

Nazi Doctors, Justice and the Politics of Memory

Anna Scanlon

In the months and years immediately following the Holocaust, one of the most tragic events and gross human rights violations in human history, a manhunt ensued for those responsible for these atrocities. The British and Americans held several trials in the Nuremberg Occupied Zone, in what would later be known as the "Nuremberg Trials." These trials dealt with some of the most grotesque Nazi offenders, including those who had experimented on human beings in the concentration camps. During this initial period, justice was often swift following a sentence. For example, the famous Doctors' Trial yielded a sentencing within 24 hours of the verdict.¹ The sentences were often harsh, including sending many of the bigger war criminals to the gallows. However, it is clear that as time went on and the fervor of the Allies began to diminish, most of those involved in Nazi war crimes who were not put to death had their sentences drastically reduced, some even reintegrating into society. Disturbingly, this is the case with many Nazi doctors who were put on trial, including some who were able to evade justice and live in relative peace for their rest of their lives.

For example, the infamous Dr. Josef Mengele was wanted for his crimes in the years immediately following the war, but as time went on, the search for his whereabouts began to wane, allowing him to live under several aliases without ever being brought to trial. In the 1980s, long after Mengele had already died of a stroke,

¹ George J. Annas, *The Doctor's Trial and the Nuremberg Code* (Oxford: Oxford University Press, 1995), 105.

the West German and Israeli governments reopened the case, putting a \$4 million price tag on his head after a long period of relative silence.²

The famous Doctors Trial is perhaps the most chilling when it comes to a lack of justice. This trial took place on December 9, 1946, placing 23 doctors (22 men and one woman) on the stand for their experiments on human beings without prior consent.³ These grotesque experiments included experiments which sought to improve the power of the German army. They included high altitude experiments at Dachau, in which prisoners were placed in a pressure chamber to see how long a soldier could survive without oxygen; freezing experiments at Dachau in which prisoners were placed in ice-cold water and then subsequently warmed by placing them between two naked women to test how long soldiers could survive in freezing conditions and if re-warming would be possible; malaria experiments at Dachau in which prisoners were injected with malaria or purposefully bitten by malarial mosquitoes in order to test vaccines; mustard gas experiments at Sachsenhausen in which prisoners had wounds deliberately inflicted on them and then had mustard gas rubbed in them to test the effectiveness of the gas itself; bone and muscle experiments at Ravensbruck in which prisoners were deliberately cut and then had wood shavings, nails, glass or gangrene inserted into their wound, which the doctors would then attempt to heal; sea-water experiments at Auschwitz in which victims were given nothing to live on but sea-water to see how long soldiers could survive

² Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 250.

³ United States Holocaust Memorial Museum, "The Doctors' Trial." USHMM. <http://www.ushmm.org/research/doctors/> Accessed 17 Dec 2011.

in this manner; jaundice experiments at Sachsenhausen in which prisoners were injected with epidemic jaundice in order for the doctors to attempt to create a vaccine; sterilization experiments at Auschwitz and Ravensbruck in which doctors attempted to come up with a way to quickly and easily sterilize entire populations; typhus experiments at Buchenwald and Natzweiler in which prisoners were injected with typhus and then given an antidote for the doctors to determine the effectiveness of such a vaccine; poison experiments at Buchenwald in which poison was placed into the food of prisoners and the resulting death observed and noted; the infamous twin experiments at Auschwitz in which identical twins (often children) were used as human guinea pigs in order to try and find a way to reproduce the "master race" as quickly and effectively as possible.⁴

Heavily implicated in these experiments were two of the "big players" of Nazi Eugenics: Dr. Karl Brandt and Dr. Josef Mengele. While Mengele was not tried at the Doctors' Trial, even in absentia, his name appeared often in the Doctors Trial as well as in the Belsen Trial. Other defendants (namely Irma Grese) stated to the court what he had been involved in experimentation and sending prisoners to the gas chambers.⁵

Despite the mounting degree of evidence compiled against him during the trials, Mengele was not handed a sentence for his misdeeds, which Lucette Lagnado calls one of the greatest mysteries of the postwar era. In her volume, *Children of the*

⁴ George J. Annas, *The Doctor's Trial and the Nuremberg Code* (Oxford: Oxford University Press, 1995), 70-83.

