi-official

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123/ Interview with Milton Daniels, July 18, 1985.

124/ Freimann was an inmate clerk in the SS Hygiene Institute at Auschwitz and was involved in efforts to locate war criminals after the war.

125/ Interview with Frau Wolken, June 12, 1985.

126/ Interview with Dr. Jonny Moser, June 23, 1985.

organization was believed to be dominated by Communists and, for that reason, was disbanded in 1948 by the Austrian government. The records of this institution, presumably confiscated by the government at that time, are currently maintained by the Dokumentationsarchiv des oesterreichischen Widerstands [Archive of the Austrian Resistance] in Vienna. These records were reviewed by OSI and were found to contain no information of relevance to the investigation. OSI also interviewed the chief of the Political State Police in Vienna from 1945 until 1947. He stated that he would have known if Mengele had been arrested in Vienna and that he has no such recollection.[127/]

2. The Gorby Memo

The effect of the Der Neue Weg announcement can also be seen in the memo written by Special Agent Benjamin Gorby of Region V of the 970th CIC Detachment in Regensburg. As noted earlier, Gorby wrote to the commanding officer of the Vienna Detachment of the 430th CIC on April 26, 1947 inquiring as to the whereabouts of Mengele, pointing out that news of his arrest had recently reached his detachment. The memo was predicated on a case under investigation by Gorby concerning the removal of a group of Jewish children from Auschwitz in November 1944. Essentially, Gorby was seeking information from Mengele concerning the fate of those children. It appears that the father of one of the

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127/ Interview with Dr. Franz Dannimann, June 30, 1985.

children lived in Regensburg and had appealed to Gorby for assistance.

The source of the information concerning Mengele's arrest was not given in the Gorby memorandum. Reference was made to an "informant" who stated "that to the best of his knowledge Dr. Mengele was arrested in the U.S. zone of Germany."[128/] Gorby, today, has no recollection of the memorandum or the events behind it. Nor can he be of any assistance in identifying the person who supplied the information.[129/] Since announcements reporting the arrest of Mengele, inspired by the call for witness testimony appearing in Der Neue Weg, appeared in newspapers published in DP camps in Gorby's region, it is not unlikely that Gorby received word of the Mengele arrest from someone who saw the notification in the newspaper.

This hypothesis is supported by the fact that Gorby's memorandum -- like the articles -- is curiously devoid of any additional identifying information on Mengele. For instance, as in the articles, no first name is supplied, an interesting fact when it is remembered that he believed that Mengele's first name appears in the CROWCASS wanted list. In addition, there is no indication in the Gorby memorandum that he believed that Mengele was wanted by any authority for his war crimes.

128/ Gorby to Commanding Officer, Hq. 430th CIC Det., 26 Apr 1947.

129/ OSI interview with Benjamin Gorby, February 12, 1985.

3. Gisella Perl

In January 1947, a prisoner physician who was forced to practice her profession under the command of Dr. Mengele at Auschwitz read the JTA report, which was apparently carried in a New York paper. The February 17, 1947 issue of The New Republic carried a story about Gisella Perl which made mention of Mengele's purported arrest. Dr. Perl was quoted as saying: "The United States Army captured Mengele alive in Berlin a few weeks ago and they have asked for people who know anything about his activities to be present at the proceedings."[130/] She took immediate steps to offer herself as a witness against her former tormentor and wrote to the U.S. Army:

> I read in the papers of the capture of Dr. Mengerle [sic], chief physician at the Oswiecim (Auschwitz) Death Camp. I want to offer my services as material witness against this most perverse mass murderer of the 20th Century.
>
> For one long year I was a prisoner in Auschwitz, forced to act as medical doctor under his command. In this capacity, I had every opportunity to observe Dr. Mengerle at his most bestial. I can testify from personal observation that he was responsible for all the atrocities and that he invented most of the perverse forms in which they were committed. Under his direction, Oswiecim [Auschwitz] became a perfectly organized death camp; it was the center to which people from the whole of Europe were brought for extermination from all the other camps.[131/]

The letter landed on the desk of Damon M. Gunn, acting chief of the War Crimes Branch of the Civil Affairs Division in Washington. He quickly dispatched copies of the letters to the

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130/ "Back Page Story" by Myron Emanuel, The New Republic, February 17, 1947, p. 12ff.

131/ Perl to War Department, January 11, 1947; NARA: RG153, JAG, Int'l Affairs Div., War Crimes Branch, Dossier 100-1184.

two arms of war crimes investigation and prosecution in Europe: The War Crimes Group, United States Forces European Theater, and the Office of Chief Counsel for War Crimes in Nuremberg.[132/]

Dr. Perl's offer to serve as a witness against Mengele was apparently reported in New York newspapers and came to the attention of a Mr. Alfred N. Mantell, of Ellenville, New York, who wrote to the Department of Justice on January 21, 1947, simply to add his "voice to hers," in the mistaken belief that the Department of Justice would play some role in the prosecution of Dr. Mengele in Europe. Mantell's letter eventually found its way to the desk of Col. David Markus, the chief of the War Crimes Branch of the Civil Affairs Division at the Pentagon. In his response to Mr. Mantell, Markus wrote:

> Dr. Gizella Perl's offer to testify against Dr. Mengerle [sic], former chief physician at the Auschwitz Concentration Camp, has been brought to the attention of the War Crimes Group, European Theater and of the U.S. Chief of Counsel at Nuremberg, Germany. The trial against the perpetrators of the atrocities at the Auschwitz Camp is expected to commence early in March and will be conducted by the Polish Government.[133/]

The reply implied that Mengele was being tried by the Poles, which clearly was not the case.

Dr. Perl wrote again to Col. Gunn at the Pentagon on October 7, 1947, this time directly to Col. Gunn. "I have learned that the trial of the greatest 'mass murderer Dr.

132/ Gunn to OCCWC and War Crimes Group, January 27, 1947, NARA: RG153, JAG Int'l Affairs Div., War Crimes Branch, Dossier 100-1184.

133/ Markus to Mantell, February 7, 1947; NARA: RG153, JAG Int'l Affairs Div., War Crimes Branch, Dossier 100-1184.

Mengerle' [sic] will be held very soon in Nuremberg," she began. It is possible that Dr. Perl was referring to the so-called second Auschwitz trial that was going to commence in Cracow on November 25, 1947. In any case, the letter was forwarded once again from the Civil Affairs Division at the Pentagon to the War Crimes Group, European Theater of Operations, and the Office of the U.S. Chief of Counsel for War Crimes.[134/] On Dr. Perl's October 7 letter, the action officer in the Civil Affairs Division at the Pentagon underlined Mengele's name and, in a marginal note, wrote "tried by Poles." Again, it is apparent that in the Pentagon, as elsewhere, there was confusion about the status of Dr. Mengele.

On January 19, 1948, the U.S. Chief of Counsel for War Crimes in Nuremberg responded to the inquiries from the Civil Affairs Division in Washington. Brigadier General Telford Taylor wrote to Colonel Young, Chief of the War Crimes Branch, "with reference to your letter dated 8 December 1947 regarding [Dr. Mengerle (sic)], we wish to advise [that] our records show Dr. Mengerle is dead as of October 1946."[135/] This letter was drafted by Nancy C. Hodges, a clerk in the Locator and Apprehension Branch of the OCCWC, and indicates that, according to the records maintained by that office, Mengele was considered dead. This last revelation is explored in more detail later in this report.

134/ Young to OCCWC, December 8, 1947, NARA: RG165, Civil Affairs Division, CAD 250.401, War Crimes Section XIX.

135/ See appendix, p. 91.

4. French Reaction to News of Mengele's Arrest

News of Der Neue Weg's report reached Paris by the end of January 1947. The War Crimes Section of the French Ministry of Justice was informed of Dr. Mengele's arrest by members of the "Fédération Nationale des Déportés," who apparently saw the notice that appeared in Der Neue Weg. The director of the War Crimes Section wrote to his representative in Austria:

> I have the honor of informing you that the National Federation of Deportees has informed me that Dr. Mengele, former torturer of the Auschwitz Concentration Camp, was recently arrested in Austria according to an announcement that appeared in the newspaper "Die Neueweg" [sic] in Vienna.
>
> The newspaper states that the Association of Former Political Deportees, Alserstrasse-Vienna (IX) requests depositions against this individual.
>
> I would be very much obliged if you were to institute an inquiry into this matter and the arrest of Mengele against whom overwhelming charges have been collected.[136]

The French official responsible for the investigation of war crimes in Austria set out to investigate the question of Mengele's arrest. He made inquiries of the Ministry of Justice and other Austrian officials and found apparent confirmation by contacting the editorial board of Der Neue Weg in Vienna on February 18. He transmitted this initial apparent confirmation by cable to Paris:

> The editorial board of the newspaper Der Neue Weg confirms the arrest of Dr. Mengele in Germany by American authorities. Stop. Details concerning the date of the

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136/ Ministére de la Justice, Le Directeur du Service de Récherche des Crimes de Guerre Ennemis to Monsieur le Délégué pour la Recherche des Crimes de Guerre, Innsbruck, 28 Jan 1947 (Reference: AC/52/1499/IWW), French Foreign Ministry Archives.

arrest and the place detention will be furnished at the beginning of next week.[137/]

On February 26, 1947, a "Note d'Information" from the Chief of Public Security of the French Occupation in Austria on the "Investigation into Mengele, Former Torturer of the Auschwitz Camp" was issued:

> Issue one of the newspaper Der Neue Weg presented an article concerning Dr. Mengele, former torturer of the Auschwitz camp, who was supposedly arrested.
>
> No details could be gathered in this matter even from the editor of the newspaper who gave us the following address where one would be able to obtain all the information concerning Mengele:
>
> DANIELSKI Mordka, Grossberg, U.S. Zone, Deutschland, Friedhofweg 1. It is this address that provided the information published by Die Neueweg [sic].
>
> But it has been confirmed, according to the statement of the editor, that Dr. Mengele was arrested by the Americans and is currently incarcerated in the American zone of Germany.[138/]
>
> A cable communicating this information was sent to Paris:
>
> The editor of the newspaper Die Neueweg [sic] states that the information concerning Mengele was obtained from Danielski Mordka of Grossberg Friedhofweg 1-Germany-American Zone. Stop. Editor confirms that the arrest was carried out by the Americans. End.[139/]

137/ "Telegramme No. 893," Comité Executif, to Direction du Service des Recherche des Crimes de Guerre, Paris, 20 Feb 47: French Foreign Ministry Archives.

138/ "Note D'information No. 146," Vienne, 26 Feb 46 [sic] (47), French Foreign Ministry Archives.

139/ Télégramme, General Haut Commissaire Autriche - Crimes de Guerre to Direction du Service des Crimes de Guerre, Paris, French Foreign Ministry Archives.

Receiving this information, the Ministry of Justice in Paris cabled its representative with the French occupation authorities in Baden-Baden as follows:

> I have the honor of requesting that you confirm the arrest of Dr. Mengele, former physician in the Auschwitz camp by the American services and to inform me of the details of the fate in store for this war criminal. The news of this arrest appeared in the newspaper Die Neue Weg [sic], from Vienna and the Délégation des Crimes de Guerre in Austria informs me that a certain Danielski Mordka in Grossberg, Friedhofweg (American Zone) would be able to furnish the requested information.[140/]

The text of this cable was reproduced in a formal note to the head of the French War Crimes Mission with EUCOM on September 2, 1947.[141/]

Responding to this note and request for information, Monsieur J.G. du Pac, of the French Liaison Department, wrote to the director of the French War Crimes Section in Baden-Baden on September 29:

> I have the honor, in response to your letter, . . . to inform you that [Dr. Mengele] . . . was freed by the American authorities on November 29, 1946 and is supposed to have returned to Ehringen.
>
> I await your instruction should you wish that I prepare a request for extradition.[142/]

140/ Ministére de la Justice, Directeur du Service de Récherche des Crimes de Guerre Ennemis, Paris to le Directeur General de la Justice Service des Crimes de Guerre Ennemis, Baden-Baden (Ref: AC/334/ 29 April 47), French Foreign Ministry Archives.

141/ Note: Ministére de la Justice to Chief of the French War Crimes Mission at EUCOM, 2 Sep 47. French Foreign Ministry Archives, "Service de Récherche des Crimes de Guerre: caisse no. 3641, paquet no. 207, dossier no. 8408; corréspondence d'Innsbruck.

142/ J.G. du Pac, French Liaison Detachment to "Le Directeur Crimes de Guerre, Baden-Baden," 29 Sep 47, French Foreign

(continued...)

Unfortunately, Mr. du Pac is dead; no more light can be shed on the letter. Nonetheless, it is noteworthy that, after thorough research, no basis for confirming Josef Mengele's arrest could be found. Evidence in the du Pac letter itself, however, casts doubt on the accuracy of what it reports. If Mengele had been in U.S. custody and knowingly released, the release would have been a sensitive matter indeed, prompting some bureaucratic action; yet no evidence of any such action has survived. In addition, Ehringen is far from Rosenheim, where, according to witnesses, Mengele remained until August 1948. It is possible that the person with whom du Pac "confirmed" Mengele's arrest and release was actually referring to one of the at least 20 individuals named Mengele who were held as POWs by U.S. forces. OSI has learned that one Anton Mengele was released from British and U.S. custody on November 19, 1946. It seems likely that it was his release that was mistakenly reported as Josef Mengele's.[143/] [144/]

Although the source of the information contained in the du Pac letter remains unknown, OSI is satisfied that there is ample evidence to demonstrate that the news reported in it is false. No listing of arrested German personnel contains Mengele's name. In addition to the PWIB records, maintained now by the Deutsche

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142/(...continued)
Ministry Archives, caisse 3646, paquet 195, dossier 8247 Auschwitz.

143/ Deutsche Dienststelle file on Anton Mengele (DOB: 03 May 21).

144/ The PWIB list of individuals interned by the U.S. lists at least 20 Mengeles. See appendix, p. 53.

Dienststelle, OSI checked all CROWCASS Detention lists, and all surviving CIC arrest lists.[145] The voluminous collection of "Identification of Prisoner Forms," which kept track of individuals held in U.S. war crimes enclosures,[146] as well as all available intelligence records maintained by the U.S. Army and described in the introduction to this report, were thoroughly examined. In short, OSI could find no evidence in any U.S. files to support the notion that Mengele was ever arrested. In addition, there is no evidence in Mengele's own account of the period[147] of his having been arrested, and information from the Mengele family indicates that Mengele's wife, who claims to have visited him regularly during the period in question, knows nothing of an arrest.[148]

Thus, although there were a number of rumors that Mengele had been arrested in 1946, no solid basis for any of them has been found.

B. The Search for Josef Mengele

Having examined the false rumors of Mengele's 1946 arrest, what follows is an examination of the efforts that were actually

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145/ The CIC prepared weekly reports on individuals of "CI" interest detained by the CIC. (NARA: RG238, U.S. Counsel for Prosecution of Axis Criminality, 1945-46. CIC Lists of Arrested Persons.)

146/ The forms can be found at NARA (Suitland), RG338, JAG, Int'l Affairs Div. War Crimes Branch.

147/ One would have expected Mengele to have covered such an event in his autobiographical writings.

148/ Interview with Rolf Mengele, March 13 and 14, 1986.

undertaken to arrest him and an attempt to account for their failure. This requires an understanding of the jurisdiction under which a search for Mengele would have taken place and identification of the authorities that would have directed and carried it out.

1. War Crimes Organization

There were two U.S. authorities charged with the responsibility for war crimes investigation and prosecution: the Theater Judge Advocate and the Office of Chief of Counsel for War Crimes (OCCWC).[149/] Although there were changes in the formal designations of these two authorities throughout the occupation period, their essential responsibilities remained the same. The Theater Judge Advocate had jurisdiction over a) "violations of laws of war to the prejudice of U.S. nationals, notably POWs; b) atrocities committed in concentration camps overrun by the armed forces of the United States [the best-known example being Dachau; Auschwitz concentration camp, by contrast, was liberated by Soviet, not American troops]; and c) other crimes as determined by the theater commander."[150/] The Theater Judge

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149/ For information on the Theater Judge Advocate, see "Report of the Deputy Judge Advocate for War Crimes, European Command, June 1944 to July 1945" [the so-called Straight Report, authored by Col. Clio Straight] and for information on the Office of the U.S. Chief of Counsel see Telford Taylor, Final Report to the Secretary of the Army on the Nuremberg War Crimes Trials under Control Council Law No. 10 [Washington, D.C., 1949].

150/ The Department has not located any evidence which demonstrates that Mengele's crimes would have fit within the Theater Judge Advocate's jurisdiction over "other crimes as

(continued...)

Advocate was also empowered to deliver persons residing in the U.S. zone who were wanted for war crimes by other members of the United Nations.[151]

The OCCWC, on the other hand, had responsibility for prosecution of: "a) the leaders of European Axis powers and their principal agents and accessories (not under indictment before the International Military Tribunal at Nuremberg [IMT]); b) such members of groups or organizations declared criminal by the IMT; and c) other matters assigned by Military Governor or Deputy Military Governor."[152] The OCCWC would also act as chief prosecutor in war crimes cases under the terms of the London Agreement.[153] Both the OCCWC and the Theater Judge Advocate would work closely with the U.S. Military Government.

An important question is raised by these relative jurisdictions concerning U.S. power and responsibility to prosecute Mengele. He would have fallen within the jurisdiction of the Theater Judge Advocate only had he been wanted for war crimes by another nation and he would have fallen under the

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150/(...continued)
determined by the theatre commander." See "Coordination of War Crimes Activities," Headquarters U.S. Forces, European Theater, 26 Oct 46. NARA: RG332, USFET, A-G Section, Box 307.

151/ Ibid.

152/ Ibid. "IMT" refers to the International Military Tribunal, sitting at Nuremberg.

153/ The governments of the United States, Great Britain, and France enacted the Agreement for the Prosecution of the Major War Criminals (the "London Agreement") on August 8, 1945. This Agreement provided for the establishment of an International Military Tribunal.

mandate of the OCCWC only had he been singled out as a defendant for one of the trials conducted by it at Nuremberg.

The task of locating and apprehending identified Nazi war criminals fell to several different executive authorities and changed with time. The Counter Intelligence Corps (CIC) of the United States Army had as one of its primary missions for the period immediately following the cessation of hostilities the apprehension of war criminals and the prevention of Nazi activity. This mission was eclipsed at the end of 1946 by the emergence of a new imperative to combat a new adversary -- the Soviet Union. Until this transition, the CIC actively sought identified Nazi war criminal suspects and those within automatic arrest categories. In addition to the CIC, the Military Government Detachments had among their responsibilities the apprehension of war criminals who resided within their jurisdiction. The denazification program was one of the major Military Government activities in the first years after the war. As was the case with the CIC, this activity became less important as the Cold War began and intensified. A number of War Crimes Investigative Teams (WCIT) were established and acted as the investigative arm of the Judge Advocate General. These teams, composed of lawyers and investigators, were given specific geographic responsibilities and were charged with the investigation of specific war crimes. Their mission included the apprehension of wanted war criminals.

2. Irene Mengele Is Questioned

The only U.S. effort to locate Josef Mengele in occupied Germany that OSI could establish occurred when American authorities interrogated Irene Mengele on June 11, 1945 in Autenried, a small village near Guenzburg. Irene, along with her parents and mother-in-law, had moved to Autenried on April 20, 1945, a week before American tanks appeared in that small village.[154/] The question raised is whether she was interviewed only as part of a routine search or instead as part of a specific mandate to search for an unusually notorious war criminal.

a. Automatic Arrest

CIC records reveal that a number of individuals subject to automatic arrest were picked up in late May and June of 1945 in the Guenzburg area. In fact, Josef Sixtl was arrested on June 11, 1945, the very day of the Irene interview, because he held the official position of a propaganda leader for the Nazi Party in the Guenzburg area. On June 18, 1945, Karl Bach was arrested for a similar reason. On June 4, Ernst Barie was interned based on his meeting automatic arrest criteria. Similarly, Karl Mengele, Sr. was arrested at the end of April because the position he held subjected him to automatic arrest. It would therefore not be surprising if Irene Mengele was approached and questioned because her husband held the position of a Hauptsturmfuehrer [Captain] in the SS. Information

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154/ Josef Mengele Diary.

available locally as well as information gleaned from an interrogation of Karl Mengele, Sr. would likely have given sufficient cause for Josef Mengele to be picked up and his wife questioned.

