

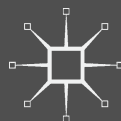
THE HOLOCAUST AND ITS CONTEXTS



Nazi Collaborators on Trial during the Cold War

Viktors Arājs and the Latvian Auxiliary Security Police

Richards Plavnieks



The Holocaust and its Contexts

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Police

palgrave
macmillan

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*For my namesake,
Vilis Ričhards Pļavnieks,
who wanted to be a history teacher, but was caught up in historic events and
never realized his dream. He survived a period in history the likes of which
humankind must never see again.*

PREFACE

This book touches a variety of historical topics: Nazi Germany and the Holocaust, Eastern European collaboration, the Cold War, post-1945 international criminal law, both the Soviet Union and East Germany, and Baltic studies.

Showing the intricate interrelationships of these seemingly disparate areas of inquiry, with Nazi crimes as their nexus, is one of my goals. Apart from the academic interest I hope it will draw, this book also has significance for Latvians' process of coming to terms with their country's encounter with Nazi Germany—a process analogous to Germany's *Vergangenheitsbewältigung*—that was retarded and deformed by Latvia's domination by the USSR until 1991. The wide scope of the project provides, I hope, a uniquely constructive framework for historicizing the difficulties of this process.

The evidence gathered over decades of work by prosecutors across the world, which my work examines, first established the facts of Latvian collaboration. This book, then, is well-suited to advance this still developing process, as it deals both with Latvia's most notorious killers and their post-war fates on both sides of the Iron Curtain, as well as contemporary Latvians' responses to the investigations and trials in different political contexts. In that sense, this book is a record of the earliest phases of the process of coming to terms with Latvian collaboration—a process which must now continue and to which this book, I hope, will contribute.

Those Latvians living in the enclaves of the post-1945 Latvian diaspora the world over will, I believe, be interested in this book. I gave a

talk to the Washington, DC, Association of Latvian Fraternities and Sororities in January 2016 on the subject of the Arajs Kommando that drew a very large audience and many attendees inquired about when this book would be published. I also hope that the global Anglophone Latvian community will read it eagerly as well, particularly the increasingly broad and deep bench of Latvian scholars.

My grandparents came to the United States in 1949 and I myself grew up around the Latvian exile enclave in Rockville, Maryland. As a child and teenager, between 1992 and 1996, I lived in Moscow and Rīga, where my interest in my family's background and twentieth century European history was kindled. As a professionally trained historian and a descendent of political refugees, I hope my book will not be seen by Latvians as the work of an outsider clumsily seeking to intervene in a volatile and sensitive topic. On the question of Latvians' role in Hitler's Europe, I hope here to contribute something.

For this, I was fortunate to obtain funding for two full years of research in Hamburg, Ludwigsburg, Rīga, Jerusalem, and Washington, DC, with the support of the United States Holocaust Memorial Museum, the Conference on Jewish Material Claims Against Germany, and the German Academic Exchange Service. In Israel, I had the privilege of meeting and learning from Yehuda Bauer, David Caeserani, Konrad Kwiet, Wendy Lower, Dan Michman, Alexander Prusin, and David Silberklang. Later, as a Charles H. Revson Foundation Fellow at the US Holocaust Memorial Museum, I had the honor of working alongside such scholars as Martin Dean, Jürgen Matthäus, and Mark Roseman at the Jack, Joseph and Morton Mandel Center for Advanced Holocaust Studies.

Besides long-term research in six different archives, I was also able to meet some of the people involved in the events about which I was writing. Dr. Steven Rogers, retired historian at the Office of Special Investigations, very generously met with me on a variety of occasions to talk about his experiences. I was also helped by the gracious and urbane Hauptregierungsdirektor JVA Kassel I, Georg-Uwe Meister, who allowed me to tour his facility, which once imprisoned Viktors Arājs. Likewise, the American Latvian defense attorney, Ivars Bērziņš, deserves much thanks for his courtesy and candor towards me. Professor Eduard Anders, a Latvian Jewish Holocaust survivor, offered invaluable advice on the final manuscript. Finally, I was also kindly welcomed into the home of Andrew Ezergailis from whom I have learned so much.