⁵ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 116.

Flames, Lagnado states, "He engaged in far greater atrocities than Dr. Waldemar Hoven, the man picked by the Nuremberg team as the premier example of a death camp physician."⁶ Josef Mengele was able to escape his grisly fate, but not without an extensive network of help. Immediately following the war, members of his family cleared out his home when the American forces decided to overtake his former mansion, notably doing away with any photographs that could further implicate their relative. Lagnado calls the Mengele family's urge to protect Josef Mengele both a game and obsession. Because of his family's undying commitment to him, Mengele was able to escape into the countryside of Germany using an alias and trying his hand at manual labor on a farm. The Mengele family told authorities that he was missing and most likely dead, which put the manhunt to a long, albeit temporary halt.⁷

While Mengele was able to evade justice through his network of family members and Nazi sympathizers, his old mentor would not allow his protégé to get by unscathed, at least in reputation. The case against Mengele further intensified when his former mentor (and receiver of many of the cadavers of Jewish twins) Otmar von Verschuer at the Berlin Institute claimed he had no knowledge of what Mengele had done at Auschwitz. Instead of admitting to being an accessory to these human experiments, von Verschuer claimed he knew nothing of Mengele's "work" and acted shocked each time any implication of his former student was revealed.

⁶ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 126.

⁷ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 110.

After destroying evidence that two had been cohorts, von Verschuer returned to work as a professor. However, the following year, two of his colleagues began to investigate von Verschuer's involvement in medical experimentation and were able to tie him to Mengele. After the involvement was confirmed, the news was published, thus making it impossible for von Verschuer to continue his career as expected. As a result of this article, Manfred Wolfson, an American investigator working for the US Counsel for War Crimes, put aside the huge pile of cases in front of him and began investigating Mengele and von Verschuer's relationship, thus further implicating Dr. Mengele.⁸

But by 1946, and certainly by 1947, many began to question the authority of the trials and how they were conducted. The general feeling of society was that they had "moved on" from the trials, looking more toward the tension between the Allies and the mounting power of the Communist Regime based in Soviet Russia. Because of this, the US slashed funds for war tribunals in mid-1947. Dr. Robert Wolfe, director of German Records at the National Archive told Lagnado in an interview, "...in this chaotic situation, it's remarkable that we caught as many as we did. It's remarkable that we even had a doctors' trial because so many people were getting tired."⁹

For Mengele, this meant the ability to continue to live his life in peace, although he would always be "forced" to live under an alias. In 1947, the Nuremberg

⁸ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 119-120.

⁹ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 128.

investigators officially stated that Mengele had died in 1946, leaving him even more freedom.¹⁰ However, Mengele was sentenced to jail time during his flight to Argentina, in which he was given a few weeks of incarceration for using a "false identity." No one ever proved his identity was that of the infamous Nazi doctor, or even attempted to research whom he really was. Instead, he was given an upgraded ticket on the ship to Buenos Aires as an apology for the "mix up" and by 1949 was living in relative anonymity in Argentina. The days of head hunting Nazis were over, and it seemed the world had moved on from its lynch mob mentality to allowing the world to continue on, whether or not justice had been served to his victims.¹¹

Dr. Mengele's victims have attempted to reclaim justice for themselves, spearheaded by the boisterous and outspoken Eva Mozes Kor, a child survivor of Auschwitz. Kor founded CANDLES (Children of Auschwitz Deadly Lab Experiments Survivors) in 1984 with her now deceased twin sister, Miriam, in order to find other survivors of the infamous twin experiments. Kor says on her website that the idea came to her after watching the monumental 1978 television series, *Holocaust*, which no doubt reopened the dialogue for many who had long "grown tired" of the Holocaust.¹² The women were successful in locating 122 victims. In order to aid in their healing process, the group partnered with Yad Vashem to hold a mock trial for Dr. Mengele. He was found guilty of war crimes, although there was no sentence to

¹⁰ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 116.