At the outset of OSI's investigation, a CIC index card[155/] was discovered relating to Josef Mengele. There is no date on the card, and it is impossible to tell when it was created. The information on the card, however, suggests that it was prepared on the basis of information contained in the Denazification Questionnaire (Fragebogen) filled out by Mengele's brother, Karl. Karl Mengele's denazification file contains several Fragebogens; since the earliest is dated July 1945, it is unlikely that the card on Josef Mengele was prepared before that date. We can conclude, therefore, that this CIC card was not the predicate for the interview of Irene Mengele in Autenried in June. What is interesting about this card is the fact that the address was initially entered as Guenzburg followed by two question marks. This was crossed out some time after the card was created and Autenried was pencilled in. We know that Josef Mengele did not live in Autenried, but it is possible that the CIC changed the card to reflect Irene Mengele's residence there.

Although Irene's interview could well have been completely consistent with the relatively routine activity of U.S. authorities in apprehending automatic arrest subjects, Mengele's autobiography supplies a different basis for the questioning.

155/ See appendix, p. 96.

Mengele describes how Irmgard [Irene] recounts the details of her interrogation by an American officer and his Jewish interpreter in Autenried shortly after the end of the war. In this account, Irene describes how the interpreter claimed that Mengele was responsible for the death of millions of Jews and how even the American officer who accompanied him could not believe the supposedly fantastic charge.

In other words, Mengele suggests that his wife was being questioned in the course of a search for him as a war criminal. To evaluate whether this version of the interview is possible, three questions must be answered: 1) Was Mengele suspected of war crimes on June 11, 1945? 2) Were U.S. authorities aware of the charges? and 3) Was enough information available about Mengele's possible whereabouts to lead U.S. investigators to Irene in Autenried?

b. Allegations Against Mengele

Although the Theater Judge Advocate had no jurisdiction over crimes committed at the Auschwitz concentration camp (since the camp was in Poland, it was not located in the U.S. zone and was not liberated by U.S. forces), a U.S. investigation was nevertheless begun. The evidence unearthed during this investigation -- documents and witness testimony, including evidence regarding Mengele's activities -- was given to the Poles for use by them in their trials.[156/] The documentation makes

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156/ See discussion *infra*.

clear that, by June 11, 1945, significant evidence was in U.S. hands describing horrendous crimes committed by Josef Mengele at Auschwitz.

Auschwitz was liberated by the Soviet Army on or about January 27, 1945. Almost immediately, stories began to appear in the world press concerning the crimes that had been committed there.[157/] On April 23, 1945, the United Nations War Crimes Commission received a formal statement of charges against a number of individuals for their crimes at Auschwitz. The U.N. War Crimes Commission committee charged with evaluating incoming allegations decided to place the names of those individuals charged by the Poles on List No. 8 of the U.N. War Crimes Commission Wanted List.[158/] On this list, dated May 1945, one can find Dr. Josef Mengele as No. 240. His name is correctly spelled and he is properly identified as a Hauptsturmfuehrer and camp physician. The particulars of the charges against Mengele include the allegation that he took "part in the mass extermination of internees in the gas chambers."[159/]

The earliest document in the Theater Judge Advocate investigation concerning Auschwitz that mentions Mengele is dated April 30, 1945. A "Report on War Crimes" from Lieutenant Gerard Meillet, French Liaison G5, XIII Corps to CIC Control, lists some

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157/ Much, of course, was known about Auschwitz prior to the end of the war. See Lacquer, Walter, The Terrible Secret, and Gilbert, Martin, Auschwitz and the Allies, among other works.

158/ The surviving records of the Commission are housed in United Nations archives in Manhattan.

159/ UN War Crimes Charge File.

individuals responsible for the crimes at Auschwitz. The second named is Mengele: "Mengele called 'Mephisto,' had a hobby about twins. Made surgical experiences [sic] on them, but taking good care of them. Another fact about Mengele: Any sick person of a anti-pathetic looking [sic] would have noted on the sickcall card, by Mengele, 'uncurable,' that ment [sic] death!"[160/] The letter "A" was placed in the margin next to Mengele's name, denoting that he would be considered an "accused" in the Auschwitz investigation. A statement made by a Czech physician, Dr. Kirk Grunwald, that was forwarded to the commander of VIII Corps by a Military Government Officer in "Armstadt" on May 13, 1945 and which ended up in the Auschwitz investigation records, says the following about Mengele:

> Chief physician in Auschwitz II, Birkenau -- responsible for the organization of man murder [sic]. He did for years the deary [sic] job of selections. He also was responsible for the 'scientific' experiments made on healthy people. Millions have been murdered during his office.[161/]

In a sworn statement taken by an investigator for the War Crimes Branch of the Judge Advocate Section of the U.S. Seventh Army on May 19, 1945, Dr. Simon Eisen of Antwerp, Belgium mentioned an SS Obersturmfuehrer [sic] "Mengeles," who "controlled and operated" the "Bruckenau" camp, two kilometers from Auschwitz. Dr. Eisen described "Mengeles" as wearing pince-nez glasses, being 5'10" or 11", and weighing about 180 pounds.[162/] In what appears to be a

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160/ JAG Auschwitz File 000-50-3, NARA: RG338.

161/ Ibid.

162/ Ibid.

radio script or similar text prepared by the psychological warfare detachment of the U.S. Ninth Army, dated 28 April 1945, a "Dr. Mengels" and his activities at Auschwitz are described in some detail:

> "[He] was one of the chief selectors in the camp. In the hospital he used to joke with the patients whom he would condemn to the gas chamber a minute later. While he put the sign of death on a patient's chart he amused himself by whistling and singing popular tunes. His hobby was to select particularly all twins and liliputians for the gas chamber. He also used these types for his famous experiments and was assisted by a couple of women physicians who had specialized in dentistry, opthalmology, and anthropology."[163/]

In addition to these witness statements, the Auschwitz investigation file also contains a report from the Research Office of the United Nations War Crimes Commission, dated June 1945, which lists a Dr. Mengele as a war criminal at the Auschwitz concentration camp.[164/] Beyond these specific allegations directly against Mengele, a considerable body of evidence concerning the general conditions at Auschwitz was collected by U.S. authorities by early June 1945.

However, merely knowing that a Dr. Josef Mengele was accused of horrendous crimes was not sufficient to locate him. Victims of his crimes were unlikely to know of Mengele's personal history, home address, or place of birth. It was also too early to have obtained that kind of pertinent information from people with such knowledge. Personnel files that would reveal Mengele's place of birth and other biographical data, and which were later

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163/ Ibid.

164/ Ibid.

to be collected in a U.S.-run document center in Berlin, had not yet been located.[165/]

One document that did provide this information, however, was discovered and found its way into the Auschwitz investigation files by the end of May 1945. The document was a captured recommendation list, dated March 29, 1944, for the awarding of the War Service Cross, second class. First on the list to receive the decoration was "Dr. Josef Mengele, born in Guenzburg." The citation for the award indicates that Mengele was a camp doctor at Auschwitz from June 17, 1943, and that he had been active with "urgent scientific problems in research concerning the racial identification of gypsies." In what can now be recognized as euphemistic language for the selection of victims for annihilation, Mengele is also cited for "regularly cooperating in the carrying out of special tasks."[166/] This document, which bears the handwritten note "carded 31 May 45," would have given investigators Mengele's place of birth and therefore a place to begin searching for him.

The interview of Irene Mengele, whether pursuant to a routine search for automatic arrest subjects or a more focused search for an identified war crimes suspect, resulted from the initial pressure to locate Nazi war criminals, and the unified mission of U.S. executive agencies. But OSI has located no

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165/ These files were located in October 1945.

166/ JAG Auschwitz File 000-50-3, NARA: RG338.

evidence that Irene Mengele was interviewed as part of a special high-level mandate to search for the criminal Josef Mengele.

It is true that Mengele was wanted; his name appeared on the U.N. War Crimes List and the CROWCASS List. However, apart from the general obligation on the part of the U.S. to locate identified war criminals (which, as further discussed below, resulted in intermittent but unsuccessful U.S. attempts to locate and arrest Mengele), there appears to have been no specific high-level instruction to find him. This failure probably resulted from credence given to erroneous reports that Mengele was dead (as discussed below), and fundamentally from the nature of U.S. war crimes jurisdiction. Since the U.S. had no direct jurisdiction over Auschwitz crimes, U.S. authorities would only have singled Mengele out for apprehension from among the mass of other wanted criminals if his extradition had been requested by a foreign power or if he were to be tried by the OCCWC in one of the subsequent proceedings at Nuremberg. That neither of these occurred may explain the fact that, as detailed below, his name does not appear on the specialized wanted lists published by U.S. authorities.

3. Wanted Lists

The wanted lists of the U.N. War Crimes Commission and CROWCASS were Allied efforts. Although the Soviet Union did not contribute, and there was thus a decided Anglo-American dominance, the lists were nonetheless compiled as a result of cooperation among member nations and were distributed throughout

Europe. As discussed previously, the lists were cumbersome because of their size and overly broad scope and, as a result, were not as useful as they could have been. As an apparent reaction to this situation, "separate, specialized" lists were prepared by individual countries and authorities. For instance, the British 21st Army Group published, from time to time, lists of suspected war criminals under the title "21st Army Group Special Wanted List." The first such list was published in August 1945.[167/] In addition, the Third U.S. Army published a wanted list, known as the "Third Army Wanted List," and the Intelligence Section of the United States Forces European Theater (USFET) published the "Rogues Gallery." It appears that these last two lists effectively replaced CROWCASS for U.S. agencies. This smaller scale operation had a more certain distribution network, and the exclusive U.S. management served to provide a more accurate and effective means of listing wanted individuals. To be sure, these lists were not restricted to war crimes suspects, but war criminals were certainly included on them.[168/] However,

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167/ XXI Army Group to USFET Main G-1, 16 August 45, Subject: XXI Army Group Special Wanted Lists. NARA: RG332, ETO/TSFET, Decimal File 1945, 000.1-012, Box 1.

168/ USFET to Judge Advocate War Crimes Branch, Subject: Requests for Location of Subjects, 18 April 1946. NARA, ETO/USFET, G20PNS Br., BOX, Interrogations Section, Correspondence 1945-46, Box 1. The Poles complained, at one point, that the Rogues Gallery was only a vehicle for the identification of individuals of intelligence interest to the U.S. (NARA: RG466, War Crimes Extradition, Correspondence 1945-52, 98 Polish General Folder A, Box 7.)

Josef Mengele's name did not appear on either the Rogues Gallery or the Third Army wanted list.[169/]

C. What Might Have Been

As previously explained, U.S. jurisdiction over Mengele could have been based on the Office of the U.S. Chief of Counsel's interest in him as a defendant in one of the trials subsequent to the first Nuremberg trial, or on the Theater Judge Advocate's interest in him as a war criminal wanted by a foreign power. It is important to examine these two areas closely, since the failure to find Mengele can arguably be traced in part to lack of effective pressure from the two arms of the U.S. war crimes prosecution establishment. Two questions must be answered: Why was Mengele not the subject of prosecution by the OCCWC, and why did the Theater Judge Advocate not pursue his apprehension more energetically?

1. Doctors' Trial

American occupation forces instituted prosecutions of 1,941 suspected Nazi criminals, of whom 1,517 were convicted and imprisoned or executed.[170/] The first such trial, conducted

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169/ Mengele's name does appear on a September 1945 wanted list issued by the British, "The Black List of German Police SS and Miscellaneous Party and Paramilitary Personalities," which was distributed to U.S. agencies. (NARA: U.S. OMGUS RG 260, Civil Admin. Div. Pub. Safety Br. Box 260.)

170/ 367 defendants were acquitted, and charges were withdrawn in 57 cases. Adalbert Rueckerl, The Investigation of Nazi Crimes 1945-1978 (Heidelberg: C.F. Mueller, 1979), pp. 28-29.

before the American Military Tribunal at Nuremberg, was the so-called "Doctors' Trial." On October 25, 1946, twenty-three German physicians were indicted by the OCCWC. The defendants, all members of the German military, SS, or state medical establishment, were charged with war crimes in connection with medical research. The selection of the defendants was based in part on a desire to put the German medical establishment on trial. As a result, a representative group of defendants from the different branches of service, the SS, and the Nazi State was tried. The defendants, however, did not adequately represent the crimes in which the German medical system had played a role. Only one of the defendants was a physician at a concentration camp,[171] and none of the defendants served at a death camp. It would appear, on the face of it, that Mengele would have been an ideal defendant in this case. Although the accused were generally high-ranking individuals, there were several with ranks comparable to Mengele's. Since the "medical" trial was designed to be, in part, symbolic, Mengele would have represented at least two types of crimes committed by the German medical establishment. Unlike any of the 23 defendants, Mengele was involved in the selection of victims for annihilation. Selection was a medical crime; it was not by accident that medical personnel were chosen to perform this duty. In addition, Mengele, like the defendants, performed pseudo-scientific experiments. Many of the accused were charged with carrying out

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171/ See appendix, p. 97, for a copy of the indictment and list of defendants.

gruesome experiments on unwilling subjects, although, from the perverse perspective of the Nazi government, their "work" had a "practical," often military, objective. In Mengele's case however, the only objective was the advancement of his own grotesque view of "scientific research."

No files exist that document the criteria used in choosing defendants for the medical trial, and the individuals involved in that process can no longer recall whether Mengele ever received serious consideration.[172] One explanation for his absence from the trial may lie in the fact that he was not mentioned in what appears to be an influential report prepared by the Director of Intelligence for the Office of Military Government for Germany, United States (OMGUS), concerning persons connected with SS medical research. Two-thirds of the defendants in the Doctors' Trial are named on this list, which was prepared in February 1946 and published by the United Nations War Crimes Commission Research Office.[173] It was prepared long before Mengele was listed as being dead, and his absence from the list may explain why he was not among the defendants. We cannot, however, explain why his crimes were not discussed in the report.

172/ OSI spoke with Telford Taylor and Drexel Sprecher, and learned that the prosecutor for the Medical Trial, James McHaney, has no recollection of whether Mengele was considered as a potential defendant.

173/ United Nations War Crimes Commission (Research Office) Documents Series No. 44, June 1946, "CINFO Report No. 5 of 10.2.46," NARA: RG153, JAG (Army), Int'l Affairs Div., War Crimes Office, 1944-1949, 86-3-1, Box 1337.

Mengele also escaped consideration for a future medical trial that was, in the end, never conducted. A memo from Prosecutor A.G. Hardy to General Taylor dated 15 August 1947 lists 16 individuals who "would be good fodder for a second medical trial." Some of the individuals, including a Mengele colleague at Auschwitz, Dr. Karl Clauberg, had not been located at the time. Clauberg is described as "the most reprehensible of all the remaining medical men not tried today . . . we have a conclusive case against him concerning his sterilization experiments at Auschwitz."[174/] Surely the information available concerning medical crimes at Auschwitz portrayed Mengele as being at least as "reprehensible" as Clauberg. That he was not on this list of potential defendants (and indeed his absence from the dock at the medical trial in Nuremberg) might be explained by the notation in the Locator and Apprehension Branch files at Nuremberg that he was dead. The belief that Mengele was dead is examined later in the report.

At least one investigator at Nuremberg, who apparently had not received the false report that Mengele was dead, recommended that he be indicted for war crimes. Manfred Wolfson, a senior research analyst in the Berlin branch of the OCCWC, wrote a memorandum to the chief of the Berlin branch, Benjamin Ferencz on November 7, 1946, two weeks after the medical trial indictment was issued. The seven-page memorandum references information in

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174/ Hardy to Taylor, "Potential Defendants for Future Medical Trial," 15 Aug 1947: NARA: RG266, OMGUS, OCCWC, Special Projects Division, Box 102, Folder 11.

Mengele's SS file as well as several witness statements linking him to experiments conducted at Auschwitz. Wolfson's memorandum concludes, "In view of the above stated facts it is recommended that SS Haupsturmfuehrer Dr. Josef Mengele be placed on the Wanted List and that he be indicted for war crimes."[175] Wolfson, who was interviewed by OSI, recalls little about the circumstances surrounding his writing of the memorandum and nothing about the effect the memorandum had. In addition, Mr. Ferencz has no recollection of receiving the memo or of any action that it might have inspired. (This episode illustrates an additional reason Mengele was able to evade capture: the difficulty faced by war crimes investigators in the chaotic initial postwar period in prioritizing their many thousands of suspects. That Benjamin Ferencz -- whose dedication in war crimes cases is renowned to this day and who devoted decades to the pursuit of reparations negotiations on behalf of Holocaust survivors -- would today have no memory of this episode serves as a telling reminder that Mengele did not immediately gain the widespread notoriety that he possessed by the 1950s.)

An investigator with the OCCWC -- Hans Wolfson (no relation to Manfred) -- also looked into the case of Mengele. He told OSI that in the initial stages of the I.G. Farben investigation, a document turned up that implicated Mengele in war crimes and he was asked to investigate the allegations. As a part of this investigation, Wolfson attempted to locate Mengele. He reports

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175/ Wolfson to Ferencz, November 6, 1946. NARA: RG238.

that he traveled to Bavaria and interviewed members of Mengele's family. Wolfson could not recall whom he interviewed or the results of the interviews, and OSI was unable to locate any evidence relating to Wolfson's efforts to find Mengele. Wolfson told OSI that all of the material that he had concerning his activities at Nuremberg was destroyed in a fire in his apartment some time ago. He indicated that he believed that the person who asked him to look into the Mengele matter initially was Moe Kove, an attorney on the I.G. Farben case. Mr. Kove is deceased.[176/]

a. Mengele Dead in 1946?

The letter from Telford Taylor to the effect that Mengele was dead as of October 1946 was not the only indication of his purported death that came to light during the investigation. Although OSI was unable to establish the basis for the OCCWC belief that Mengele was dead, OSI interviewed the relevant surviving employees of the OCCWC. None of these individuals recalls the Mengele case specifically, although some were able to describe the card file that was maintained by the Locator and Apprehension Branch. The ultimate fate of this card file could not be determined. It was transferred from the OCCWC to the Intelligence Division of EUCOM in 1949 and all attempts to locate it were without success.

176/ Interview with Hans Wolfson, July 17, 1985. According to Wolfson, he attempted to locate Mengele in the fall of 1946. This was over a year after Mengele's wife, Irene, had been interviewed by other U.S. officials.

Although it could not be clearly established why Taylor's office thought Mengele was dead, OSI did learn that there were several rumors to that effect, and that the Mengele family actively promoted the rumors. Mengele's father, Karl, Sr., was interned by U.S. forces in April of 1945. The file that relates to his internment and release contains three references to the fate of his son Josef. Two of the references refer to him as "missing," and one as "lost." These files date from the beginning of 1947 through the middle of 1948. It is certain that Karl Mengele knew the true fate of his son through conversations with Karl, Jr., and other members of the family. Clearly, his statements to the denazification authorities were false.