Tremendous gratitude I also owe to Christopher Browning, whose guidance, encouragement, knowledge, patience, insights, and example made my work possible. Eric Kurlander, who set me on my course to academia, also deserves many thanks. His impact on my life has been literally inestimable.

Finally, I wish to mention fondly my closest companions during this project: Andrew Haeberlin, Brandon Hunziker, Jen Lynn, Patrick Tobin, and Waitman Beorn.

Orlando, USA

Richards Plavnieks

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ABBREVIATIONS

ALA	American Latvian Association. Umbrella group constituted by the American Latvian community to represent their interests.
ATF	United States Bureau of Alcohol, Tobacco, and Firearms. Now the ATFE: Bureau of Alcohol, Tobacco, Firearms, and Explosives.
BaB	Bundesarchiv-Berlin, German Federal Archive in Berlin, Germany.
BaL	Bundesarchiv-Ludwigsburg, German Federal Archive in Ludwigsburg, Germany.
BaMa	Bundesarchiv-Militärarchiv. German Federal Military Archive in Freiburg, Germany.
BdO	Befehlshaber der Ordnungspolizei, or “Commander of the Order Police” for regions such as the Ostland.
BdS	Befehlshaber der Sicherheitspolizei, or “Commander of the Security Police,” the stationary successor to the mobile Einsatzgruppen and commander of the Security Police for regions such as the Ostland.
BStU	Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutsche Demokratische Republik, or “The Federal Mandatory for the Records of the State Security Service of the Former German Democratic Republic.”
CFL	Committee for a Free Latvia. A fairly inconsequential post-war American Latvian lobbying group in the United States funded by the CIA.
CIA	United States Central Intelligence Agency
CPSU	Communist Party of the Soviet Union
DOJ	Department of Justice of the United States of America
DP	Displaced Person

DSF	Gesellschaft für Deutsch-Sowjetische Freundschaft, or “Society for German-Soviet Friendship.”
DV	Daugavas Vanagi, or “Hawks of the Daugava.” Latvian welfare organization established for veterans of the Latvian Legion.
EG	Einsatzgruppe. Nazi mobile task force assigned to kill Jews and Communists behind the lines. Einsatzgruppe A was the northernmost unit and the one responsible for carrying out Nazi political and racial murders in the Baltic states.
EK	Einsatzkommando. Nazi rear-echelon task force assigned to kill Jews and Communists behind the lines. Einsatzkommando 2, a constituent of Einsatzgruppe A, was responsible for carrying out Nazi political and racial murders in Latvia.
FDGB	Freier Deutscher Gewerkschaftsbund, or “Free German Trade Union Federation.” East German umbrella trade union federation. By the time of East Germany’s collapse, nearly all workers were members.
FRG	Federal Republic of Germany. Anglicization of the official German-language name of West Germany.
FSB	Federalnaya Sluzhba Bezopasnosti Rossiyskoy Federatsii, or “Federal Security Service of the Russian Federation.” Post-Soviet Russian successor of the KGB.
GDR	German Democratic Republic. Anglicization of the official German-language name of East Germany.
Hiwi	Hilfswillige, or “Willing Helpers.” Non-German volunteers attached individually or in small groups to frontline Wehrmacht units or Luftwaffe air-defense batteries as well as rear area German occupation forces.
HRSP	Human Rights and Special Prosecutions Section of the Criminal Division of the United States Department of Justice.
HSSPF	Höhere SS- und Polizeiführer, or “Higher SS and Police Leader” who commanded all regional forces of the SS (such as Friedrich Jeckeln for the Ostland).
INS	United States Immigration and Naturalization Services
IRR	Investigative Records Repository of the United States. National Archives and Records Administration.
JVA	Justizvollzugsanstalt, or, literally, “Justice Enforcement Institution,” meaning “prison” in Germany.
KdO	Kommandeur der Ordnungspolizei, or “Commander of the Order Police,” who commanded district forces (such as Latvia) of the Order Police.
KdS	Kommandeur der Sicherheitspolizei, or “Commander of the Security Police.” The stationary successor to the mobile