¹¹ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 147.

¹² Eva Mozes Kor, "CANDLES Holocaust Museum." CANDLES. <http://www.candleholocaustmuseum.org/index.php?sid=3> Accessed 17 Dec 2011

carry out. This "trial," coupled with the re-opened case of Klaus Barbie (the Butcher of Lyon), inspired several governments and Nazi-hunters to put a price on Mengele's head and invite people to try and find him. Several organizations and newspapers donated a sum of money as a reward for finding Mengele, totaling up to \$4 million. Unfortunately, by this time Mengele was already actually dead, making it impossible to bring him to justice.¹³ In the case of the infamous Nazi doctor, justice that was not served quickly would never be served at all. The resurgence of public interest in the Holocaust of the late 1970s due to recent media attention brought about a quest for justice, which was unfortunately too little too late. Society had moved on and when it was ready to face itself, the situation could not be rectified.

Swift justice was, however, dealt to one of the bigger Nazi henchmen, in the form of Dr. Karl Brandt. During the doctors' trial, Brandt was implicated on charges of participating in or overseeing at least ten of the deadly experiments. Brandt's involvement was undeniable, as he had been working with the Nazi euthanasia program to murder disabled children and adults since its inception, and in 1941 a program called "Aktion Brandt" was put into place which allowed the legal killing of those "taking up space" in the hospital in order to give beds to wounded German soldiers. After the war, he immediately fled to a 16th century castle in Glucksburg, which he shared with Hitler's architect Albert Speer. Less than a month later, British soldiers arrested Brandt and took him to a prison camp for German criminals, which was dubbed Ashcan. Brandt was, at first, only implicated for his involvement in the

¹³ Lucette Matalon Lagnado, *Children of the Flames* (Penguin Books: New York, 1991), 248-250.

euthanasia program, but gradually the British began to find him more and more culpable for the other heinous crimes committed during his appointment at Sachsenhausen. Although there was some degree of difficulty implicating him because of another doctor standing trial with almost the same name and rank (Dr. Rudolf Brandt), much effort went into British intelligence reports to identify Karl Brandt and differentiate the two men. By 1946, there was so much evidence against him, implicating his participation in the euthanasia program and human experimentation that there was no way he would not stand trial. Brandt was also listed as security suspect and was wanted as a witness to war crimes by several countries.¹⁴

Brandt stood trial with the 22 other accused on December 9, 1946. He had been accused of participating in or leading ten different categories of human experimentation: high altitude experiments, freezing experiments, malaria experiments, mustard gas experiments, experiments on wounds (also known as sulfanilamide experiments), bone and muscle experiments, sea-water experiments, jaundice experiments, sterilization experiments and typhus experiments. He was arraigned on the 21st of November 1946, where he entered a plea of "not guilty" (as did all the others on trial). The trial itself lasted 139 days and included testimony by 53 witnesses and 570 affidavits for the prosecution.¹⁵ Those placed on trial were accused of Thanatology, a word which was coined by prosecutor Leo Alexander

¹⁴ Ulf Schmidt, *Justice at Nuremberg* (Palgrave Macmillan: Basingstoke, 2006), 130-132.

¹⁵ George J. Annas, *The Doctor's Trial and the Nuremberg Code* (Oxford: Oxford University Press, 1995), 94-99.

stating that the Nazi doctors had developed a science of killing. This word was invented during the trial, but never became a common word.¹⁶

Several grueling testimonies, including how the doctors' treated patients in their "care," were presented to the court. Vladislava Karolewska, a Polish resistance worker who was interned at Ravensbruck and experimented on in the bone and muscle experiments shared her story with the court on December 22, 1946. As part of her testimony, she stated:

When I was in my room I made the remark to fellow prisoners that we were operated on in very bad conditions and left here in this room and that we were not given even the possibility to recover. This remark must have been heard by a German nurse who was sitting in the corridor because the door of our room leading to the corridor was opened. The German nurse entered the room and told us to get up and dress. We answered that we could not follow her order because we had great pains in our legs and we couldn't walk. Then the German nurse came with Dr. Oberhauser into our room. Dr. Oberhauser told us to dress and come to the dressing room. We put on our dresses; and, being unable to walk, we had to hop on one leg going into the operating room. After one hop, we had to rest. Dr. Oberhauser did not allow anybody to help us. When we arrived at the operating room, quite exhausted, Dr. Oberhauser appeared and told us to go back because the change of dressing would not take place that day. I could not walk,

¹⁶ Ulf Schmidt, *Justice at Nuremberg* (Palgrave Macmillan: Basingstoke, 2006), 130-164.

but somebody, a prisoner whose name I don't remember, helped me to come back to the room.¹⁷

This chilling testimony, in addition to 52 others, helped implicate many of the doctors, including Dr. Karl Brandt who, along with six others, were sentenced to hang until death. Fifteen were found guilty and seven were acquitted for their involvement. It could possibly be argued that so many doctors were acquitted due to the decline of de-Nazification that had begun in 1947, however there was still somewhat of an air of "swift and sure" justice that allowed the tribunal to make a case for hanging several of the defendants, while allowing others to "get off" with lesser sentences, which were often commuted into even smaller sentences. Brandt maintained that he was simply serving his country and stated that his death sentence was nothing more than "political revenge" on the part of the Allies. According to George Annas, Brandt attempted to escape death by hanging by offering his body up to science for their own medical experiments. His request was refused and he was ordered to hang. The sentence was carried out on June 2, 1948, which ended with Brandt shouting that he had only served his country.

While Brandt and Mengele represent two extreme cases of society doled out justice (or lack thereof), most others implicated in these human experiments were, for the most part able to get away with their crimes by serving small sentences and were, by the next decade, reintegrated into society, some practicing medicine in their home countries with renewed licenses. By the end of the 1940s, it was clear

¹⁷ United States Holocaust Memorial Museum, "The Doctors' Trial." Vladislava Karolewska Testimony <http://www.ushmm.org/research/doctors/> Accessed 17 Dec 2011.

that if justice had not already been dealt, the political climate and the "fatigue" that Dr. Wolfe described gave way to allowing many doctors to get away with their crimes, or serve pittance sentences.

Dr. Herta Oberhauser's terrible crimes involving muscle and nerve regeneration were described in detail by Vladislava Karolewska during the Doctors' Trial. However, these heinous crimes would not be enough to actually give Oberhauser a harsh sentence; in fact, she was only given 20 years. A few years later, her sentence was reduced to 10 years and by 1952, she was released early for good behavior, showing that by the 1950s, the war crimes that many had fought so feverishly to be put to justice had become a thing of the past. Those who had tortured people in concentration camp medical experiments were now eligible for release, many like Oberhauser, barely serving a fraction of their full sentences. Oberhauser not only became a free woman after five years, but was actually able to reopen her medical practice. Astonishingly, she was granted a license to legally practice medicine, but it was officially revoked again in 1958. Oberhauser was forced to close her Stocksee, Germany Family Doctor practice after a group of Ravensbruck survivors protested to her practicing medicine again.¹⁸ Her "punishment" was administered from the "ground up," meaning patients and other non-authorities pushed for her removal, showing the level of apathy many authorities had begun to feel toward the Holocaust and serving justice for its victims.

¹⁸ Jarek Gajewski, "Nazi Doctors at Ravensbruck: Herta Oberhauser" University of Toronto <http://individual.utoronto.ca/jarekg/Ravensbruck/OberhauserHerta.html> Accessed 18 December 2011

Dr. Fritz Fischer, also present at the Doctors' Trial was initially given a life sentence for his involvement in the Ravensbruck muscle and nerve regeneration experiments. Like Oberhauser, Fischer's sentence was drastically reduced to a pathetic nine years in total (counting the time spent in jail before he was tried) from his original sentence of life imprisonment. He was released in 1954. He was able to secure another job outside of the medical field and lived as a free man until his death in 2003.¹⁹