A former resident of Guenzburg, Mrs. Julia Kane (née Hebel), who currently lives in the United States, told OSI that she recalls a visit by Irene Mengele to the Catholic priest in Guenzburg in the summer of 1946.[177] Mrs. Kane was working for a Catholic charity, Caritas, which had offices at the rectory. She recalls that one day a woman appeared and asked to speak to the priest, Josef Kneer. Later, the priest identified the visitor as Mrs. Josef Mengele. The priest claimed that Mrs. Mengele told him that her husband was missing in Poland and that she wished him to say a memorial mass. Mrs. Kane can best date Mrs. Mengele's visit as approximately the fall of 1946. She bases her belief on the fact that she did not begin working for Caritas until the summer of 1946 and that she recalls that Mrs. Mengele

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177/ Interview with Julia Kane, November 6, 1985.

was wearing a light coat at the time of her visit. We know that by the fall of 1946, Irene Mengele had already visited Mrs. Miller and thus knew for certain that her husband was not missing in Poland. The reasonable conclusion to draw from Irene Mengele's visit to the priest, if it occurred at all, is that she was trying to leave the impression that her husband was in fact dead. We do not know whether a memorial mass was conducted; if one was held, it certainly would have provided a large number of people in Guenzburg with the basis for believing that Mengele was dead.

An employee of the U.S. Military Government Detachment in Guenzburg, Charlotte Terstegen (née von Schmidt auf Altenstadt), distinctly recalled that Irene Mengele consciously behaved as if her husband were dead by wearing black and following the other conventions of a woman in mourning.[178/] In addition, the wife of an investigator for the U.S. Military Government Detachment, Frau Erich Naumann, heard that Irene Mengele had undertaken steps to have her husband declared officially dead by the authorities in Guenzburg.[179/]

A woman who lived in Munich and knew Mengele from his student days wrote to Dr. Kurt Lambertz, a medical school colleague of Mengele's, in 1946, claiming that she had heard that Mengele had killed himself.[180/] Dr. Lambertz also recalls that

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178/ Interview with Charlotte Terstegen, September 30, 1985.

179/ Interview with Frau Naumann, March 16, 1986.

180/ Martina Bleicher to Lambertz, April 12, 1946; obtained from Kurt Lambertz.

he and his wife heard a radio report sometime shortly after the end of the war that Mengele had died somewhere in Czechoslovakia.[181]

Thus, although it is not possible to ascertain with complete certainty why Mengele was listed as being dead in the OCCWC card file, we do know that his purported death was widely circulated by rumor and by deliberate misrepresentation by his family.

2. Extradition to Poland

We have already discussed the fact that Mengele did not fit squarely within the jurisdiction of the U.S. occupation authorities' war crimes program, except in the event that he was wanted for one of the proceedings at Nuremberg. For this reason, there was, unfortunately, no special incentive on the part of American prosecutors or any American authority to capture Mengele. This is not to say that had Mengele's whereabouts been known or discovered, there would not have been an attempt to apprehend him. It does mean, however, that no prolonged manhunt was undertaken.

On the other hand, the United States would have responded to a request from the Poles for his apprehension. Indeed, U.S. authorities extradited to Poland nearly 200 persons who were accused of crimes at Auschwitz. The questions remain: why was Mengele not among them, and did the Poles make a sufficient effort to have him apprehended?

181/ Interview with Kurt Lambertz, September 26, 1985.

As discussed above, the United States Judge Advocate General conducted an investigation into crimes committed at Auschwitz. Documents and witness testimony were forwarded to Polish authorities on November 6, 1946.[182/] With the files, Colonel Clio Straight, Deputy Theater Judge Advocate for War Crimes, also transmitted a mimeographed "List of Perpetrators." This list contained the names of individuals that came up in the course of the American investigation into Auschwitz; Mengele was on this list.[183/] Straight alerted the Poles that "wanted reports have not been requested on all of the perpetrators named in the mimeographed list." Nonetheless, Straight stated that "steps are being taken by this group to apprehend and to assemble for transfer to your government those named perpetrators who are located within the U.S. zone of occupation, it being understood that it is your intention to bring to trial all available perpetrators in this case." In other words, Straight was indicating to his Polish counterpart that there was at that time no need for specific wanted reports to be filed for the individuals listed. Presumably, it would have also been unnecessary to file immediately a request for extradition for anyone on the list.[184/]

182/ Memo to Commanding Officer, Polish War Crimes Liaison Detachment, from Colonel C.E. Straight, Subject: Transmittal of File 000-50-3, Auschwitz CC., 6 November 1946. NARA.

183/ Hans Lipschis, an OSI subject who was deported from the U.S. in 1982, also appears on this list.

184/ The transmittal memo does indicate that the U.S. Theatre Judge Advocate did intend to take steps in November 1946 to

(continued...)

This informal arrangement may explain why no extradition request for Josef Mengele was ever made after the date of the transmittal of the list of perpetrators (November 6, 1946). This hypothesis, however, does not explain why the government of Poland did not request Mengele's extradition prior to November 1946. Specific wanted reports and extradition requests had been made for many of the individuals named on the list. For example, a wanted report and request for extradition were prepared for Dr. Hans Muench, who served with Mengele at Auschwitz.[185/] The same was true for several other individuals who were successfully extradited by the U.S. to Poland, where they stood trial for their crimes.

The suggestion that the Polish government never made a formal request for Mengele's extradition is challenged by the then-chief of the Polish Military Mission, Colonel Marion Mushkat. Interviewed by OSI in Israel, he claimed to have made not one, but two formal requests.[186/] However, no evidence of any such requests could be located. On the contrary, OSI's research leads to the conclusion that no formal request for

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184/(...continued)
apprehend all Auschwitz personnel who were located within the U.S. zone of occupation. OSI, however, has located no evidence that a high-level mandate was ever issued to search specifically for Mengele as would have occurred had the government of Poland made a formal request for his extradition. In fact, it is possible that the U.S. Theatre Judge Advocate did not initiate even a routine search for Mengele in November 1946 because of the belief by Nuremberg prosecutors that he was dead as of October 1946.

185/ NARA: RG466, Records of HICOG, Extradition Board, War Crimes Case Files, Case 98-56, Box 138.

186/ See p. 73.

Mengele's extradition was ever made by the Polish government to the United States.[187]

It is indeed surprising that no official extradition demand was made by the Poles since there is ample evidence that they were eager to apprehend Mengele[188] and were prepared to follow even the slimmest of leads. For example, on May 6, 1947, a representative of the British War Crimes Group, Northwest Europe, wrote to the Polish Military Mission with news about the possible true identity of Dr. Mengele, and his whereabouts. In the letter, Mengele was described as "one of the few doctors employed in Auschwitz, maybe the only one, who had disappeared without leaving any trace."[189] The letter enclosed a statement by a former inmate at Auschwitz who suggested that the real name of Dr. Mengele was Dr. Scapesius,[190] a native of Saxony. The statement, given by Dr. Jeno Vamosi, a Hungarian physician, suggested that Mengele -- a/k/a Scapesius -- came from

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187/ In response to a specific request for evidence of a Polish request for Mengele's apprehension and extradition, OSI has received a letter from the appropriate Polish authorities claiming no such evidence exists. In addition, a letter to the Commanding Officer of the Polish War Crimes Liaison Detachment, dated April 15, 1947, from Lt. Col. Mark Amen, Chief of the Apprehension Section of the War Crimes Group, encloses a list of individuals whose extradition had been requested by Poland but whose arrest or clearance for extradition had not been accomplished; Mengele is not on this list. (NARA: RG466; War Crimes Extradition Corresp. 1945-52, 98 Polish General, Folder A.)

188/ See section on purported 1946 arrest, pp. 71 et. seq.

189/ Polish Mengele file.

190/ Polish Mengele file.

Saxony.[191] The Poles took this information seriously and forwarded a request, on June 3, 1947, in Russian, to Soviet authorities requesting information on the whereabouts of Mengele-Scapesius, who, coming from Saxony, might be found in their zone.[192] That the Poles followed up this lead from the British suggests that in the spring of 1947, while they had no idea where Mengele was, they wanted him to stand trial in Poland.

Among the possible explanations for the failure of the Polish authorities to request Mengele's extradition are the following: the Polish government learned of (and credited) the false report that Mengele was dead; the Polish authorities learned of (and credited) the false report that he was in U.S. custody and about to go on trial in Vienna; and Mengele benefitted from an adminstrative oversight or clerical error in Warsaw that led the Polish authorities to believe incorrectly that they had already submitted a request for Mengele's extradition.

a. Polish Auschwitz Trials

To put this matter in perspective, it is useful to review several cases in which the system worked properly, as a way of ascertaining what might have happened in Mengele's case.

Dr. Hans Muench was one of Mengele's colleagues at Auschwitz. He appears on the U.N. War Crimes Commission List, the CROWCASS List, and in specific allegations that mention

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191/ Polish Mengele file.

192/ Polish Mengele file.

Mengele. He appears on the list of perpetrators prepared by a U.S. war crimes investigator that was transmitted to Poland on November 6, 1946, as well as in various other documents concerning crimes at Auschwitz. In Muench's case, however, Polish authorities made a strong push for apprehension. His formal extradition was requested by the Poles on September 30, 1946, even though they did not know his whereabouts.[193] OSI also discovered a list of 193 individuals whose extradition was requested by Poland;[194] this listing and the Wanted Report issued by the Poles identifies Muench's whereabouts as "unknown."[195] Following the issuance of the Wanted Report, Muench's name was carried on the Third Army Wanted List for January 1947. He was apprehended and ultimately extradited to stand trial in Poland.

Georg Meyer is another Auschwitz doctor who was apprehended by U.S. authorities. He was arrested in Salzburg on May 28, 1946, after he was included on CROWCASS List No. 7 as well as on the Third Army Wanted List. The CIC in Salzburg was alerted to the possibility that Meyer was in that city, and was warned of a possible escape attempt to Switzerland. An investigation was conducted and Meyer was apprehended and sent to Poland for trial.[196]

193/ Muench Extradition File, NARA: RG466.

194/ French Foreign Ministry Archives; see appendix, p. 102.

195/ See appendix, p. 104.

196/ CIC Dossier on Georg Meyer.

Had Mengele been knowingly apprehended by any of the Allied powers, he, like his Auschwitz colleagues, Dr. Meyer and Dr. Muench, would almost certainly have been extradited to Poland to stand trial.[197] The first Auschwitz trial conducted by the Poles took place between March 11 and 29, 1947. The defendant in this case was the commandant of Auschwitz, Rudolf Hoess, who had been extradited to Poland by the British in May 1946. The trial took place in Warsaw and received a great deal of international attention, with the proceedings being translated simultaneously into English, Russian, French, and German. In attendance was an American delegation led by General Telford Taylor. Hoess was found guilty in a verdict that was handed down on April 2 and was executed in Auschwitz, near his former office, on April 16, 1947.

The Poles conducted a second, larger trial with 40 defendants. Had Mengele been extradited to Poland, he would likely have been among them. This proceeding, which took place between November 25 and December 16, 1947 in Cracow, placed on trial a number of important Auschwitz functionaries including several physicians. The verdict was handed down on December 22, 1947 and included 23 death sentences, 6 life sentences, a number of lesser sentences, and one acquittal.[198]

197/ As discussed above, Mengele also might have been chosen in 1946 as a defendant for the symbolic trial of members of the German medical establishment.

198/ Dr. Muench was acquitted because he, unlike Mengele, had refused to participate at Auschwitz in the selection of arriving inmates for immediate execution.

D. Conclusion

There was a widely circulated rumor in late 1946 and early 1947 that Josef Mengele had been arrested by U.S. authorities. However, the evidence is overwhelming that, in fact, Mengele was not arrested following his initial temporary confinement by U.S. forces in 1945.

The failure to arrest Josef Mengele may partially reflect a failure to seek his arrest aggressively. This probably was the result of the mistaken belief by Nuremberg prosecutors that rumors that Mengele was dead were true, the lack of direct U.S. jurisdiction over him, and the still-unexplained failure of the Polish government to request his extradition or arrest.

IV. The Barbie Analogy: Mengele in the Service of the U.S.?

Some have attempted to draw a parallel between Mengele and former Lyons, France, Gestapo chief Klaus Barbie, who was knowingly used and protected from prosecution by U.S. authorities after the war. The incorrect assumption that Mengele had been in U.S. custody and knowingly released, combined with his escape via Italy to South America, led many to suggest that, like Barbie, he was used by U.S. agencies and helped by them to flee from Europe. Whereas Barbie, a career intelligence officer, had skills and information of obvious value to broker for his protection, it was suggested that Mengele bartered the results of his medical experiments. As in the Barbie investigation, OSI approached this question with no preconceived notions and devoted considerable resources to determining the facts.

The very nature of the allegation explains some of the difficulty in investigating it. Virtually by definition, clandestine activity means that few people know about it and often that few records exist to document it. However, in the Barbie case, detailed records of his use by the CIC and his sponsored exit were found easily under his name.[199/] If there were any basis for the comparison with Barbie, one could expect to find records to document it. However, OSI discovered no documentation whatsoever even to suggest a relationship between Josef Mengele and the United States. However, to be satisfied with the correctness of this answer, OSI had to be fully

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199/ Records dealing with informants are not routinely purged and fall under permanent retention standards.

confident in the thoroughness of the search for relevant records. With significant assistance from the Department of the Army, OSI undertook an unprecedented effort to find any indication of U.S. assistance to Mengele; an account of this search can be found in the introduction to this report and is an integral part of the answer to the question. The absence of even a scintilla of evidence that Mengele was involved with U.S. operations or personnel, along with the information unearthed by OSI concerning Mengele's actual postwar whereabouts and activities, leads OSI to the firm conclusion that Mengele was neither used nor protected by U.S. authorities. Thus, there can fairly be no comparison to the Barbie case.

A. Mengele's Escape from Europe

Material uncovered during the review of the microfilmed records at the IRR confirmed the understanding gained by OSI in more than a decade of investigating and prosecuting Nazi cases that the chaotic conditions prevailing in postwar Europe gave rise to circumstances that enabled many war criminals to escape justice and join the steady flow of refugees emigrating to the Western Hemisphere. For example, many inmates at both Prisoner of War camps and Civilian Internment Enclosures succeeded in escaping. Moreover, there was widespread use of false discharge papers and identity documents which were readily available on the black market. Such documents could facilitate the procurement of International Red Cross travel documents. Moreover, many individuals who took part in Nazi crimes had not been (and,

indeed, still have not been) identified by the authorities; they could therefore easily "blend in" with refugee populations. Also, the impossibility of adequately patrolling the vast area of mostly mountainous terrain lying along the Austro-German and Austro-Italian borders allowed thousands of persons to travel illegally between those countries. Just as there was a range of motives for people wishing to flee Europe, so was there a variety of reasons -- from the ideological to the venal -- for people to support them in their flight. Alongside the so-called "Rat Line"[200/] that took Barbie out, and the famed "Monastery Route" that reportedly helped many others, there were less "official" ways. Enterprising individuals made great sums of money running underground escape routes from Germany to Italian ports for embarkation to South America. It appears that Mengele, with the assistance of his family, took this latter route, benefitting from neither government nor church support.

In addition to searching official records for evidence of a possible U.S.-Mengele relationship, OSI reviewed Mengele's autobiography concerning this issue. He devoted an entire ringed notebook to setting out an account of his escape from Europe. The title of this notebook, "Brenner/Genoa," describes his European exit: from Bavaria, Mengele moved south into Austria, crossed into Italy at Brenner, and made his way to Genoa. From there, he caught a ship to Argentina. The escape that Mengele

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200/ Rat line is the term used for an escape route. The U.S. Army operated a rat line designed to assist Soviet defectors to get out of Europe through Italy. This rat line was used to smuggle Klaus Barbie out of Europe to South America.

describes is one without official assistance from any nation; one sponsored and carried out by his family and their agents.

Mengele also describes how he left the Austrian city of Steinach on Easter Sunday 1949 (April 17) and, with the first of five guides who would eventually lead him to Genoa, made his way to the Austro-Italian border at Brenner. His guide had lost his border pass and thus could not accompany Mengele across the border; Mengele made the crossing himself. Although he describes with dramatic flourish his crossing of the lightly patrolled border, it appears that it was a very simple act. Mengele was met on the Italian side of the border by the second guide, who directed him to the station and a train to Vipiteno [Sterzing]. There, Mengele went to the Golden Cross Inn, and met his new guide, Erwin. Mengele remained at least three weeks in Vipiteno.

His new guide informed him that he would need an identity document that would guarantee his safety, suggesting that he would be able to obtain a card that had been issued during the German occupation of the South Tyrol, 1943-1945. A week later, Mengele received the paper, which was issued in Bressasone.[201/] It provided him with the false identity of "Helmut Gregor." Apparently, many people in the South Tyrol carried such identity cards dating from the second half of the war, and the Italian authorities routinely accepted them.

A week later (approximately a month after Easter) Erwin returned to Vipiteno, bringing greetings from Mengele's father

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201/ Mengele's Red Cross papers indicate that the identity card was issued in Teremeno.

and friends as well as travel money. He explained to Mengele the details of the journey that lay ahead. He was to travel by way of Bolzano and Milan to Genoa and from there to Argentina. Mengele took the train to Bolzano and was met by the fourth of his guides, Hans, who explained that they would pay a visit that evening to an influential personality who would obtain for him an Argentinian "permisso de libero desembargo [Permit of Free Passage]." Before obtaining this paper, however, Mengele was to meet the fifth of his guides, Kurt.

When they arrived in Genoa, Kurt bought passage on the "North Queen,"[202/] leaving in five days, for 120,000 lire. Mengele would need a passport, which Kurt could obtain from the Swiss Consulate. There Mengele would be issued an International Red Cross passport on the basis of his identity card from Bressasone. Kurt took him to the Swiss Consulate and told him exactly what he had to say in order to obtain the necessary papers. He was interviewed by a woman who, by the way she received his story, appeared to have heard it many times before and summarized it for him:

> "Okay you want a Red Cross passport for immigration to Argentina because you, as a South Tyrolian, as a result of unresolved nationality, cannot receive either an Italian or a German passport. Your identity card, issued in Bressasone, serves as basis for your request. This will be done, because, according to its statutes, the Red Cross will help all people in need without extensive investigation."

202/ In reality, Mengele traveled on the "North King."

Mengele received the document quickly, without complication, and was required to relinquish his identity card in exchange.[203/]

Next, Mengele had to obtain a certification that he had no outstanding tax obligations. He also needed a so-called "begging certificate" stating that he had never begged in Italian territory and had not received public welfare. The next day, Mengele and Kurt visited the Argentinian Consulate, where they had the permisso de libero desembargo certified and a visa placed in the passport of the International Red Cross. The official was very unfriendly and, with an evident sense of triumph, determined that the Red Cross passport had expired the day before. Apparently, the woman at the Swiss Consulate had confused the date and had made the expiration date that of the issuing date. Mengele returned to the Swiss Consulate and had the problem corrected. The Argentinian consular official then had no further cause to prevent the issuance of the immigration papers. After receiving the papers, Mengele was told that he would need a physical examination. He and Kurt went to the harbor where physicians were examining passengers from the "North Queen" in a barracks-like building. This process consisted only of an eye examination and an interview concerning whether an individual had suffered from communicable diseases. Mengele also received a backdated inoculation certificate from a Croatian doctor.

Mengele now needed only to obtain an exit visa from the Italian authorities. The man with whom Kurt wanted to deal was

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203/ See appendix, p. 106.

not there, however, and Mengele, as a result, had to endure the formalities alone. He writes that he was arrested by Italian officials because they did not believe his story and was put in a cell in the prefecture, where he was questioned and accused of crimes against Italian POWs. The next day, he was questioned about his companion, Kurt.