	Einsatzkommandos, who commanded district forces (such as Latvia) of the Security Police.
KGB	Komitet Gosudarstvennoy Bezopasnosti, or “Committee for State Security.” Over-arching Soviet police and security organization, successor of the NKVD.
KZ	Konzentrationslager, or “Concentration Camp.”
LS	Labor Service. Affiliated with the United States Army in post-war West Germany.
LSSR	Latvian Soviet Socialist Republic
LVVA	Latvijas Valsts Vēstures Arhīvs, or “Latvian State Historical Archives.”
MfS	Ministerium für Staatssicherheit, or “Ministry for State Security.” Wide-ranging, all-encompassing East German police and security agency. See: Stasi.
MoD	Ministry of Defence of Great Britain
NARA	National Archives and Records Administration of the United States
NKVD	Narodniy Komissariat Vnutrenneekh Dyel, or “People’s Ministry of Internal Affairs.” Main police agency of the Soviet Union, encompassing both regular and secret police from 1934 to 1954.
Orpo	Ordnungspolizei, or “Order Police” of Nazi Germany.
OSI	Office of Special Investigations of the United States Justice Department’s Criminal Division.
RSHA	Reichssicherheitshauptamt, or “Reich Security Main Office” of Nazi Germany.
RuSHA	Rasse- und Siedlungshauptamt, or “Race and Settlement Main Office” of Nazi Germany.
SD	Sicherheitsdienst, or “Security Service” of Nazi Germany.
SED	Sozialistische Einheitspartei Deutschlands, or “Socialist Unity Party of Germany.” East Germany’s Communist Party.
Sipo	Sicherheitspolizei, or “Security Police” of Nazi Germany.
SMERSH	Smert Shpionam, or “Death to Spies,” the name for the Soviet Chief Directorate of Counter-Intelligence during the Second World War.
SSR	Soviet Socialist Republic
StaH	Staatsarchiv Hamburg, or “State Archive of Hamburg.”
Stasi	Staatssicherheit, or “State Security.” Unofficial name for East Germany’s Ministry for State Security. See: MfS.
StPO	Strafprozeß Ordnung, or “Code of Criminal Procedure.” The West German Code of Criminal Procedure.
USHMM	United States Holocaust Memorial Museum
USSR	Union of Soviet Socialist Republics
VEB	Volkseigener Betrieb, or “People’s Enterprise.” These concerns represented 75% of the East German industrial sector.

VFW	Veterans of Foreign Wars, a private veterans association in the United States.
VĻKJS	Vissavienības Ļeņina Komunistiskās Jaunatnes Savienība, or “All Union Leninist Young Communist League” in the Latvian Soviet Socialist Republic.
ZS	Zentrale Stelle der Landesjustizverwaltungen zur Aufklärungen nationalsozialistischer Gewaltverbrechen, or “Central Office of the State Ministries of Justice for the Investigation of National Socialist Violent Crimes.” West German counterpart to the East German ZUV.
ZUV	Zentraler Untersuchungsvorgang zur Untersuchung von NS- und Kriegsverbrechen, or “Central Investigative Body for the Investigation of National Socialist and War Crimes.” East German counterpart to the West German Zentrale Stelle.

Introduction: The Latvian Auxiliary Security Police and Cold War Justice

THE CRIMES OF THE LATVIAN AUXILIARY SECURITY POLICE

In early July 1941, immediately following the arrival in Rīga, Latvia, of the first units of the Wehrmacht and Einsatzgruppe (EG) A, a small group of Latvians under the leadership of a former police lieutenant and law student named Viktors Arājs volunteered for service with the German security forces. Officially, it was designated the “Latvian Auxiliary Security Police,” but unofficially it was dubbed the “Arajs Kommando,” after its leader whose name meant “plowman.” After a rampage in the first days following the Germans’ entry that killed several hundred Jews on the streets of Rīga, the capital of Latvia, and burned down its synagogues, the Arajs Kommando was deemed worthy of new tasks by its Nazi masters. These included the arbitrary invasion of the city’s Jewish homes and the terrorization, robbery, and arrest of the residents; the routine shooting of Jews and Communists in the Biķernieki forest outside of the city in early morning mass executions; and mobile operations, traversing the Latvian hinterland and acting as the triggermen in the organized “liquidation” of the Jews of Latvia’s small towns and countryside.