The relatively light sentences or the complete evasion of justice may give survivors the impression that people did not care about their suffering. Eva Mozes Kor spoke in her 2006 documentary *Forgiving Dr. Mengele* about the medical issues her sister suffered as a result of Dr. Mengele's horrendous experiments. Doctors have determined that because of an unknown injection, her twin sister's kidneys failed to mature with the rest of her body as she grew from childhood to adulthood. As a result, Eva gave her sister Miriam one of her kidneys. Despite all of the medical evidence mounted against Mengele, Eva expressed frustration in the fact that no one was ever able to tell her what exactly caused her sister's medical issues or determine what had been injected with. She reported that many "twins" (as she calls child survivors of the Nazi experiments at the hands of Dr. Mengele) shared that they, too, suffered from unknown medical maladies that their doctors could trace back to their time at Auschwitz, although without conclusive evidence of what exactly was done to them, little can be done to rectify the situations.

¹⁹ Jarek Gajewski, "Nazi Doctors at Ravensbruck: Fritz Fischer" University of Toronto <http://individual.utoronto.ca/jarekg/Ravensbruck/OberheuserHerta.html> Accessed 18 December 2011

Little information is available for restitution of survivors of Nazi experimentation and it appears that funds for victims are a relatively recent occurrence. An undated "announcement" (which *Globes Magazine* states was released in March of 2005) on the Claims Conference website states that they have identified 1,778 living survivors of Nazi experimentation. The Claims Conference took down testimonies of many of these survivors and donated them to both Yad Vashem and the United States Holocaust Memorial Museum. This restitution announcement was the second payment for victims, following a sum of 10 million Deutschmarks that had previously been distributed earlier in the 2000s, according to Israel's *Globes Magazine*. While the sum of the actual payment differs on the *Globes Magazine* website²⁰, The Claims Conference states that it paid each victim and 119 heirs during the "second round" of restitution a symbolic payment of \$5,400.²¹ Each claim was reviewed by an independent Israeli reviewer and matched up to historic records. These late payments perhaps show the spike in interest of the Holocaust brought about by the media and people like Eva Mozes Kor who have

²⁰ Globes Magazine "Claims Conference to Issue 2nd Payment to Nazi Experiment Victims" *Globes Magazine*
<http://www.globes.co.il/serveen/globes/docview.asp?did=891681> Accessed 18 Dec 2011.

²¹ The Claims Conference, "Claims Conference Identifies Living Victims of Nazi Experimentation" The Claims Conference
<http://www.claimscon.org/?url=press/medex2> Accessed 18 Dec 2011.

vocalized their opinions and thoughts about being held and experimented on unwillingly in the camps. While survivors of the camps have received aid and restitution in the past for "simply" being victims of the Nazi Holocaust, this appears to be the first time that victims of medical experimentation received any special payment for their suffering.

The events thus described show ultimately how society shifted from being very enthusiastic about catching Nazi criminal doctors, to the waning of enthusiasm due to the surmounting threat of Communism. As time went on, the door began to shut on finding these pseudo scientists, allowing deplorable and depraved individuals like Dr. Josef Mengele to live a relatively normal life postwar. In the 1980s through today, there has been a resurgence of interest in the Holocaust and Holocaust victims' rights, however with many of them dying off and most of the perpetrators already dead, it is perhaps a poor showing of too little too late. Victims of Nazi experimentation were often not even handed their restitutions until almost 60 years after their liberation, showing that if justice is not served quickly, it is often not served at all until someone intervenes to bring attention to the situation. As in the case with Dr. Mengele, if justice is not handed down immediately, it can be far too easy for criminals to evade justice for the rest of their lives. Additionally, unfortunately, as time goes on, the gravity of the crimes seem to lessen in the minds of those doling out justice, allowing convicts to be freed far before their time is served, perhaps in the interest of saving money or creating room in prison which sadly becomes more important than justice. As in the case with the resurgence of the hunt for Dr. Mengele following the CANDLES' mock trial, the world would often

like to forget such tragedies until it is forced to face them again, which often creates a lust for justice far after it is too late.

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