For unknown reasons, Mengele was released by the Italian authorities. OSI contacted the Italian government in an effort to verify the arrest in Italy. The results were inconclusive. However, because he was (he writes) released in this way, it can be surmised that the arrest had nothing to do with his wartime activity. Indeed, it is unlikely that the Italian authorities were aware of the real identity of the man they appear to have arrested. Mengele does not discuss how long he remained in detention, but he writes that he departed on the "North Queen" (which had been delayed) on the day after his release. According to his account, his ticket on the "North Queen" was upgraded to a higher class by the Italian authorities apparently in an attempt to make amends for the arrest.

The potential pitfalls of relying on Mengele's autobiographical writings as an accurate historical source have already been discussed. It is difficult, therefore, to determine the precise schedule of events. There is no reason, however, to doubt the basic facts of the story. OSI was able to obtain and authenticate the Red Cross travel document that Mengele used under the name of Helmut Gregor. The document offers general corroboration for the version of Mengele's escape rendered in his

autobiographical writings. It was issued on the basis of an identification card and a certificate of residence in the South Tyrol. The ship's name, the "North King," is close indeed to the "North Queen." The document also indicates that Mengele/Gregor was issued the "Permit of Free Passage" from the Argentine authorities. May 25, 1949 is given as the date of the sailing of the "North King" in the Red Cross document, which is consistent with Mengele's version of the escape. OSI has verified that the "North King," like the "North Queen," departed later than scheduled, leaving Genoa on May 26 at 2:45 p.m.[204/]

There is, in addition, evidence that supports the most important conclusion that can be drawn from Mengele's account: that his escape was not officially sponsored. According to Mengele's son, the family purchased the false passport for 7,000 German marks, a very high sum in those days. According to the son, the passport was so poorly executed that Mengele could not use it and thus had to obtain the Red Cross travel papers. Moreover, Mengele makes a point, in his autobiographical account of his escape, of disclosing that he took extra precautions to avoid detection by American troops who were stationed at the Brenner border crossing.

204/ The delay was caused by the need to board additional passengers.

B. Mengele's Residence in South America

OSI considered Josef Mengele's activities and movements in South America in connection with its search for him[205] and only to determine any possible contact he may have had with the United States. Nevertheless, it is possible to give a broad outline of Mengele's thirty years in South America. His residence there can be divided into three phases, each associated with a different country, and each with a different degree of risk and fear of capture. Throughout his life in South America, however, Mengele was able to rely upon the support and financial resources of his family in Germany.

1. Argentina

When Mengele arrived in Argentina in 1949, he began life under the alias Helmut Gregor. However, for the purpose of divorcing his wife Irene, he used his true name when he executed a power of attorney at the West German Embassy in Buenos Aires in March 1954. Mengele visited Switzerland and West Germany, apparently under the Gregor alias, in March 1956. In September 1956, Mengele began to live openly under his true identity. At that time, he applied for and received an Argentine identity card under his real name, after having obtained a document from the West German Embassy in Buenos Aires which certified that his true

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205/ See Part II, below.

name was Mengele.[206] While visiting Europe in 1956, Mengele established a relationship with his deceased brother's widow, Martha, who, along with her son, Karl-Heinz, subsequently joined Mengele in Argentina. Josef and Martha were married during a visit to Uruguay in July 1958.

By all accounts, Mengele's years in Argentina were relatively comfortable and free from fear. He supported himself in several business enterprises, the last being a pharmaceutical company called Fadrofarm.[207] Mengele reportedly had close ties with members of the German community in Buenos Aires and became acquainted with Adolf Eichmann, who was hiding in Buenos Aires under the name "Ricardo Klement," and Hans Rudel, the most highly decorated German pilot and a reputed leader of a postwar underground Nazi group.

2. Paraguay

Mengele left Argentina and settled in Paraguay in 1959. Using his true name, he applied for Paraguayan citizenship; his application was granted in November 1959. It should be noted that in June 1959, the West German government issued an arrest warrant for him. It has been reported that Mengele developed close ties with high ranking officials in the Paraguayan

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206/ For reasons unknown to the Department, the government of West Germany apparently did not begin to search for Mengele until June 1959, when it first issued an arrest warrant.

207/ Among the papers discovered with his effects in Brazil, after his death, was an article on genetics, published in an Argentine journal under the name G. Helmut, suggesting that he may have pursued his "scientific" interests in Argentina.

Government. Stories circulated for more than twenty years that with friends in high places, he was continuing to live openly there. These stories grew increasingly sensational and detailed over the years, despite the absence of confirming evidence. Audacious accounts by journalists and self-styled Nazi-hunters of Mengele's flight from one or another Paraguayan site shortly before his pursuers' arrival became something of a cottage industry for at least two decades. The "Paraguayan connection" even formed the basis for two hugely successful Hollywood motion pictures. It also was reported that Mengele supported himself during this period by representing the Mengele firm in Paraguay.

3. Brazil

When Adolf Eichmann was caught by Israeli agents in Buenos Aires in May 1960, Mengele had to reckon with his own possible capture and went underground.[208/] It is believed that Mengele went to Brazil in or around the autumn of 1960. There is, however, evidence which suggests that he may have visited Paraguay for extended periods of time after he moved his

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208/ Isser Harel was responsible for the planning and the successful execution of the Israeli operation to capture Adolf Eichmann. Harel has advised OSI that the Israelis attempted to capture Mengele in May 1960, at the same time they caught Eichmann. According to Harel, Mengele was able to escape, however, when he fled underground after reports of his purported whereabouts appeared in the media. Since the Israeli operation in May 1960, the search for Mengele was conducted principally by officials from the Federal Republic of Germany. To the best of the knowledge of the Department, an effort as intense as the Israeli operation in 1960 was not initiated again until the United States, West Germany and Israel began their coordinated effort to locate Mengele in 1985.

permanent residence to Brazil. Since that issue was not specifically investigated, we are not prepared to draw any conclusion as to whether Mengele spent time in Paraguay after he moved to Brazil.[209/] Under international pressure, especially from the U.S. Congress, Paraguay revoked Mengele's citizenship in 1979, claiming that he had been absent from Paraguay for many years.[210/]

His second wife and stepson having returned to Germany, Mengele arrived in Brazil alone. Following the 1985 discovery of Mengele's body, it became clear that, while in Brazil, he had benefited from the assistance of several people in addition to his family in Guenzburg. Most important of these was Wolfgang Gerhard, an Austrian who had settled in Brazil in 1948. Hans Rudel apparently introduced Mengele to Gerhard who, in turn,

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209/ Paraguayan officials did apparently maintain some knowledge about Mengele. In 1984, two conversations were held between high-ranking Paraguayan officials and the U.S. Ambassador to Paraguay. In one conversation, a Paraguayan official stated that Mengele had lived in Paraguay through 1965; that Mengele then moved to Santa Katarina, Brazil (a province south of Sao Paulo, Brazil); and that, some years later, Mengele moved to Portugal. The U.S. Ambassador was also told that individuals in Paraguay received Christmas cards from Mengele postmarked in Portugal. Around 1980, the cards stopped coming. (It is possible that the Paraguayan official confused the province of Santa Katarina with the province of Sao Paulo and erroneously believed that Mengele had moved to Portugal simply because the postcards originated there.) In the second conversation, another high-level Paraguayan official told the U.S. Ambassador that he was convinced that Mengele was "either dead or in a big city like Buenos Aires." Given the indirect source of the information and lack of detail, these conversations were not helpful to investigators.

210/ While Mengele retained his Paraguayan citizenship, the Government of Paraguay used his status as a citizen as a reason for denying West German requests for his extradition.

introduced him to two families, the Stammers and Bosserts.[211] These families provided Mengele with companionship and a place to live in the Sao Paulo area.[212] Wolfgang Gerhard and Hans Sedlmaier, then the General Manager of the Mengele family business, served as mediators when conflicts arose between Mengele and his protectors. Gerhard also gave Mengele his identity card, and, as will be discussed below, Mengele was ultimately buried under Gerhard's name in a grave which had been purchased by Gerhard, supposedly for his own use.

On July 24, 1991, the Parana state government publicly released an undated 1968 report by a former Brazilian political police special agent, Erich Erdstein, that had purported to detail Mengele's whereabouts in Brazil. Wire service reports on the disclosure characterized the document as revealing that Brazilian authorities "knew Nazi war criminal Josef Mengele was living in Brazil in 1968, but failed to arrest him."[213] An official of the Parana state archives was quoted as having no explanation for the Brazilian authorities' failure to act on the report,[214] and he added that he possessed no information on Erdstein's whereabouts.[215]

211/ Mengele at first used the alias Peter or Pedro Hochbichler.

212/ Mengele moved several times in the Sao Paulo area.

213/ See for example, the Associated Press dispatch on Mengele of August 6, 1991, from which the quoted language is taken.

214/ Michael Stott (Reuters), "Brazil Located Mengele in '68, Report Says," The Washington Times, August 13, 1991.

215/ Associated Press dispatch of August 14, 1991.

Had the news correspondents pursued the matter independently, the answers to these questions would have soon become apparent, in part because the former policeman's claims were anything but new; they had been publicly made by Erdstein in the mid-1970s and been discredited almost immediately.

Erdstein's account placed Mengele in southern Brazil, near the Paraguayan border, specifically in the town of Marechal Candido Rondon.[216/] OSI's investigation found no evidence, however, that Mengele ever lived in this area; to the contrary, the evidence is compelling that he was living more than 500 miles away at that time, in the Sao Paulo area.

But the most persuasive reason for rejecting Erdstein's report is that, in a 1977 book by Erdstein himself,[217/] the Vienna-born former policeman claimed that on September 13, 1968, he had captured Mengele in the vicinity of Porto Mendes and then killed him as the Nazi doctor tried to escape. Erdstein's account, which avails itself of numerous cliches about fugitive Nazis in South America, reaches its dramatic peak when its author breathlessly recounts what happened as Mengele "broke for safety." "I raised my gun and fired four bullets at Mengele. They struck him in the chest and side." When "Mengele" did not fall, Erdstein fired again, hitting his prey in the throat. "Mengele" fell face down in the water. The account continues:

216/ A copy of the report from the Arquivo Publico do Parana was made available to OSI by the Brazilian government in the fall of 1991. It is reproduced in the appendix.

217/ Erich Erdstein, Inside the Fourth Reich (N.Y.: St. Martin's Press, 1977).

> I heard a shout from the other side of the barge, turned, and saw a huge patrol boat bearing the blue and white Argentine flag. The Argentines shouted at the Paraguayans, who screeched back in their native Guarani. Bullets whizzed past my head, and for a few minutes there was bedlam, with the shouting and the gunfire mingling in a terrifying racket.
>
> The Paraguayans, seeing they were outgunned by the larger boat, gave covering fire to two of their men, who fished Mengele out of the water just as the launch began to pull away. His body was limp, and I knew that he was dead. He had been in the water at least five minutes.[218/]

Erdstein's book contains equally incredible accounts of his South American encounters with other notorious Nazis during this same time period, among them Martin Bormann, the head of the Nazi Party Chancellery, who was subsequently ascertained to have died in Berlin more than twenty years earlier, in 1945.

According to Erdstein's book, its author fled to Canada after the Mengele "shooting." Interviewed years later, and confronted by an American writer with the evidence that Mengele did not die until 1979, Erdstein reportedly replied, "Well, I must have shot a double then."[219/]

218/ Id., p. 218.

219/ Erdstein quoted in Gerald L. Posner and John Ware, Mengele: The Complete Story (N.Y.: McGraw-Hill, 1986), p. 218. Posner and Ware also charge that Erdstein had sold the South American and European rights to his account of the Mengele capture to various newspapers while his purported plan to apprehend Mengele was still being devised. They further allege that Erdstein fled Brazil because he was wanted by the police there for passing bad checks. Id. at 217-18.

C. No Contact with U.S.

Review of State Department and U.S. intelligence files permit the confident conclusion that Josef Mengele had no contact with U.S. institutions or personnel following his departure from Europe. Although OSI confirmed that members of the Mengele family did retain ownership interests in U.S. corporations,[220] we know of no reliable information that there was any contact between these entities and Josef Mengele, or that he benefitted from them.

D. Never Entered the U.S.

The Department has found no credible evidence that Mengele ever entered the United States, either under his own name or under any of his known aliases.[221]

220/ KMN Modern Farm Equipment, Inc. was created in Delaware in 1973 with its principal office in New Jersey. The Mengele family firm was a minority stockholder until 1981 when it sold all of its interest in the corporation. BSD Farm Corporation was created in November 1979 in Delaware; it is solely owned by Josef Mengele's nephew, Dieter Mengele, who is principal stockholder of the Mengele family company in Guenzburg, and his immediate family. In 1979, BSD purchased 417 acres of land in Cass County (Logansport), Indiana, then valued at $1.2 million.

221/ In 1962, the Government of Canada received an allegation that Mengele was living in Canada under the alias Josef Menke. In order to evaluate this information, on June 18, 1962, Canadian authorities requested identifying data from the United States concerning Mengele. A responding letter was transmitted on June 24, 1962. In 1985, portions of these letters were released pursuant to a request made by the Simon Wiesenthal Center in Los Angeles under the Freedom of Information Act. The Simon Wiesenthal Center then wrote to the Government of Canada claiming that Mengele had applied to enter Canada under the alias Josef Menke. Moveover, because certain passages in these letters had been deleted, this exchange of letters was erroneously interpreted as indicating that the United States might have been

(continued...)

While it is theoretically possible that Mengele stopped in the United States as a transit passenger on one of his trips to Europe when he lived in South America, the Immigration and Naturalization Service does not maintain records of transit passengers (since, technically, they have not entered the United States).

E. Conclusion

Josef Mengele, throughout his long residence in South America, was in constant contact with, and received continuous support from, his family and friends in Guenzburg. His pseudonymous residence in Germany from 1945 to 1949 and, more importantly, his successful flight from Europe in 1949 were made possible primarily by that support. No evidence was found for the claim that Mengele was in contact with, received any support from, or gave any assistance to, U.S. intelligence agencies or any other U.S. authorities. Indeed, OSI could not even establish a likely basis for such a relationship.[222]

221/(...continued)
aware of, or assisted, Mengele's entry into Canada. An evaluation of all of the evidence indicates no basis for concluding that Mengele ever entered or applied to enter Canada in 1962 or that the U.S. had any knowledge of his whereabouts at that time. An official report by the Canadian Government on this issue concludes that Mengele never entered or applied to enter Canada. Commission of Inquiry on War Criminals Report (Ottawa: December 1986).

222/ Mengele's pseudo-scientific interests were far afield from the more practical, and in some cases also criminal, work performed by some of his colleagues in the German medical establishment that was, in fact, of interest to the United States. For example, the U.S. Army took advantage of German
(continued...)

Part II: Whereabouts 1985

What began as a search for the living Mengele eventually was transformed into an attempt to ascertain whether he had in fact died years earlier.[223] [224] There were two distinct phases to

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222/(...continued)
advances in aeromedical research, rocketry, and other scientific and engineering activity. There is no evidence that any U.S. agency, organization or individual had any interest in Mengele's so-called research.

223/ The Federal Republic of Germany and the State of Israel intended to prosecute Mengele had he been captured. Acting in accordance with their respective legal norms, both countries issued arrest warrants which formed the jurisdictional basis for their international search for Mengele.

When deciding to commence its own hunt for Mengele in 1985, the United States never anticipated that Mengele would be prosecuted before an American judicial tribunal. Rather, the American effort was focused on locating Mengele. The United States anticipated that Mengele, if alive, would be brought before a court in either Germany or Israel.

224/ The jurisdictional principal that it is every nation's right to apprehend and prosecute those who have committed crimes against humanity which have no jurisdictional boundary was relied on by American authorities when they searched for Nazi war criminals at the conclusion of the war. In pertinent part, the Moscow Declaration of 1943, signed by Churchill, Roosevelt, and Stalin, states that the "three allied Powers will pursue them [the Nazi war criminals] to the uttermost ends of the earth and will deliver them to their accusers in order that justice will be done." 3 Bevans, Treaties and Other International Agreements of the U.S., 1776-1949, Multilateral, 1931-1945 at 843. The Moscow Declaration, although it does not have the force of a treaty, remains legally valid. The governments of the United States, Great Britain, the Soviet Union and France explicitly relied upon the Moscow Declaration when they enacted the Agreement for the Prosecution of the Major War Criminals (the "London Agreement") on August 8, 1945. This Agreement provided for the establishment of an International Military Tribunal and thereby created the jurisdictional predicate for the Nuremburg Trials and for the trials of Nazi war criminals by each of the allied powers in the their zones of occupation. On this basis the United States at the conclusion of World War II frequently searched for Nazi war criminals who were to be prosecuted by judicial tribunals of other nations.

this part of the investigation. The first was a concerted effort to apprehend Mengele; the second focused on determining whether he was dead.[225]

The first phase, from February to June 1985, involved a worldwide effort to gather and evaluate all available information on the possible whereabouts of Mengele and to coordinate U.S. actions with those of Israel and Germany. In the early weeks of that effort, the organization and machinery were developed to process information, develop sources, and pursue leads.

The search entered its most dramatic phase in June 1985, when German investigators discovered evidence that strongly suggested that Josef Mengele had died in Brazil in 1979. With this discovery, the Department of Justice shifted its efforts from finding a fugitive to resolving a medical question.[226]

225/ For a chronology of the Department's investigation, see appendix, p. 421.

226/ In some respects, the search for Mengele bore fruit for the later question of identifying his remains. A key part of the first phase was the gathering of data to identify Mengele if and when he were captured alive. This same information (medical histories, physical descriptions, photographs) became important for the identification of the body.

I. The Search for Mengele[227]

The Department's investigation, a closely coordinated effort between OSI and the U.S. Marshals Service, focused on four principal areas:

(1) The Department sought to obtain information and data that would help identify Mengele. Such information was of critical importance because there was no known reliable photograph of Mengele taken after 1958, and fingerprints alleged to be those of Mengele were of questionable reliability.

(2) The Department sought to obtain all reliable records and information concerning Mengele's past whereabouts, activities, contacts, associates, and habits. These records were of great importance because there was little reliable information about Mengele's location or activities after his having lived openly in Paraguay around 1960.

(3) The Department attempted to develop sources who might themselves possess, or who could lead to, information on Mengele's location. This method has proven to be effective in many fugitive cases.

227/ From its inception in 1979, OSI investigated all allegations it received concerning the location of Josef Mengele. In 1980, 1981, and 1982, OSI received information that Mengele had entered the United States. Each allegation was thoroughly pursued and proven erroneous. For example, on September 8, 1982 in Miami, Florida, OSI representatives interviewed Dieter Mengele, a nephew and the principal owner of the Mengele family business. Dieter claimed he had never seen or communicated with his uncle. He also disclaimed any knowledge of his uncle's whereabouts and stated that he did not even know if his uncle was then alive. OSI conducted this interview of Dieter Mengele after receiving information that he was visiting the United States with a companion who might be Josef Mengele. Dieter Mengele's companion was also interviewed; he was not Josef Mengele.

(4) The Department also pursued specific leads -- both those developed by Department personnel and those received from outside sources.

A. Collection of Reliable Identifying Data

The Department realized from the start that it faced a potentially serious problem if a suspect were ever captured. The evidence in hand at the beginning of the investigation provided no reliable means of proving that someone was Mengele, especially if, as some reports indicated, he had undergone plastic surgery. The most recent, confirmed photograph of Mengele dated from 1956, and fingerprints alleged to be his were not confirmed. As a first step, therefore, the Department sought to obtain evidence that would provide irrefutable proof of his identity if and when Mengele were captured.

Original handwriting samples can establish definite proof of identity. OSI was able to obtain original samples of Mengele's handwriting when it acquired his original SS file in April 1985.[228/] As explained in a later section of this report, the handwriting samples and the medical data contained in Mengele's SS file ultimately proved to be critical in determining whether Mengele had died.[229/]

228/ Mengele's SS file is maintained by the Berlin Document Center (BDC), which operates under the direction of the U.S. Department of State. Original portions of the file were provided to OSI.