Over these first few months of the German occupation, the Latvian Auxiliary Security Police became better organized, its initial core of about 300 rowdy volunteers expanded while becoming ever more experienced and disciplined, and its uniforms and equipment became standardized. On 30 November and 8 December 1941, the Arajs Kommando was instrumental in providing the cordon for the notorious Rumbula Action that

took place in the Rumbula forest outside of Rīga. This was the second largest mass shooting of the Holocaust up to that point, the 25,000-plus victims of which were exceeded in number only by the victims at the massacre at Babi Yar outside Kiev the previous September. German, Austrian, and Czech Jews deported to Latvia then became the Kommando's next targets, the Jews of Latvia having already been killed except for a small remnant reserved for slave labor. After selected members of the Kommando had been sent to formal Security Service (SD) training in Germany and returned, rotating sections of the newly professionalized unit were deployed to German-occupied Belarus. There, the Latvian Auxiliary Security Police—now a permanent, militarized, mobile, hardened, battalion-strength appendage of Nazi power—participated in ghetto clearings, mass shootings, anti-partisan operations, and reprisal actions against the local population. By 1944, the war having turned against the Third Reich, the unit was effectively disbanded. They could then better serve Hitler as soldiers than police paramilitaries, so the Arajs Kommando's personnel were absorbed into frontline combat units of the Latvian Legion along the rapidly approaching Eastern Front.

At war's end, Viktors Arājs's Kommando had itself directly killed no fewer than 26,000 people in Latvia, while its very substantial death tally in Belarus is simply impossible to estimate but may have equaled or even exceeded the tally in Latvia. Considering its participation in the Rumbula cordon and other shootings, the unit also abetted the killings of tens of thousands more. The members of this Latvian police unit, operating under the command of Einsatzkommando (EK) 2 and later the Kommandeur der Sicherheitspolizei (KdS) Lettland, participated as volunteers in practically every signature aspect of Nazi oppression in occupied Eastern Europe. They were quintessential actors in what is now recognized as “the Holocaust by bullets”—old-fashioned killers who shot their targets one at a time, creating their death count without need of the techno-industrial horror of the gas chambers.

All of this, however, was only the first part of the story of the men of the Arajs Kommando. Much of the actual historical record of their crimes was not established by historians through normal analysis of period records in archival repositories. The Nazis often avoided committing anything incriminating to paper and they deliberately destroyed all they could of the documentary evidence that did exist before they were defeated. Thus, much of what we know about the Kommando is the result of decades of painstaking work by prosecutors around the globe

who, to make their cases against the unit's killers, augmented the scarce wartime material at hand with witnesses of all types: survivors, bystanders, and the perpetrators themselves.

It is upon these sources that the present study is based.

To answer the deceptively simple questions of whether, how, by whom, and with what results these men were investigated, tried, and punished requires deeper examination. Hundreds of cases were tried in multiple jurisdictions on both sides of the Iron Curtain during the entire span of the vast contest of the Cold War. The legal aftermath of the crimes against humanity committed by the Arajs Kommando can therefore be used as a prism through which to view a spectrum of very different justice systems at work at different times, and how they attempted to match atrocity with justice amid a radically new post-war order. In this regard, this study assesses the efforts of the Soviet Union, both West and East Germany, and the United States. Using these hideous crimes as a backdrop, the following chapters examine both Communist and liberal-democratic legal systems, and their intermittent dialogue with one another, from the 1940s through the 1980s, as they dealt with Nazi crimes while operating in the context of the global superpower struggle.

THE HISTORIOGRAPHY OF THE HOLOCAUST IN LATVIA

This study connects two of the currently expanding major subfields of the subject of the Holocaust: Eastern Europeans' participation in it and the Holocaust's aftermath. More specifically, it examines the legal ramifications of Latvian Holocaust complicity, the social and political effects of the functioning of the legal apparatus in each national case study, and their interaction in an international context.