229/ The original documents contained in the SS file were examined, without success, by the FBI for latent fingerprints.

The Governments of Israel and West Germany each provided the United States Government with sets of fingerprints believed to be those of Mengele. These prints apparently originated from South American sources, and there was concern that they were not authentic. Even if genuine, they would not have been admissible in a court of law at that time because prosecutors would not then have been able to establish that they were in fact Mengele's. However, in May 1985, OSI was able to establish that these fingerprints were authentic when it requested and obtained unprecedented access to an original International Red Cross (IRC) document.

The IRC document was an "Application for Travel Document" signed by "Helmut Gregor" in 1949 in connection with his proposed travel from Italy to Argentina. Experts from the Immigration and Naturalization Service (INS) Forensic Document Laboratory were able to determine that the IRC travel document was, in fact, Mengele's when they concluded that the handwriting on the IRC travel document was identical to that in Mengele's SS file.

The travel paper contained a print of Mengele's right index finger and a photograph that appeared to be Mengele's.[230/] The FBI, at OSI's request, compared this known fingerprint to the

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230/ At a later date, the photograph from the late 1940's on the IRC document was determined by the German government to be Mengele's. The IRC document is reproduced at pp. 106-107 of the appendix.

questioned fingerprints obtained from the Israeli and West German governments. The FBI concluded that they were identical.[231/]

Consequently, by May 21, 1985, the Department was confident that known fingerprints and handwriting samples of Mengele were available and could provide the basis for a positive identification in the event a suspect was apprehended. The investigation remained hampered, however, because a current, reliable photograph suitable for broad public distribution was not available.

B. Obtaining All Available Information on Mengele

In addition to the problems presented by the initial lack of verifiable information with which to identify Mengele, there was little definitive information concerning his postwar activities and movements. Accordingly, the Department undertook an extensive effort to locate all records and information on Mengele and his past movements, activities, and associates.

Representatives of OSI and the USMS met in February 1985 with German prosecutors in an effort to collect available information and to coordinate strategy. In February and March 1985, OSI met with a task force established by the government of Israel to oversee the Mengele investigation. OSI was provided with access to material in the custody of the Israeli and West German governments. In addition, the governments of France, the German Democratic Republic, Italy, Great Britain, Poland, and the

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231/ Fingerprint records were searched without success in the United States and abroad.

U.S.S.R., as well as the United Nations provided assistance. Information was also provided to the Department on an ongoing basis by concerned government officials, including the staffs of Senator Alfonse D'Amato and former Congresswoman Elizabeth Holtzman. Other private interested organizations also offered assistance.[232/]

The material assembled in a relatively short period of time was voluminous. West Germany alone, for example, provided six thick volumes of investigative reports. OSI and the USMS organized these files according to Mengele's purported locations and by reference to key data describing his associates and the family business.

An analysis of the information gathered at the initial stage of the investigation revealed that very little reliable evidence existed concerning Mengele's movements and whereabouts after he left Europe. The Department could be certain only that:

(1) The IRC document established that Mengele, using the name Helmut Gregor, travelled from Italy to Argentina in 1949.

(2) In November 1956, Mengele openly presented himself to the Embassy of the Federal Republic of Germany in Buenos Aires, Argentina. Based on papers received from

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232/ Representatives of the Department met in early 1985 with Simon Wiesenthal and Serge Klarsfeld, individuals who have investigated Nazi war criminals. In addition, the Simon Wiesenthal Center in Los Angeles and The Washington Times newspaper both offered substantial rewards for information leading to the arrest of Mengele. These organizations shared information with the Department.

the Embassy, he obtained an identity card under his true name from Argentine authorities.

(3) Mengele then proceeded to live openly in Buenos Aires;

(4) On July 25, 1958 in Uraguay, Mengele openly married his second wife Martha, the widow of his brother.

(5) On November 27, 1959, Mengele was granted a naturalization certificate under his true name by the Government of Paraguay.

(6) Paraguayan citizenship was revoked on August 8, 1979.

No other definitive information was known.[233/]

OSI also obtained records concerning the Mengele family business in Guenzburg, West Germany. The business (farm equipment) had been started by Mengele's father and is now controlled by Mengele's nephew, Dieter, and the son of Mengele's brother and second wife, Karl-Heinz.[234/] It was only logical to assume that the wealthy Mengele family and the business were a source of logistical and financial support for the fugitive Mengele. Indeed, during interviews with German prosecutors prior

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233/ The Department was aware of, and did attempt to evaluate, decades of media and "Nazi-hunter" reports that Mengele was living openly in various places in South America, including Paraguay. These often sensational reports had been conveyed worldwide. Most of these public announcements were incorrect and even counterproductive. False reports only served to lead investigators astray and, prior to his death in 1979, to provide some comfort to Mengele (and his supporters) by assuring him that his would-be pursuers did not know where he was hiding. The public dissemination of the few reports of his location or movements which had an element of truth also only served to help Mengele by putting him on notice that he had to relocate or had to avoid places which he had visited in the past.

234/ Karl-Heinz Mengele, the son of Karl Mengele, Jr. and Martha Mengele, was both Josef Mengele's nephew and stepson.

to 1980, Hans Sedlmeier, the former General Manager of the business, admitted that he had visited Mengele, on several occasions, in Argentina, Germany, Paraguay, and Uruguay during the 1950s and early 1960s.[235/]

C. Pursuing Leads

Until the discovery of the body in a suburb of Sao Paulo, Brazil, the Department proceeded on the assumption that Mengele was alive. This assumption was based principally on information obtained by the German prosecutors from individuals close to the Mengele family. However, it later became clear that the Mengele family had intentionally misled and deceived the investigators. In fact, they knew that he had died in 1979, but relished the thought of the authorities and others carrying on a futile search. They also appear to have been motivated by a desire to shield Mengele's protectors from discovery and the attendant risk of prosecution for obstruction of justice and other crimes.

As of June 1985, the Department believed it had fairly reliable information that Mengele had visited Paraguay and Argentina through some time in the late 1970's. But, there was no solid evidence as to his current location; nor was there any

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235/ At the time of these interviews, Sedlmeier falsely testified that he had no knowledge of Mengele's location since the early 1960s.

credible evidence -- from any source -- that Mengele had ever lived in or near Sao Paulo, Brazil.[236]

Information had been received suggesting that Mengele was then living in, among other places, the following countries: Paraguay; Bolivia; Brazil; Argentina; Uruguay; Chile; Ecuador; Portugal; Spain; and the United States. These "sightings" were computerized, charted and analyzed by the Department in conjunction with all other available information. This database assisted the Department in ascertaining whether a given lead was reasonable, thereby allowing resources to be allocated to the most promising leads.

Prior to the discovery of the skeleton in Sao Paulo, the Department pursued three leads intensely. The first one was a publicly disseminated story, from sources of unknown reliability, that Mengele was involved in drug trafficking. After investigation, it was concluded that this allegation was without foundation.

In the second instance, private individuals and organizations were convinced that a man living in Uruguay was Josef Mengele.[237] The FBI, working with its legal attaché in Montevideo, Uruguay, was able to establish conclusively --

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236/ As is detailed supra, given the benefit of hindsight, two conversations between high ranking Paraguayan officials and the U.S. ambassador to Paraguay may have hinted at the truth.

237/ This belief was fostered in part by the opinion of Dr. Ellis Kerley -- a forensic scientist -- who compared a photo of the Uraguayan suspect with one of Mengele. Dr. Kerley, who was subsequently retained by the USMS to serve as a member of the forensic team sent to Sao Paulo, opined that the man was Josef Mengele. Two other scientists concurred.

through fingerprint analysis -- that the individual was not Mengele.[238/]

In the third effort, the Department concluded that a previously reliable informant was wrong when he told U.S. government officials in May 1985 that Mengele was then in Houston, Texas, after having entered the United States from Uruguay to receive medical care.

II. Is Mengele Dead?

A. Preliminary Determination

1. Discovery of a Body

Representatives of the United States, Germany, and Israel met in Frankfurt in May 1985 to discuss the Mengele investigation. At that meeting, the West German police explained that they were preparing to search the home of Hans Sedlmeier, the former General Manager of the Mengele business. For obvious reasons, Sedlmeier had long been recognized as a potentially key figure. Indeed, as noted previously, German officials had questioned him on at least two previous occasions, and his home was searched in the 1960s.

Although Sedlmeier was under suspicion, West German prosecutors stated that they had doubted that they could obtain a judicial warrant authorizing a second search of his home. Prior

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238/ This episode also highlights the dangers involved in "operations" undertaken by private organizations in matters such as this. The photograph of the man suspected of being Mengele was widely circulated by the media. All of this could very well have jeopardized the life of the innocent "suspect."

to May 1985, they advised the Department, they did not believe they could satisfactorily establish Sedlmeier's ongoing involvement in sustaining and protecting Mengele. In that month, however, the necessary warrant was obtained.

The second search of Sedlmeier's house, in May 1985, was extremely productive. Correspondence between Sedlmeier and Wolfram and Liselotte Bossert of Sao Paulo, Brazil, was uncovered which ultimately established that, beginning with the issuance of an arrest warrant for Mengele by West German prosecutors in 1959, Sedlmeier not only withheld his knowledge of Mengele's whereabouts, he also acted as a courier between Mengele and his family, bringing money to him in South America. Sedlmeier clearly lied to West German officials when questioned about his knowledge of Mengele's whereabouts. Under German law, relatives of a fugitive -- even distant relatives -- are not obligated to provide assistance to law enforcement officials in their search for the criminal. Sedlmeier, however, enjoys no such protection; should he escape prosecution (as appears to have occurred), it will likely be because of the five year statute of limitations on obstruction of justice.

One of the letters discovered in Sedlmeier's house pointed to the conclusion that Mengele might have drowned in February 1979 in Brazil.[239/] According to the letter, the death was kept secret "not only to avoid personal unpleasantness but also to compel the opposition to continue wasting money and effort on

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239/ See appendix, p. 289.

something that has already been superseded by events." German investigators, on their own, proceeded immediately to Brazil, explaining later that they believed that there was a possibility that Mengele might have been alive, and that it was necessary to proceed expeditiously without notice to the U.S. or Israel.

The German Federal Police and the State Police from Hesse, together with the Brazilian Federal Police, followed up leads developed from the seized correspondence. Wolfram Bossert and his wife, Liselotte, whose letters were discovered in Sedlmeier's house, were questioned and their home was searched. As a result, the investigators discovered that another family in Sao Paulo -- the Stammers -- had also been protecting Mengele. Continued questioning of the Bosserts and Stammers led to a grave in Embu (a Sao Paulo suburb). The Bosserts claimed that the grave contained the remains of Mengele, buried under the name of Wolfgang Gerhard.[240/]

Upon receiving reports of Mengele's death, representatives of OSI and the USMS immediately went to Brazil. The U.S. officials held meetings with Brazilian authorities in Brasilia and in Sao Paulo to establish a coordinated investigation. Dr. Romeu Tuma, then superintendent of the Brazilian Federal Police

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240/ Some investigators have suggested that the Mengele family intentionally allowed the German Police to uncover the correspondence which led them to the grave in Brazil. Even assuming arguendo that this allegation is true, it remains plausible that the family believed that allowing the police to uncover this correspondence was an appropriate way to eliminate international pressure and reveal that Mengele was dead. The Department must emphasize that it has not investigated this issue because it does not alter the resolution of the ultimate question: whether the body was, in fact, Mengele's.

in Sao Paulo,[241] welcomed the participation of the United States and Israel in the complicated process of determining whether the remains were those of Mengele. The Justice Department sent two teams of forensic scientists to aid in the inquiry: One was composed of document and handwriting experts to examine the documents that were discovered in Brazil; the second was a cadre of forensic, medical and anthropological experts whose role was to examine the remains unearthed in Embu. The German government sent a forensic odontologist as well as a specialist in a technique particularly suited to the Mengele investigation -- the comparison of known photographs to a skull. The Israeli government sent their police official responsible for Nazi war crimes investigations.

2. Mengele Lived in Sao Paulo Area

Document experts from the United States compared the handwriting on documents seized in the Bosserts' home to known handwriting samples contained in Mengele's SS-personnel file, the original of which was obtained by OSI and hand-carried to Brazil.[242] In addition, the experts examined the paper and ink from the confiscated material to determine if there was any evidence that the documents were written after the date of Mengele's purported death. These examinations were important

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241/ Dr. Tuma has since been promoted to head the entire Brazilian Federal Police force.

242/ The U.S. government's document team was composed of Gideon Epstein from INS, Dr. Antonio Cantu, then of the FBI, and Dr. David Crown, an independent consultant.

since the findings could either support or disprove an important, part of the Bosserts' story -- that is, that Josef Mengele had lived in Sao Paulo. The American scientists found that the pertinent documents did not post-date the February 1979 drowning; more importantly, there was no doubt that they had been written by Mengele.[243/]

West German scientists compared photographs obtained in Brazil (which the Bosserts claimed were of Mengele) with the 1938 pictures of Mengele contained in his SS file. They concluded that the photos were of the same person, Josef Mengele. Israeli investigators concurred in this conclusion when they observed in the photographs a circular pattern of flesh on Mengele's left ear -- a distinctive mark recalled by Auschwitz survivors.

Brazilian investigators interviewed numerous incidental witnesses, including Mengele's former Brazilian maids and gardener. Each witness confirmed that the man whose photograph was obtained from the Bosserts had resided with the Bosserts (and the Stammers) in the vicinity of Sao Paulo from some time in the 1960s through the early winter of 1979. They also confirmed that he used the aliases Pedro or Peter Hochbichlet (or Hochbichler) and Wolfgang Gerhard.

Based on this evidence, the Department has concluded that Josef Mengele lived in the vicinity of Sao Paulo from some time in the 1960's through early 1979. The Department has accepted the definitive determination by German and Israeli experts that

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243/ See appendix, p. 298.

the photographs obtained from the Bosserts are of Mengele.[244/] The pictures were shown to numerous witnesses in Sao Paulo who positively identified them and who testified that Mengele lived in Sao Paulo, under aliases, through the winter of 1979. Because of their sheer number, the absence of any clear motive to lie on their part, and positive indicia of credibility in the various statements, the possibility that these witnesses could have been involved in an attempt to fabricate evidence has effectively been eliminated. As final proof that Mengele lived in Sao Paulo, U.S. experts determined that documents found in Sao Paulo were definitely written by Mengele. The discovery of these documents in Sao Paulo provides circumstantial evidence corroborating the probative testimony that Mengele in fact had lived there.[245/]

Since it was not germane to the main thrust of the inquiry, OSI did not determine if, as reported by the Bosserts and Stammers, Mengele resided continuously in the vicinity of Sao Paulo from 1961-1979 without ever leaving that area of Brazil. It remains possible, for example, that Mengele used the Sao Paulo area as his principal residence but left for prolonged visits in Paraguay or elsewhere.

244/ See appendix, p. 270.

245/ In reaching its conclusions, OSI has chosen not to rely on the testimony of the Bosserts and the Stammers. While their testimony may be accurate, their roles as Mengele's protectors makes it more prudent to rely on testimony of witnesses who did not know they were involved with the infamous criminal.

3. The Preliminary Identification

On June 21, 1985, the U.S. forensic scientists issued a preliminary report that "the skeleton [was] that of Josef Mengele within a reasonable scientific certainty."[246] They reached this conclusion after comparing the skeletal remains to the medical information on Mengele then available.[247]

As of the date of the forensic examination, almost all of the reliable, medical data on Mengele could be found in his SS file,[248]

246/ Six forensic scientists issued this report: Dr. John Fitzpatrick (radiologist), Dr. Leslie Lukash (medical examiner), Dr. Clyde Snow (anthropologist), Dr. Ali Hameli (medical examiner), Dr. Ellis Kerley (anthropologist), and Dr. Lowell Levine (odontologist). The latter three were retained by the USMS; the first three were consultants to a private organization, the Simon Wiesenthal Center in Los Angeles. The six scientists chose to act as a unified team, and the Department accepted all the scientists as part of its consultant group. See appendix, p. 116.

247/ The forensic scientists concluded that the body exhumed in Sao Paulo could not have been that of the real Wolfgang Gerhard because of a significant discrepancy in height (see appendix, pp. 117-118). The real Gerhard was purportedly buried in Graz, Austria in 1978. Since it was readily apparent that the real Gerhard was not buried in Sao Paulo, the Department did not request the exhumation of the body in Austria.

248/ See appendix, p. 121, for an English-language translation of the complete SS file. Mengele's Medical Examination report can be found on pp. 168 (English) and 213 (German) of the appendix. SS files were collected by U.S. military authorities after World War II and are now held at the Berlin Document Center (BDC), an archive maintained in Berlin by the United States Department of State. The BDC microfilmed Mengele's original SS file in the late 1960's or early 1970's. The BDC still possesses most of Mengele's original file, but the part of the original file which contains the medical data was lost in February or March of 1985 (the portion that was lost is still preserved on microfilm). In 1988, it was discovered that many original files at the BDC had been stolen for the purpose of selling them to collectors of wartime material. An investigation was undertaken and individuals implicated in this matter have been prosecuted by the Federal Republic of Germany.

(continued...)

which revealed the following pertinent biological and medical information regarding Josef Mengele:

(1) Mengele was born on March 16, 1911, and was therefore almost 68 on the date of his purported death.

(2) Mengele was male and Caucasian.

(3) Mengele's height was 174 centimeters.

(4) Mengele had a distinctive high brow as revealed in the photographs in the SS file.

(5) Mengele had a wide gap between his top front teeth as displayed in the photographs.

(6) Mengele received medical treatment in "1926/27" (age 15/16) for "sepsis, osteomyelitis, nephritis,"[249/] according to a medical history dated February 16, 1938 in the SS file.

248/(...continued)

Although part of the original Mengele file may have been stolen as part of the extensive theft at the BDC (or may simply have been lost during copying), the Department has no evidence that this was connected to the discovery of the body in Sao Paulo. More importantly, the Department has determined that the medical data contained in the reproduced portion of Mengele's SS file is accurate. A forensic comparison of the material reproduced from microfilm to the remaining portion of the original SS file failed to reveal any evidence of alterations, montaging, or text substitution, and demonstrated that the reproduced records contain genuine signatures. Accordingly, the Department's forensic expert, Gideon Epstein, was able to conclude that the reproduced portion of Mengele's SS file accurately reflects the same text that appeared on the lost original document. See appendix, p. 242.

249/ Osteomyelitis is an infection of the bone marrow. Sepsis is a systemic infection. Nephritis is an inflammatory disease of the kidneys. Of these three infections, only osteomyelitis would likely have left a trace in the skeletal remains (this issue is discussed in greater detail below).

Based on their examination of the skeletal remains, the American scientists concluded that the person whose remains were unearthed in Embu:

(1) was male and Caucasian;

(2) was similar in age and height to Mengele;

(3) had, like Mengele, a distinctive high brow;

(4) likely had, as did Mengele, a large gap between his front teeth.[250/] [251/]

250/ The dead person had a wide incisor canal. According to the U.S. scientists, a diastema (wide gap) is "seen in a majority of cases where there is a wide incisor canal."

On the other hand, the Israeli expert, Dr. Maurice Rogev, asserted that a correlation between a wide incisor canal and a diastema "can be accidental." For this reason, Dr. Rogev opined that "the use of a diastema as a substantial fact in the identification . . . (was) not justified." In any event, OSI subsequently succeeded in locating x-rays which definitely established that the person who was buried in Embu had a large gap between his front teeth (a diastema), as did Mengele. See discussion infra.

251/ The scientists also discovered that the person whose remains were unearthed in Embu had a hip fracture. This hip fracture might have been, but probably was not, caused by an accident which Mengele had while at Auschwitz.

According to an investigative report contained in his SS file, Mengele was "injured" in a motorcycle accident and "parts of his uniform as well as the motorcycle were damaged." Press reports in June 1985 quoted Simon Wiesenthal as stating that he had information that Mengele had fractured his hip in this accident. However, OSI is aware of no documentary evidence concerning the motorcycle accident (other than the aforementioned SS investigative report) and cannot reach any conclusion concerning the nature of the injuries incurred in that accident.

The SS file (appendix, pp. 152-153) states that the motorcycle accident occurred on June 21, 1943. Witnesses place Mengele back on active duty (selecting arriving prisoners for immediate execution) on July 20, August 1 and August 2, 1943 (see appendix, p. 5), indicating that if Mengele were absent from duty at all, it would have been for a period of no more than four weeks. The doctors believe that a hip fracture would require a

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The scientists did not, however, find any evidence of osteomyelitis.

Before rendering their conclusions, the experts reviewed videotapes of the exhumation, which was performed under conditions that were, unfortunately, far less stringent than those typically employed in forensic exhumations in the United States.[252/] There was concern that potentially important evidence might have been destroyed or overlooked. Accordingly, the scientists requested a second exhumation of the grave site, and additional bones and teeth were found. Most importantly, although the nature of the exhumation made their analytical efforts more difficult, the scientists were fully satisfied that their opinions and conclusions were not affected by the exhumation process.

In addition to their own findings, the American scientists observed the analysis performed by Dr. Richard Helmer of the University of Kiel, in which the retrieved skull was compared to known photographs of Mengele. Convinced that his technique is

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lengthy period of convalescence, probably more than four weeks. Accordingly, this witness testimony, if correct, makes it unlikely (although still possible) that Mengele received a hip fracture in the motorcycle accident. Irene Mengele who (according to statements made to her son) visited her husband at Auschwitz in August/September 1943, cannot recall a hip fracture or any similar injury. Further discussion of this issue is presented <u>infra</u>.

<u>252</u>/ The exhumation was completed in such haste that some of the bones, including the skull, were fractured. The American and German scientists were fully satisfied that they had been able to reconstruct the skull accurately; however, an Israeli scientist believes there may have been understandable, human error in part of the reconstruction. See discussion <u>infra</u>.

sufficiently accurate to allow for a definitive identification, Dr. Helmer concluded that the skull was definitely that of Mengele. The U.S. experts were very impressed with Dr. Helmer's analysis and placed considerable reliance on it.

On the basis of the consistencies between the skeleton and what was known about Mengele as well as the German photograph-skull comparison, the U.S. scientists concluded that the skeleton was Mengele's "within a reasonable scientific certainty."[253/] They did not then reach a conclusion with "absolute" certainty because the two most reliable methods then in existence for rendering a positive identification were not available: No x-rays of Mengele had been located and a comparison of fingerprints was not possible since the skin tissue on the skeletal fingers had decomposed.

The strength of the scientists' cumulative findings outweighed any concern the scientists had regarding the absence of any evidence of osteomyelitis. Two of the scientists, Dr. Ali Hameli and Dr. Ellis Kerley, were confident enough of their findings to testify publicly before the Senate Committee on the Judiciary on August 2, 1985 that there was then no conflicting evidence or inconsistency.[254/]

253/ See appendix, p. 116.

254/ See Searching For Dr. Josef Mengele, Hearing Before the Committee of the Judiciary and Hearings Before the Subcomm. on Juvenile Justice, 99th Cong., 1st Sess., pp. 137, 162-165 (Comm. Print 1985).

B. Remaining Questions

The conclusion reached in June 1985 was deemed preliminary and, as noted above, was not made with absolute certainty. Not surprisingly, some raised the possibility that Mengele, himself a physician and anthropologist, could have somehow secured a body with characteristics similar to his known and buried that body in his stead. In essence, there was speculation that the discovery in Embu was a hoax.

Because of these issues, and because the matter of osteomyelitis in particular was a cause of concern, OSI chose not to close the inquiry until lingering questions were addressed and all evidence was evaluated. OSI took this course because of the importance of the Mengele case and out of a desire to avoid the residual doubts and speculation that often surround the deaths of infamous people. The German and Israeli governments also declined to declare the matter closed. Accordingly, OSI looked critically at all the accumulated information, tackled all reasonable questions that were raised, and took significant steps to gather additional relevant evidence.

OSI focused on two principal concerns related to forensic/medical questions: osteomyelitis and the lack of a definitive means of identification (such as x-rays), as well as other circumstantial issues.

1. Osteomyelitis

That Mengele may have suffered from osteomyelitis at the age of 15 or 16 was significant because an infection of the bone

marrow at that age could have left a trace on the skeletal remains. In addition to the SS file reference to osteomyelitis, the Department of Justice learned that Dr. Kurt Lambertz, a medical school colleague of Mengele's, told a journalist that Mengele had osteomyelitis and a related sequestrum (a segregated part of dead bone caused by the infection) which had been removed surgically.[255/] Lambertz maintained that, as a result of the osteomyelitis, Mengele had a deformity in his lower right leg. In June 1985, during the scientists' deliberation in Sao Paulo, there were, of course, reasons to believe that Lambertz' observations were reliable. First, Lambertz made these comments before the grave was exhumed, and, accordingly, before there was general knowledge concerning Mengele's purported osteomyelitis. Second, the testimony was supported, in part, by evidence in Mengele's SS file of which Lambertz was unlikely to have been aware.

In August 1985, representatives of OSI met with the forensic scientists to discuss osteomyelitis and other issues. The osteomyelitis apparently occurred late enough in Mengele's life that, before examining the remains, the scientists expected that evidence of it would have been present on the skeleton. Moreover, if Lambertz was correct that Mengele had a sequestrum and attendant surgery, a trace definitely would have been present on the skeleton.

255/ The forensic experts were advised of Lambertz's testimony before they reached their preliminary conclusion.

There were, however, other possibilities. For example, the osteomyelitis may have been mild enough not to have left a trace; or Mengele might not have actually had osteomyelitis at all. Alternatively, subtle evidence of osteomyelitis might, in fact, have been present on the skeleton but have gone undetected because, not being certain of the location, the specialists could not narrow their search for it. Based on the strength of their other findings, the U.S. scientists believed that the osteomyelitis, if Mengele actually had the condition, was not severe enough to have left an obvious trace in the skeleton, and that Dr. Lambertz could not have been correct when he told the journalist that the osteomyelitis involved a sequestrum and attendant surgery.[256/]

After evaluating all of the evidence then available concerning osteomyelitis, the Department decided to continue its investigation in order to resolve this matter as completely as possible. As is discussed below, we subsequently succeeded in locating the key evidence that confirmed the finding that the remains were indeed those of Mengele.

2. Skull-photograph Comparison

Given the influential role that the German skull-photograph superimposition played in the initial identification of the

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256/ Because it had not then been established with absolute certainty that the exhumed body was Mengele's, the Department was not then able to agree with the forensic scientists that Lambertz' testimony had been proven to be erroneous and that the issue of osteomyelitis had been completely resolved.

remains in June 1985,[257] the Department chose to conduct an independent evaluation of the technique's reliability.

The technique itself involves two high-resolution video cameras and an image processor that compares images of the questioned skull to known photographs. To ensure an accurate comparison, the skull must be aligned at precisely the same angle as the head in the photograph. In addition, allowances must be made for distortions in the photographs. Finally, to complete the comparison, estimates must be made of skin and tissue thickness. Markers are applied to the skull to reflect the estimated tissue thickness. The image of the skull, with the tissue depth markers, is superimposed onto the photographic image. The resulting approximation of facial contour, as extrapolated from the skull, is then compared to the photograph.

Tissue thickness can vary greatly. Accordingly, approximations of facial contour, based upon average tissue thickness, are not always reliable. The German technique, however, is not solely dependent upon tissue thickness. The German experts are able to compare the bony landmarks and contours of the skull with the photographs. In this way, even without relying upon estimates of tissue thickness, unique characteristics of the skull can be compared to the photographs.[258]

257/ See discussion *infra*.

258/ See appendix, p. 244.

In January 1986, OSI representatives[259/] met in the United States with Dr. Richard Helmer, the scientist who developed this method and employed it in the Mengele case in his capacity as a consultant to the government of the Federal Republic of Germany.[260/] The Department was impressed with the care and precision with which he devised and described his tests, which appear to be significantly dependent upon the particular skills of the individual who employs them. Moreover, while he forthrightly acknowledged that his technique had not yet been subjected to testing in a laboratory setting against a wide range of sample skulls and photographs, Dr. Helmer explained that conditions were almost ideal in the Mengele case since there were many high quality, known photographs of Mengele, including those from his SS file as well as those discovered in Brazil in 1985. As to the skull, Dr. Helmer was thoroughly confident that even though it had been broken in the exhumation, it had been accurately reconstructed, a conclusion with which the American experts fully agreed.

In essence, the Department found that the German photograph-skull comparison was employed carefully by a capable scientist. Importantly, the scientists were able to compare the photographs to unique characteristics of the skull, without relying upon tissue thickness (which, as noted, can vary greatly).

259/ Dr. Donald Ortner of the Smithsonian Institution also participated in this meeting.

260/ Dr. Helmer has published a book describing his method, Schaedelidentifizierung durch elektronische Bildmischung (Heidelberg: Kriminalistik-Verlag, 1984).

Nonetheless, the Department was unable to conclude that the German photograph-skull comparison necessarily yielded a definitive result in this case. In order to reach a firm conclusion about the reliability of this methodology, the Department believes that this novel technique must be tested in a laboratory setting against a large number of sample photographs and sample skulls. In this way, a proper statistical basis can be developed for evaluating the reliability of this method of comparing photographs to skulls.[261/] For these reasons, after evaluating all of the evidence concerning this method, the Department concluded that the German photograph-skull comparison, as employed in this case by a quite capable Dr. Helmer, was probative, but not definitive.

3. Other Medical Issues

Five less important medical issues were also evaluated by OSI. First, as stated earlier, the skeleton revealed a fracture of the right hip. Medical experts believed that such a fracture would have been the result of a traumatic injury and would have required a significant period of convalescence. Although no conclusive proof that Mengele incurred such an injury was

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261/ As noted above, the condition of the skull and its reconstruction may have rendered the photograph-skull comparison less reliable than in a paradigmatic case. A proper statistical basis would allow for an appropriate evaluation of the importance of these difficulties. In any event, any problems which may have been encountered in the reconstruction merely create an additional reason for concluding that the German technique, as employed in this matter, should not be relied upon as definitive, but only as probative.

located, the Department does not consider the lack of such proof to be significant, since there is little or no medical evidence from many long periods in Mengele's life.[262] Nonetheless, as will be explained more fully below, there is evidence that the hip fracture likely occurred in Mengele's youth, a period for which there is only minimal medical information.[263] It is also conceivable that Mengele fractured his hip or aggravated a prior hip injury during his motorcycle accident at Auschwitz. Finally, it is possible that the fracture occurred while Mengele lived in Argentina or Paraguay, a period for which there is almost no reliable evidence.

Second, the dead person's left leg was approximately 1.5 cm. longer than his right. Although a difference in leg length is

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262/ This issue is not comparable to the question of osteomyelitis where there was known medical evidence about Mengele which did not correspond to evidence found in the skeleton. A situation of that kind presents an evidential inconsistency which must be resolved (as discussed below, the issue of osteomyelitis eventually was resolved satisfactorily). The hip fracture presents a very different issue: There was evidence in the remains that the dead person suffered from certain injuries. These injuries do not directly correspond to known medical evidence about Mengele only because there is no direct proof that Mengele did or did not suffer from them. These issues do not represent inconsistencies in the evidence. Rather, they demonstrate that medical information on Mengele is incomplete in certain respects. Occurrences of this type are normal in forensic cases, especially where, as here, the medical evidence for Mengele is very incomplete.

263/ As is described infra, Dr. Donald Ortner of the Smithsonian Institution, a consultant to OSI, determined that it is likely, but far from certain, that the dead person fractured his hip in his youth. OSI was also instrumental in locating evidence which demonstrates that Mengele was absent from school due to illness for a prolonged period in 1926/1927 (age 15/16). A lengthy recovery period would have followed the kind of injury that caused the fracture of the right hip.

not uncommon, it has been suggested that such a discrepancy, coupled with the hip injury, would have caused a noticeable limp, a disability Mengele was not known to have suffered.[264/] The U.S. and German scientists do not believe that this difference in leg length would affect a person's gait. In addition, it is the opinion of the Israeli expert, Dr. Maurice Rogev, that the difference was compensated for by bone growth which caused a change in the angle of the part of the upper leg bone which connects with the hip.[265/] After examining the remains, Dr. Rogev concluded that, due to this compensatory bone growth, the individual would not have limped. Because all the experts who have examined the remains have concluded that the individual

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264/ The limited evidence which does exist concerning a possible limp is as follows: First, Irene Hackenjos, Mengele's first wife, apparently told her son that Mengele never limped and that she never noticed that one of her husband's legs was shorter than the other. Second, OSI is aware of no survivor testimony confirming a limp. Third, Mrs. Bossert told the forensic scientists that Mengele placed an insert in one of his shoes (see appendix, p. 409); it is conceivable that this was to compensate for a difference in leg length. Fourth, Mrs. Stammer did tell the forensic scientists that Mengele had a slight limp on his left side (see appendix, p. 406), however, this limp may have been associated with an infection (id.) or may have been associated with the stroke which Mengele suffered in 1976. As explained above, the Department has not relied upon the testimony of Mrs. Bossert or Mrs. Stammer in reaching any of its conclusions.

265/ The bone growth occurred in the neck (or top portion) of the right femur (the upper large leg bone), which grew at an angle different from the angle of the neck of the left femur. Even though the right and left leg bones were different in size, it is Dr. Rogev's belief that the effective length of the legs was the same because of this compensatory growth in the angle of the top portion of the right, upper leg bone.

would not necessarily have limped, the Department believes that the difference in leg length is of no material consequence.[266/]

Third, a hole was found in the left cheekbone (zygomatic bone) of the skeleton. Some scientists believed that this hole had been caused, after death, by water dripping from a screw in the coffin,[267/] or by the screw itself during the exhumation. Others believed it had been caused by a chronic sinus infection. If the hole was in fact related to a sinus infection, this might explain the facial pain which the Bosserts and Stammers claimed Mengele suffered. In addition, photographs of an elderly Mengele show the presence of a small blemish on the left side of his face. Although there are other possible causes, it may well be that the blemish was the opening of a fistula stemming from the sinus infection. On the other hand, x-rays of the area surrounding the hole did not display characteristics that some scientists believed should have been evident if a sinus infection had been present.

At the request of the U.S. scientists, the U.S. Consul General in Sao Paulo, Stephen Dachi,[268/] obtained microscopic

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266/ It should be noted that osteomyelitis may result in either accelerated or decelerated bone growth. German scientists believe that the difference in leg length may be the result of Mengele's osteomyelitis. If they are correct, then the difference in leg length is further forensic support for the identification.

267/ The hole was covered with rust deposits that were similar to others found on the shirt of the deceased in a pattern consistent with the placement of screws in the cover of the coffin.

268/ Mr. Dachi was an oral pathologist before joining the U.S. Department of State.

sections of the area around the hole in the cheek. These sections did not significantly alter the views of any of the scientists. The scientists were convinced, however, that the hole had not been caused by a bullet, as reported by some journalists. Because of the lack of agreement among the scientists, the Department has not rendered a conclusion concerning the hole in the cheek. More importantly, neither theory as to the cause of the hole is relevant to the ultimate identification of the remains.

Fourth, the SS file reveals that Mengele's head circumference ("hat measurement") was 57 cm. The German scientists extrapolated from a measurement of the skull that the dead person, when alive, had a head circumference of 53-54 cm. However, the German scientists opined, and the U.S. scientists agreed, that the apparent 3-4 cm. difference is easily explained because: (a) tissue thickness can vary greatly, and (b) head circumference is not a very accurate measurement.[269/] After discussing this issue with OSI, U.S. scientist Clyde Snow also extrapolated a measurement for head circumference from the skull and concluded that the dead person's head circumference, when alive, was in fact approximately 57 cm.[270/] In any event, neither estimate of head circumference significantly affects the ultimate issue.

269/ There are different accepted methods for measuring head circumference. A possible source of the discrepancies may be related to whether or not the glabella (brow ridge) was included in the measurement.

270/ See appendix, p. 363.

Fifth, the dead person had a scapula (shoulder) fracture. The scientists disagree as to the cause and age of the fracture. If it occurred within three months of the date of death, as believed by some of the scientists, it might have been related to shoulder pain described in Mengele's diaries. Others believe that the fracture occurred when Mengele was a boy, a period for which there is very little medical evidence. Because of the difference in its interpretation, the Department has not relied upon this evidence in reaching its conclusion.[271/]

4. Circumstantial Issues

OSI met in Jerusalem with Israeli investigators in November 1985 and with Israeli and West German investigators in December 1985 to discuss the investigation. Both Israel and West Germany

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271/ There are several other medical matters which are not significant, in the view of the Department. First, the dead person suffered from arthritis in the spine, especially the lumbar vertebrae. This is a very common phenomenon in elderly people and Mengele in his diaries indicated that he had this condition. (The Israeli expert, Dr. Rogev, notes that Mengele in a letter to his son indicated that the condition was more severe than is evidenced in the skeletal remains; this is a type of exaggeration that one could expect to find in a letter of this type.)

Second, the dead person had fractures in his clavicle and thumb. There is no proof that Mengele did or did not have the fractures, hence these observations are without measurable significance to the question of identification.

Third, although the Department has not relied upon their testimony, Mrs. Stammer and the Bosserts did tell the forensic scientists that Mengele's left leg would swell, apparently because of an infection Mengele received in Paraguay. See appendix pp. 406, 408. The skeletal evidence did not and probably would not reveal an infection of that sort. In any event, the Department has not obtained any medical evidence from Paraguay.

continued to analyze information on Mengele and to pursue leads in an effort to address the then outstanding questions. OSI participated in these discussions, focusing principally on the medical issues, while Israeli and German investigators focused more on what can be described as circumstantial evidence.[272]

German investigators interviewed Dr. Hans Muench on February 5, 1985; Muench was the only Auschwitz doctor who, because he

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272/ The circumstantial description of Mengele's death comes principally from the testimony of Mrs. Lisolette Bossert, who knowingly harbored Mengele. In essence, Mrs. Bossert claimed that Mengele, who had been hospitalized because of a stroke in 1976, drowned on February 7, 1979 while swimming in the ocean off a beach in Brazil. (Although some survivors have testified that Mengele avoided water at Auschwitz, probably because of fear of infection from the water there, many witnesses who knew Mengele under alias in Brazil testified that he often swam in the ocean during his residence there.) Mrs. Bossert testified further that she alone accompanied the body to the forensic laboratory, claimed that the dead man was Wolfgang Gerhard, and made arrangements for the burial (including, at Mengele's request, placing his arms at his side in a military fashion). Three complications arose: (1) The 30 km. trip to the forensic laboratory took three hours because a tree had been hit by lightning and blocked the road. (2) Mrs. Bossert's car would not work and she was forced to travel by bus between 3:00 a.m. and 8:00 a.m. to purchase a coffin and flowers. (3) Just before the actual burial, the cemetery administrator, who knew the real Gerhard, wanted to open the coffin. Mrs. Bossert claims that she feigned hysterics in order to persuade the administrator not to view the body.

Many details of Mrs. Bossert's testimony have been corroborated by other witnesses and evidence. However, certain aspects of her story, including her testimony concerning Mengele's request to be buried in a military fashion as well as the three complications which arose in the period between the death and the burial, depend almost entirely on her veracity and have been questioned by some investigators. For these reasons and because Mrs. Bossert had a motive to lie since she knowingly harbored a fugitive, the Department chose not to rely on her testimony but rather to place credence on other evidence. The Department must emphasize that it has not determined that Mrs. Bossert's testimony is not credible. In fact, Mrs. Bossert did pass a polygraphic examination at the conclusion of the Department's investigation.

refused to take part in the diabolical selection process at Auschwitz, was acquitted of war crimes by the Government of Poland in 1947. It was learned that Karl-Heinz Mengele (Mengele's nephew and stepson) and Hans Sedlmeier met with Muench after the date of Mengele's purported death. According to Muench, Sedlmeier and Karl-Heinz wanted to obtain Muench's opinion concerning Mengele's chances of acquittal if he were put on trial. Muench told Sedlmeier and Karl-Heinz that he had no doubt that Mengele would be found guilty. Not surprisingly, Muench assumed from the conversation that Josef Mengele was alive and that his whereabouts were known to Sedlmeier and Karl-Heinz Mengele.

In addition, Israeli investigators uncovered a letter (the "Almuth letter"), dated March 8, 1979, approximately one month after Josef Mengele's purported death.[273/] This letter was typewritten by Almuth Mengele, Rolf's wife, to Josef Mengele on the occasion of what she thought to be his 69th birthday. In the letter, she wished her father-in-law a happy birthday and described new developments in the life of her family. In the normal course of correspondence between the Mengele family and the fugitive, this letter would have been sent (directly or indirectly) to the Bosserts for delivery to Josef. Before mailing the letter, son Rolf added a handwritten postscript to this letter, which was addressed to the Bosserts. He noted that he had learned of his father's death and thanked them for their

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273/ See appendix, p. 295.

assistance. For some reason, Rolf mailed the birthday letter intended for his father along with this handwritten note. It does indeed seem curious for Rolf, having learned of his father's death, to have nonetheless sent his wife's letter which included birthday greetings to a dead man. Suspicions were aroused.

OSI interviewed Rolf Mengele in Freiburg, West Germany, on March 13, 1986. He stated that Sedlmeier had arranged a meeting with Muench to help Karl-Heinz Mengele understand from an "unbiased source" what had occurred at Auschwitz and what his step-father's role was there. According to Rolf, it was natural for Karl-Heinz to have inquired about his stepfather's chances before a German court. He claimed that Muench simply was wrong in assuming that Mengele was alive at the time of the meeting.

As for the Almuth letter, Rolf explained that he felt a certain affinity toward the Bosserts and wished to thank them for their "skill and the perfect execution of all necessary measures" in handling the burial without disclosing Mengele's identity. Rolf saw no reason at the time not to share with his father's protectors the details concerning his family life which were contained in his wife's letter. He saw no significance to the happy birthday message, since it had obviously been superseded by events. Rolf attributed to sheer laziness his decision not to write a separate letter to the Bosserts instead of appending his postscript to the birthday greeting.

The Department believes that Rolf Mengele's explanations concerning the Muench interview and the Almuth letter are not implausible. In addition, Rolf Mengele appeared credible and

displayed no discomfort in discussing these issues, even when pressed on how strange they appeared. For these reasons, and because of the additional medical evidence which is discussed below, the Department has decided that neither of these issues provide a sufficient basis for withholding a conclusion as to whether or not Mengele was buried in Sao Paulo.[274]

274/ The Department also evaluated the testimony of a Brazilian dentist, Dr. Maria Elana Bueno Vieira de Castro, who claimed she had treated a man who looked like Mengele in March and April of 1979, just after the date of Mengele's alleged death. Dr. de Castro testified that her patient, who used the name Pedro Muller, claimed to be a friend of President Stroessner of Paraguay; to be a doctor but primarily a scientist and a researcher; to have conducted genetic experiments on pregnant guinea pigs; and to have manuscripts proving that IQ was related to race. It seems on its face quite unlikely that Mengele, just months after arranging for his own "death," would have drawn attention to himself by speaking so openly. Indeed, Brazilian policemen, after interviewing Dr. de Castro at length, concluded that her testimony was not credible. Nonetheless, in the interest of completeness, the Department asked the United States Consul General in Sao Paulo, Stephen Dachi, to interview Dr. de Castro. Dachi found Dr. de Castro to be a competent clinician who appeared to believe what she was saying. However, Dr. de Castro's dental records on her patient are scant and Dachi had no basis for determining from those records whether or not her patient was indeed Mengele. Because there is no evidence that Dr. de Castro treated Mengele, as opposed to a person who looked like him, the Department believes it cannot rely on her testimony. On the basis of all of the evidence in this case, the Department has concluded that Dr. de Castro did not treat Josef Mengele, although she may well have treated a person who resembled him.

In the spring of 1989, Israeli press reports stated that Dr. de Castro had been killed in a hit and run accident. These reports are false. Dr. de Castro remains alive and well. (The rumors apparently relate to Dr. de Castro's secretary who was killed in a car accident in December 1987. Dr. de Castro does not believe there is any connection between the accident and the Mengele case.)

C. Reaching a Conclusive Finding

To ensure as complete and comprehensive an inquiry as possible -- one that can withstand historical scrutiny -- the Department quietly continued, after May 1985, to search for additional medical information relevant to the identification of the remains found in Embu.

1. Osteomyelitis

At the request of the U.S. scientists, additional X-rays of the skeleton's long leg bones (femur, tibia and fibula) were obtained in August 1985 in order to be certain that a trace of osteomyelitis had not been overlooked. No trace was found.

On September 26, 1985, OSI interviewed Dr. Lambertz in West Germany, who confirmed that he was certain that Mengele had claimed he had osteomyelitis in the lower right leg. However, contrary to prior statements to a journalist, Lambertz denied ever having seen a deformity. Based on medical practice common in the 1920's, Lambertz explained that he had assumed, but did not know, that Mengele's condition was serious, that a sequestrum formed, and that an operation was performed.[275/] [276/]

275/ Later, in November 1985, Lambertz labeled as a forgery a taped interview in which he described to a journalist the existence of a deformity on Mengele's leg and the existence of a sequestrum associated with Mengele's osteomyelitis. Although the Department is convinced that this tape recording was not a forgery, it is quite possible that Lambertz so labeled it because he was embarrassed at not having explained his observations with appropriate precision.

276/ OSI also obtained a statement made by Rolf Mengele concerning a conversation he had with his mother, Irene, on this (continued...)

On October 1, 1985, OSI interviewed Dr. Fritz Ulmann, a colleague of Mengele's, with whom he had been confined in an American P.O.W. camp in 1945.[277] Ulmann had contracted a severe case of osteomyelitis himself, and had occasion to discuss his condition with Mengele. According to Ulmann, Mengele related that he also had been stricken with osteomyelitis, but that his case had not been serious, that no sequestrum formed, and that it was located in the upper, right thigh.

In January 1986, one of the U.S. consultants, Dr. John Fitzpatrick, advised OSI that other forms of infection, such as periostitis (infection of the periosteum which envelops the bone) and osteitis (infection of the bone) could easily be clinically diagnosed as osteomyelitis (an infection of the bone marrow). Accordingly, it is possible that Mengele mistakenly believed he had osteomyelitis as a teenager when in fact he had periostitis or osteitis. Moreover, OSI ascertained that osteomyelitis was often used as a general term by physicians in prewar Germany to describe not only osteomyelitis in its strict sense, but also osteitis and periostitis.[278] This possibility is significant

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276/(...continued)
subject. She purportedly stated that her husband in his youth had "a serious blood poisoning (Sepsis)" and that from this period he had "a large scar on his thigh (probably left)." Irene Hackenjos refused to be interviewed by OSI on this or any other subject.

277/ As previously described, OSI identified and located Dr. Ulmann as part of its historical investigation.

278/ Dr. Fitzpatrick believes that the radiological evidence demonstrates that the deceased person did not have an infection of the bone marrow (osteomyelitis). Accordingly, Dr. Fitzpatrick
(continued...)

since it is less likely that periostitis or osteitis would leave evidence on skeletal remains.[279]

The Department arranged for a renowned anthropologist, Dr. Donald Ortner of the Smithsonian Institution, to travel to Brazil in January 1986 to determine if a trace of osteomyelitis was present on the skeleton.[280] Dr. Ortner's specialty allows him to detect evidence of disease from observation of the bones

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278/(...continued)
concluded that the diagnosis of osteomyelitis in Mengele's SS file was a misdiagnosis -- that is, periostitis or osteitis was wrongly diagnosed as osteomyelitis. See appendix, p. 415. Dr. Fitzpatrick labeled this a misdiagnosis because it is the standard American practice not to diagnosis periostitis or osteitis as osteomyelitis. However, according to a German surgical textbook published in the 1930s, osteomyelitis was often used (perhaps not properly) as a general term in Germany to describe not only osteomyelitis in its strict sense, but also osteitis and periostitis. See C. Garre and A. Borchard, Lehrbuch der Chirurgie (Berlin, 1933), pp. 647-655. Nonetheless, it is of little importance whether periostitis or osteitis could have been properly diagnosed as osteomyelitis. In either situation, Dr. Fitzpatrick's central point remains the same: a clinical diagnosis of osteomyelitis may have been (correctly or incorrectly) based upon an infection of the periosteum or an infection of the bone instead of an infection of the bone marrow. It is not likely that these infections would leave evidence on skeletal remains which can be detected by radiology.

279/ As discussed above, the SS file does not specify a location for the osteomyelitis. Although osteomyelitis usually is found in one of the large leg bones, it can occur in any bone in the body. One witness, Lambertz, recalls that Mengele's osteomyelitis was in the lower leg. However, another witness, Ulmann, believes that the osteomyelitis was in the upper thigh, a recollection which correlates with the forensic evidence of osteomyelitis in the area of the hip (discussed immediately below).

280/ One of the original U.S. scientists, Dr. Clyde Snow, suggested that the Department consult with Dr. Ortner. Dr. Ortner's report begins on page 305 of the Appendix.

themselves -- evidence that might not appear on x-rays.[281] While Dr. Ortner did not find definitive proof of osteomyelitis, he did detect a small circular depression on one of the bones in the right hip (the ilium) which could be evidence of a healed infectious focus in the bone -- that is, osteomyelitis.[282]

According to Dr. Ortner, this depression, whether or not caused by osteomyelitis, was likely related to the traumatic injury that caused the hip fracture. The hip fracture, in turn, is associated with an osteophyte or bony structure which projects from the surface of the deceased's pelvic bone at the point where a muscle (the rectus femoris muscle) normally attaches to the pelvis. Dr. Ortner believes this structure was created when a traumatic injury to the muscle tissue caused the muscle to harden (ossify) into a bony structure, a process called myositis ossificans. In a majority of cases, a bony structure of this type is seen to occur in individuals who are in a period of high growth, that is in adolescents or young adults. In addition, the angle and direction of the bony structure indicate that the muscle may have been held in a flexed position for a prolonged period (possibly because the individual remained inactive or bedridden).[283]

281/ A certain change in bone density is necessary before it will be apparent on an x-ray. Dr. Ortner's observation of the gross specimen permits him to detect evidence of pathology too subtle to be evident on x-rays.

282/ Dr. Ortner also believes that the circular depression could be the result of a compression fracture followed by remodeling.

283/ See appendix, p. 305.

Because myositis ossificans most often occurs during adolescence and since it was associated with the circular depression that may have been caused by osteomyelitis, Dr. Ortner concluded that the deceased person may have had osteomyelitis in his adolescence.

In August 1987, the State of Israel sent the Director of the Leopold Greenberg Institute of Legal Medicine, Dr. Maurice Rogev, to Brazil to examine the remains. Dr. Rogev agreed with Dr. Ortner's above-mentioned conclusions without reservation. Dr. Rogev and his Israeli colleagues found both physical and radiological evidence of inflammation in a bone of the right hip which could have been caused by osteomyelitis.[284/] Moreover, Dr. Rogev was quite confident that the osteomyelitis was associated with the hip fracture[285/] and with myositis ossificans which he believes with virtual certainty occurred when the

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284/ Dr. Rogev believes that, assuming the remains are those of Mengele, there is a "high possibility" that the osteomyelitis mentioned in Mengele's SS file is the osteomyelitis discovered in the bone of the hip. According to Dr. Rogev, his determination is reinforced by Ulmann's testimony that Mengele had osteomyelitis in an area near the hip, as well as by the fact that Mengele's SS file lists the kidney disease nephritis as one of the complications of osteomyelitis. Dr. Rogev reasoned that an inflammatory process such as osteomyelitis, which was associated with a kidney ailment, could have travelled from the kidney to the hip bone or conversely.

285/ Dr. Rogev notes that the hip injury did not involve a dislocation of bone fragments and resulted only in a single fracture line. Accordingly, he opines that the hip fracture was not so serious as to have been caused by a crushing trauma; rather it was caused by a less severe injury.

subject was bedridden during adolescence, between 12 and 16 years of age.[286]

Finally, in November 1987, authorities from the Federal Republic of Germany, acting on leads supplied by OSI, located school records on Mengele from his youth. According to those records, Mengele was absent from school for a prolonged period because of a serious illness in school year 1926/27 (age 15/16). The illness was severe enough that Mengele was exempted from physical education requirements from the date of his illness through the end of his secondary education in June 1930.[287]

286/ Dr. Rogev agreed with Dr. Ortner's diagnosis of myositis ossificans, which typically occurs in adolescents or young adults. Dr. Rogev identified two other reasons for believing that the hip fracture and related injuries occurred during the period of extensive growth -- that is, in adolescence: First, the hip is generally of normal form along locations immediately adjacent to the isolated fracture line, indicating to Dr. Rogev that the damage happened prior to reaching maturity. Second, compensatory bone growth of the type identified in the angle of the part of the upper, leg bone which connects with the hip, normally occurs during the period of extensive growth in adolescence. The Department relies on Dr. Ortner's conclusion that it is likely, but far from certain, that the hip fracture and related injuries occurred in adolescence.

287/ See appendix, p. 329. The school records demonstrate that Mengele had a serious illness and was exempted from physical education requirements, but do not directly state that he had an accident. Some have argued that the school records would have explicitly recorded the occurrence of an accident had there been one. The Department believes this is wrong. Given the purpose for which these records were made, the words "illness" and "accident" could easily have been used interchangeably. In any event, in addition to locating the school records, the German authorities interviewed several neighbors of the Mengele family from the proper time period. Two witnesses did recall that Mengele was very ill in his teens. One witness stated that Mengele required a lengthy convalescence; the other stated that he was bedridden for a lengthy period. This testimony is consistent with Dr. Ortner's analysis concerning myositis ossificans. One of these witnesses believed that the illness was

(continued...)

This evidence amplifies Mengele's SS file, which records that he suffered from sepsis, osteomyelitis and nephritis in 1926/27.

Proof that Mengele suffered from a prolonged illness in adolescence correlates with the two new pieces of forensic evidence which were discovered by Dr. Ortner: (1) the medical evidence of a potential situs of osteomyelitis in the area of the right hip, and (2) the scientific indication that a muscle adjacent to the right hip likely hardened (ossified) during adolescence, as a result of an injury and possibly because the individual remained inactive for an extended period. As discussed previously, OSI also obtained evidence that Mengele's osteomyelitis may have been mild and might not have left a trace in the skeletal remains. This would explain why the forensic evidence reveals only a potential situs for osteomyelitis in contrast to definite proof of this disease. For these reasons, while the Department has not been able to determine the exact nature of the illness which Mengele had at age 15 or 16, it has concluded that the evidence concerning the issue of osteomyelitis, in the aggregate, does not affect the determination that the skeletal remains are, in fact, those of Mengele.

287/(...continued)
caused by a kidney ailment and not by an accident. If this witness is correct, the hip fracture may have occurred not during youth, but during Mengele's tenure at Auschwitz, or during Mengele's lengthy residence in Argentina or Paraguay, a period for which there is no reliable evidence.

2. The Search for Mengele's X-rays

In an effort to establish a conclusive identification, OSI also attempted to locate x-rays of Mengele. Since skeletal parts are unique, like fingerprints, an x-ray known to show any part of Mengele's body would have provided the basis for a definitive identification.

OSI exhaustively reviewed the diaries, letters, and other writings released by the Bosserts and Rolf Mengele -- thousands of pages in all.[288/] According to these writings, Mengele was x-rayed on at least three occasions: First, in July 1972, when he underwent a complicated series of x-rays because of a polyp which had developed in his colon (for which he was later operated on); second, in November 1972, because of back pain; and third, in December 1978, in connection with a root canal treatment. Finally, the writings indicate that Mengele was in possession of at least one set of x-rays in April 1978, when he arranged to consult with a physician for abdominal pain and was asked to bring his x-rays to the appointment.[289/]

288/ The diaries were not part of the material initially seized by Brazilian authorities during their search of the Bossert home. A short time after the exhumation of the grave, the Bosserts and Rolf Mengele provided diaries, purported to have been written by Josef Mengele, to magazines in Germany. Rolf Mengele evidently had taken a large part of his father's writings when visiting the Bosserts in 1979, shortly after the date of death. Rolf, however, did apparently leave some of the diaries with the Bosserts. Three diaries contained medical information. The 1972 and 1978 diaries were evidently sold to the magazine Stern by the Bosserts. Publication rights for the 1976 diary were given to the West German magazine Bunte by Rolf Mengele.

289/ The writings and witness testimony also indicate that Mengele suffered from a stroke in 1976 (a stroke which may have

(continued...)

This information was conveyed to Brazilian authorities in August 1985, with a request to attempt to locate any existing x-rays. In September, the Brazilian Police located a dentist whose name (Dr. Gama) was identical to that of the dentist who was mentioned in the diaries as having performed a root canal treatment on Mengele in 1978. This Dr. Gama, however, did not recall Mengele.

The Brazilian investigators were able to locate the doctors who treated Mengele for his colon problem in 1972. These specialists, Dr. Cavalcanti, a radiologist, and Dr. Fredini, a surgeon, vividly recalled their patient, "Peter Hochbichler," because of the unusual nature of his case.[290/] Unfortunately they were not able to locate any records from this case. Moreover, the doctors advised the Brazilian police that the patient had insisted on retaining sole possession of the x-rays after his treatment.[291/]

In January 1986, OSI provided U.S. Consul General Dachi with a comprehensive memorandum outlining the evidence concerning the existence of x-rays for Mengele. On the basis of this

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289/(...continued)
been the cause of his death in 1979). Hospital records (without x-rays or other pertinent medical information) were found by international investigators in April 1986 stating that Wolfgang Gerhard, a known Mengele alias, was in fact hospitalized for a stroke from May 17 through May 21, 1976.

290/ Dr. Fredini explained that Mengele had swallowed mustache hair in sufficient quantity to form a hair ball (Tricho-bezoar) which prevented the natural elimination of feces except with the aid of his index-finger.

291/ This apparently is a common practice in Brazil.

memorandum, Dachi and Brazilian authorities were able to locate another Dr. Gama in March 1986. Although this Dr. Gama also did not recall Mengele, a search of his patient records revealed a dental chart -- but once again, no x-rays -- in the name of Pedro Hochbichler,[292] a known Mengele alias.[293] These records reflected root canal treatment on the same date in 1978 that was recorded in Mengele's diaries. Dr. Gama's dental chart indicated that Hochbichler had been referred to him for treatment by Dr. Kasumasa Tutiya, a general dentist in the Sao Paulo area. Dachi and Brazilian police officials then questioned Dr. Tutiya, who surrendered dental records[294] for Hochbichler dating from the period 1976-1978, as well as eight dental x-rays from 1976.[295]

OSI thereupon dispatched its forensic dental consultant, Dr. Lowell Levine, to Brazil. Levine advised OSI that the x-rays

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292/ See appendix, p. 322.

293/ Numerous incidental witnesses, who because of their sheer number could not have been tricked, testified that Mengele used the name Pedro or Peter Hochbichler or Hochbichlet. The Bosserts and the Stammers, who harbored Mengele, stated that Mengele first used the name Pedro Hochbichler and then switched for certain purposes to the name Wolfgang Gerhard. An identity card with the name Wolfgang Gerhard and Mengele's picture was found among Mengele's belongings in Sao Paulo in June 1985. Hospital records were found stating that Wolfgang Gerhard was hospitalized for a stroke on May 17, 1976. Mengele apparently first obtained dental treatment in March 1976 under the name Hochbichler. It is possible that Mengele was required to continue to use the name Hochbichler for dental purposes even though he had switched to the Gerhard identity for other purposes.

294/ See appendix, p. 324.

295/ Individuals had expressed concern to OSI because no recent medical records had been located in Brazil which even seemed to be those of Mengele. The discovery of x-rays should serve to alleviate that concern.

definitely matched the skeleton exhumed the previous June.[296] The dental consultant also advised OSI that the x-rays and dental records, supplied by Drs. Gama and Tutiya, were fully consistent with the sketchy dental records contained in Mengele's SS file.[297] These x-rays, taken two years before the date of death, prove definitively that the dead person, in fact, had a large gap between his front teeth.[298] This is, in itself, an important additional fact since, prior to the disclosure of the x-rays, the Department was only able to assume that the dead person likely had a large gap between the top two front teeth.

The discovery of the dental x-rays in March led to a renewed international effort in April 1986 to examine evidence associated with Mengele's medical treatment as revealed in his

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296/ As described above, skeletal parts, including teeth, are unique. Accordingly, the Department's dental consultant was able to determine that the x-rays of the teeth definitely matched the skeletal evidence.

297/ There is one inconsistency, which, upon examination, proved not to be of moment. Mengele's SS file stated that his upper left first bicuspid was missing in the 1930s. Dr. Tutiya's dental chart indicates that the upper left first bicuspid was extracted in 1976. A comparison of the dental chart to the x-rays, which are definitely x-rays of the person whose skeleton was unearthed at Embu, reveals that only a fragment from a tooth, not a whole tooth, was present prior to extraction in the area of the left first bicuspid in 1976. OSI has been advised that this tooth fragment may have drifted into the area of the left first bicuspid or may have been a residual root tip from the first bicuspid. In any event, the Department has concluded that the extraction in 1978 of a tooth fragment from the area of the left first bicuspid is consistent with the limited dental information from the 1930s revealed in Mengele's SS file. See appendix p. 383.

298/ The 1976 x-rays revealed evidence which identified the location of the front teeth; this evidence was no longer present in the skull at the time of exhumation in 1985.

diaries and to locate additional medical records in Brazil. Representatives of the German, Israeli, and the United States governments conducted this additional search to locate evidence relating to the x-rays of Pedro Hochbichler and connecting Hochbichler to Mengele.

This international team interviewed Dr. Tutiya, who explained that he was certain that the x-rays were those of Hochbichler because he had written "Pedro H." in pencil on each of the x-rays and had stored them in a small plastic case also labeled with the name, "Pedro H." Investigators thoroughly examined Dr. Tutiya's records. It is Tutiya's standard practice to label his x-rays in pencil with the name of his patient. The investigators were impressed with Dr. Tutiya; they found him meticulous in his record keeping, thoughtful and careful in responding to questions, as well as forthcoming and truthful.

Dr. Tutiya was shown known photographs of Mengele. He stated that they resembled his patient, Hochbichler, but was unable to make a positive identification. Nonetheless, Dr. Tutiya provided the investigators with complete sets of appointment books and financial records for the relevant years. These records were compared with the diaries purported to have been written by Mengele. The Tutiya records and the diaries are strikingly consistent.[299/] For example, the 1976 diary mentions

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299/ The Tutiya records and the diaries are consistent except in three minor ways, which the Department believes are of no moment. First, the Tutiya dental chart states that Hochbichler visited Tutiya on January 3, 1978. The diary for that date records no such visit. However, Tutiya's appointment book and payment

(continued...)

23 visits by Mengele to his dentist, each of which is reflected on the appropriate date in Tutiya's records.

The investigators also interviewed Dr. Fredini, who performed the operation on Mengele in 1972. Although Fredini denied the existence of any records, the investigators conducted a search at Fredini's clinic and found a record for "Peter Hochbichler." The record describes Hochbichler's bezoar-related colon surgery in 1972.[300/] In addition, the record states that Hochbichler, when asked about prior operations, stated that he had had a hernia operation 48 years earlier -- a fact that matches Mengele's SS file, which indicates he had a hernia operation in 1924.[301/] This discovery is significant because it establishes a documentary link between Hochbichler and the pre-war Mengele.[302/]

299/(...continued)
records indicate that Tutiya did not receive any patients on January 3, 1978, but that Hochbichler did visit Tutiya on January 3, 1979. There is no diary for 1979. Second, the 1978 diary states that Mengele visited the dentist on December 5, 1978. The Tutiya records do not indicate a visit by Hochbichler on that date. It is possible that Dr. Tutiya did not record the visit on that date because he simply referred Hochbichler to Dr. Gama who performed the root canal treatment. Third, in several instances the diaries record date and time of visits by Mengele to the dentist which are reflected on the appropriate date but at a different time in Tutiya's records. The Department believes that this occasional discrepancy as to the time (and not the date) of visits to the dentist indicate a type of inconsistency that one would expect to find in the comparison of any business and diary records of this kind.

300/ See appendix, p. 326.

301/ Significant by its absence was any mention of surgery relating to osteomyelitis. This may be further indication that Mengele's osteomyelitis was indeed mild.

302/ This newly-discovered documentary evidence corroborates the testimony of numerous witnesses that Mengele lived in the
(continued...)

On the basis of the above-described evidence, the Department was able to add to its knowledge by determining that: (1) a person using the name Hochbichler advised his physicians in 1972 that he had had a hernia operation in the same year as Mengele underwent the same operation according to his SS file; (2) the 1976 dental x-rays, obtained in March 1986 from the office of Dr. Kasumasa Tutiya in Sao Paulo, Brazil, are definitely those of the dead person; (3) the x-rays were taken of a person using a name identical to an alias (Hochbichler) which was used by Mengele; (4) like Mengele, the dead person definitely had a large gap between his front teeth; (5) the dental x-rays of the dead person are consistent with the limited dental evidence contained in Mengele's SS file; and (6) the person who was x-rayed received extensive dental treatment, consistent with the extensive dental treatment recorded in the Mengele diaries.

D. Completing the Investigation

The original U.S. forensic team submitted a report to the Department, dated November 6, 1986, which concludes that the "remains exhumed at Embu Cemetery, near Sao Paulo, Brazil, were those of Doctor Josef Mengele."[303/] This report incorporates a discussion of evidence located since the issuance of the scientists' preliminary report on June 21, 1985; that report had

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302/(...continued)
vicinity of Sao Paulo, Brazil, under the alias Pedro or Peter Hochbichlet or Hochbichler.

303/ See appendix, p. 345.

concluded that the remains were Mengele's "within a reasonable scientific certainty."

On the basis of all the evidence that had been developed, including opinions of the medical and forensic experts, the Department concluded that Mengele did, in fact, die in Brazil in 1979. Representatives from the United States then met with their Israeli counterparts in Jerusalem on June 22 and June 23, 1987 and explained that the fruits of the post-1985 investigation bolstered the preliminary determination of the forensic team. The Department was prepared at that time to make public all the facts of the investigation. Although the Israeli representatives explained that they had no evidence which contradicted our conclusion, they requested that the U.S. withhold issuing its findings to allow for the taking of several additional steps which might prove useful to the inquiry:

(1) A review of the skeletal remains by the Israeli forensic pathologist, Dr. Rogev;

(2) A wider search, by West German authorities, for medical records from Mengele's adolescence;

(3) An attempt to conduct a polygraphic examination of principal conspirator Mrs. Lisolette Bossert, who orchestrated the 1979 burial; and

(4) An attempt to extract samples of Deoxyribonucleic acid (DNA) from the skeletal remains, and, if successful, to

compare that DNA to DNA obtained from Mengele's wife (Irene) and Mengele's son (Rolf).[304/]

We agreed to these requests and to cooperate in trying to accomplish these final investigative tasks.

Israel undertook to coordinate the renewed examinations of the skeletal remains. Since the Federal Bureau of Investigation is widely recognized as the leader in developing DNA evidence for use in criminal investigations, the United States agreed to try to extract DNA from the remains. Finally, the U.S. and Israel jointly requested the West German authorities to search for medical records from Mengele's adolescence.

1. Examination by Dr. Rogev

In August 1987, Dr. Rogev examined the remains in Sao Paulo. As noted previously, he found no evidence to contradict the conclusions of the U.S. forensic experts. On August 17, 1987, Dr. Rogev met with OSI representatives and Dr. Donald Ortner of the Smithsonian Institution. Dr. Rogev agreed with Dr. Ortner's findings concerning osteomyelitis. Specifically, Dr. Rogev (like Dr. Ortner) located evidence of inflammation in the area of the right hip, which may have been associated with osteomyelitis. In addition, Dr. Rogev (like Dr. Ortner) found evidence that this hip condition occurred in adolescence (between ages 12 and 16). This squares with the evidence in Mengele's SS file.

304/ As an initial step, Brazilian scientists had been able to determine that the person whose body was buried at Embu had a blood-type of A positive. Unfortunately, no one has yet discovered proof of Mengele's blood-type.

2. New Medical Records From Germany

In November 1987, acting on leads supplied by OSI, investigators from the Federal Republic of Germany at last located some of Mengele's school records. As noted above, these records reflected that he had a serious illness in the 1926/27 school year (age 15-16). This evidence amplifies the notations in the SS file that he suffered from sepsis, osteomyelitis, and nephritis at age 15/16. Most importantly, this evidence comports with the findings of Drs. Ortner and Rogev that the dead person may have suffered from osteomyelitis and related injuries in adolescence.[305/]

3. DNA

DNA is unique, like a fingerprint, and holds the promise of reaching a definitive identification in forensic cases. By January 1988, the FBI was in the midst of an aggressive program in forensic research to develop DNA technology for eventual implementation in its laboratory. By October 1988, the FBI was ready to begin analysis of DNA on case material.[306/]

In January 1989, the Government of Brazil advised the United States that it would make the skeletal remains available for DNA testing by the FBI in Washington. Before attempting to extract DNA from the actual remains, the FBI conducted tests on sample

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305/ The penultimate phase of the investigation was completed when Mrs. Lisolette Bossert passed a polygraphic examination regarding her testimony as to the burial in Embu.

306/ See Crime Laboratory Digest, Vol. 15, No. 4 (FBI Laboratory, October 1988).

bones from other cases which were similar in age and condition to the bones in Sao Paulo. The Bureau determined that it would not be able to obtain high molecular weight DNA because of the age of the skeletonized remains; accordingly, the DNA test could not achieve a definitive result.[307] Nonetheless, the FBI hoped that it might be able to obtain low molecular weight DNA, which -- without considering any other medical evidence -- would allow only for a low range of certainty. After continuing to conduct tests on sample bones from other cases, however, the FBI advised OSI that it had been unsuccessful in refining even low quality DNA from sample bones. As a last step, the FBI attempted to extract DNA from hair samples taken from the remains in Sao Paulo and provided to the Bureau by OSI. This too proved unsuccessful.[308] In October 1989, representatives of the West German authorities duplicated the FBI's results when they attempted, and were unable, to extract DNA from bones taken from the skeletal remains.

The State Prosecutor in Frankfurt subsequently decided to turn to a leading British authority on DNA analysis, Professor Alec J. Jeffreys of the Department of Genetics, University of Leicester. Dr. Jeffreys agreed to try to extract DNA from the Embu remains.

307/ High molecular weight DNA is statistically unique, and, accordingly, a result which is statistically definitive can be obtained. Low molecular weight DNA is not unique and accordingly it will not yield a definitive result.

308/ See appendix.

By the summer of 1990, Dr. Jeffreys and his colleagues succeeded in extracting trace amounts of degraded human DNA from a section of femur taken from the skeletal remains.

In the absence of a confirmed sample of DNA against which to compare the DNA extracted from the Embu remains,[309/] the plan agreed upon by the German, Israeli and American authorities was to request blood samples from Mengele's son Rolf and from Rolf's mother, Irene, and then to use DNA extracted from those samples in an effort to ascertain whether the DNA evidence could establish (or disprove) that Rolf Mengele was the biological offspring of the former Irene Mengele and the man buried at Embu. In effect, the plan was to conduct a paternity test involving a deceased suspected father.

Efforts to persuade Rolf Mengele and Irene Hackenjos to provide blood samples had been underway even while the FBI was trying, without success, to extract DNA from the Embu hair sample. However, both Mengele's son and ex-wife adamantly refused to cooperate in this manner. The subject of the noncooperation of the two parties necessary to the DNA test was discussed by OSI officials with representatives of the Frankfurt State Prosecutor's office at a meeting in Frankfurt in June 1991. OSI also remained in contact with Dr. Jeffreys.

309/ Of course, in the typical law enforcement situation in which DNA typing is employed, the authorities have a live suspect from whom a blood sample may be obtained. DNA extracted from that sample may then be compared with DNA taken from fluids (such as blood or semen) obtained at the crime scene or relevant site.

Not until the winter of 1991-92 did Rolf Mengele and Irene Hackenjos finally agree to provide the requested blood samples. Those samples reached Dr. Jeffreys in February 1992. As described in the report subsequently prepared by Dr. Jeffreys and his colleagues[310/] and released to the media by the Frankfurt State Prosecutor's Office on April 8, 1992, the scientific analysis performed on the three samples established that "the skeletal DNA has a consistent genotype compatible with the father of Rolf, and that [more than] 99.9% of Caucasians unrelated to Rolf would be excluded from paternity by this analysis." Dr. Jeffreys' team concluded "that the skeletal remains are beyond reasonable doubt those of Josef Mengele."

With the positive conclusion of the DNA comparison, the Frankfurt State Prosecutor's Office announced on April 8, 1992 that it would formally ask the Hesse state court in Frankfurt to close the Mengele case. The Israeli Justice Ministry announced on the same date that "all reasonable doubt was [now] removed, and it is possible to determine that Josef Mengele . . . died in 1979."

310/ The report is reproduced in the appendix.

Conclusion

1. In February 1985, responding to suggestions that Josef Mengele had a relationship with U.S. personnel and institutions, during the period immediately following World War II, and being eager to assist in locating and bringing him to justice, the Attorney General ordered OSI to conduct an investigation.

2. As to Mengele's connections with the United States, the Department has concluded that:

a) Mengele was in U.S. custody, in two separate POW camps, immediately following the war, at least initially under an alias, masquerading as a member of the German army. It is possible (though unconfirmed) that he was later registered and discharged under his own name. In any event, it is likely that he passed as a regular soldier and was released in routine fashion in the chaotic conditions that prevailed in the summer of 1945, particularly because he did not have a blood type tatoo, which was common to SS personnel and was used by U.S. authorities as a litmus test in screening prisoners. The U.S. Army, with over three million German POWs in custody, dwindling food supplies, and a significant and growing displaced persons population with its own urgent needs and problems, relied on such threshhold tests in part because of the enormous pressure U.S. forces consequently faced to discharge releasable POWs as quickly as possible. In addition, the wanted lists on which Mengele's name appeared

probably did not reach the unit responsible for his discharge in time.

b) Mengele lived under an alias on a farm in the U.S. Zone for most of the period before his flight to South America in 1949. He did not live openly in his hometown of Guenzburg.

c) Mengele was never again held by U.S. forces (although in 1946 and 1947 there was a widespread, but false, rumor of his arrest). He escaped arrest and prosecution in part because the several U.S. efforts to apprehend him, while made in good faith, were sporadic in nature and were insufficiently sustained. This failure can be explained principally by the belief on the part of Allied prosecutors that he was dead as of October 1946 -- a belief nurtured by the Mengele family -- and by the fact that the Polish government did not specifically request his apprehension and extradition.

d) Mengele fled Europe without U.S. assistance or knowledge. There is no evidence that he ever had a relationship with U.S. intelligence. Nor is there any evidence that he ever entered the United States either under his own name or under any known alias.

3. Although the search for Mengele did not locate him alive, it did result in the discovery of evidence that led to a body buried in Brazil. After painstaking research and forensic examination, and after evaluation of other evidence, the Department concluded that the remains were, in fact, those of

Josef Mengele. Upon the recent completion of a DNA comparison, the governments of Germany and Israel have announced their agreement with this conclusion.

Postscript

Throughout his postwar life, Josef Mengele was protected and supported, both financially and emotionally, by his family and by the family-owned company that has long been the dominant enterprise in Guenzburg, West Germany. Mengele very likely could have been captured long ago had investigators focused aggressively on these most obvious of links. Instead, the previous efforts to find him were disorganized, intermittent ones directed largely by rumor and by sensational media reports. As a result, Mengele's surviving victims remained deeply frustrated for more than four decades and his would-be pursuers' efforts were diverted and ultimately wasted, first in 1946-47 by erroneous reports of his arrest by U.S. authorities and of his death, and again in the 1970s and 1980s by false statements that he was living in Paraguay.

In May 1945, the United States and its allies had won an historic victory over the armed forces of Nazi Germany. The leaders of the nations that had achieved this victory, for which hundreds of thousands of Allied soldiers gave their lives, agreed that the defeat of that monstrous regime would be incomplete until its crimes were fully documented and the perpetrators of those crimes identified, apprehended, and punished. However, despite these grand objectives, considerable early dedication, and notable initial successes, this crucial effort soon lost its momentum as a new cold war adversary quickly replaced the old enemy. Josef Mengele and countless other Nazi criminals were beneficiaries of this dramatic change of focus.

The understandable disappointment and anger that met the discovery in 1985 that Mengele appeared to have died in freedom six years earlier provoked skepticism, even disbelief, that some may still cling to -- especially in the community of survivors of the Holocaust. Indeed, after thirteen years of prosecuting those who participated in the Holocaust, staff members of OSI remain particularly saddened and frustrated that Mengele was never forced to stand before a court of law. Nonetheless, the truth -- even though disappointing -- must be acknowledged. Given the evidence assembled in this case, it would be particularly cruel to the survivors of Mengele's "experiments" for anyone to suggest any longer, without credible proof, that he may still be alive.

Although Josef Mengele escaped earthly justice, his crimes have been carefully documented. Importantly, moreover, Mengele himself realized that he never could be certain that he had completely eluded those who kept alive the hope that he would someday be apprehended. Ironically, Mengele appears to have had a greater appreciation of the importance of effecting his arrest than did those law enforcement authorities charged with responsibility for bringing him before the bar of justice. Indeed, the many years he consequently spent hiding in near squalor in Brazil, tortured by his fear that Israeli agents were on the verge of capturing him, arguably provided a kind of rough, albeit inadequate, "justice." Although no national legal system ever was able to impose punishment for Mengele's ghastly

crimes, the Department's probe has confirmed that he did indeed pay a price, ultimately being transformed into a tormented prisoner of his own nightmares of capture.

Josef Mengele's unspeakable acts have justly made him a symbol of the Holocaust, much as his escape from justice has made him a symbol of the failure of the responsible authorities to take sufficient action to bring to justice the perpetrators of the Holocaust. That Auschwitz's "Angel of Death" was allowed to perpetrate his crimes and to die an old man's death in Brazil is evidence of failure. That the United States ultimately joined with the two democratic nations born in the aftermath of the destruction of Nazi Germany -- the State of Israel and the German Federal Republic -- in an unprecedented worldwide search for him is evidence that the failure was neither complete nor acceptable to the governments concerned. Indeed, the fact that there was an effective, if belated, international search for Mengele may in itself be cause for modest optimism.