Particularly since the collapse of the Soviet Union and the reassertion of national histories in the erstwhile formally monolithic Eastern Bloc, historical scholarship has concerned itself increasingly with the investigation of Eastern European Nazi auxiliaries and Holocaust co-perpetrators. That many participated is not in doubt. What is less well understood is the degree to which Eastern Europeans actively sought to participate and what motivated their fateful volunteerism. All told, as many as 300,000 Eastern European police auxiliaries had been recruited to the German side by the end of 1943. Not all of them colluded with the Nazis to carry out the Holocaust—indeed, relatively few to the degree that the men of the Arajs Kommando did—but all of them tied themselves to the

fortunes of Hitler and the Third Reich. As Jürgen Matthäus has written: “German policy is key to the understanding of non-German involvement,” but “this astonishing degree of involvement in murder was not merely the result of German instigation; there were other, indigenous factors at work.”¹ The major debate on the Holocaust in Latvia is precisely upon this point: to what degree were Latvians complicit, why, and how should their complicity be regarded vis-à-vis German policy? Like other examples in the wider field, assessments in this case also vary fairly widely from sweeping accusatory generalizations to polemical apologetics, and disagreements have been attended by considerable acrimony.² Because the subject has become something of a lightning rod, this study cannot avoid addressing it as one of four overarching points.

The Latvian-American scholar Andrew Ezergailis’s sweeping yet admirably detailed overview, *The Holocaust in Latvia, 1941–1944: The Missing Center*, published in 1996, provided the starting point for an objective, detached, and apolitical assessment of Latvian involvement in the Holocaust, and it remains to date the definitive work on the subject.³ The “missing center” referred to in Ezergailis’s title—and which he tries to fill with his book—is what he correctly identifies as a general problem of perception: between exaggeration of Latvian complicity (in its most extreme form: a “Germanless” Holocaust in which events were dictated by eager Latvian killers) on one hand, and the elision—not to say denial—of Latvian participation on the other. In a case of strange bedfellows, variants of the former line have been put forward by some Jewish scholars, Soviet publications, and extreme Holocaust “revisionists”

¹Christopher R. Browning and Jürgen Matthäus. *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939–March 1942*. Lincoln, Nebraska, and Jerusalem: The University of Nebraska Press and Yad Vashem, 2004, pp. 268–69.

²The debate overall has seen some extraordinary controversy, the most famous of which was the publication of Jan Gross’s *Neighbors*. Jan Gross. *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*. Princeton, New Jersey: Princeton University Press, 2001. For an example of the other side of the argument, see: Richard Lukas. *The Forgotten Holocaust: The Poles under German Occupation, 1939–1944*. New York: Hippocrene, 1997.

³Andrew Ezergailis. *The Holocaust in Latvia, 1941–1944: The Missing Center*. Riga and Washington, DC: The Historical Institute of Latvia in association with the United States Holocaust Memorial Museum, 1996.

alike.⁴ The second was adopted as a strategy by some post-war Latvian exiles living in the West and has since also been advanced by post-1991 Latvian nationalist apologists.⁵ Ezergailis is right to insist that the reality fell somewhere in between these extremes.

Another overview of the Holocaust in Latvia has been published more recently in German, and in English translation. Andrej Angrick and Peter Klein have produced a remarkable work about Jewish life and death in Rīga during the German occupation, from ghettoization to the mass shootings.⁶ It is a fairly comprehensive study of the Holocaust in Latvia, although its focus is on Rīga and German policies as seen through their effects there, rather than in Latvia's provinces. However, in the work of Ezergailis as well as others, the Arajs Kommando is only peripherally mentioned.

Several historians have focused more on Latvian participation but have somewhat undervalued German decision-making and overall orchestration or overstressed Latvian anti-Semitism as a motive factor for collaboration. These historians as well, however, have relegated the Arajs Kommando to incidental mentions or small sections within larger works. Latvian, German, and Jewish historians such as Modris Eksteins, Katrin Reichelt, and Menachem Barkahan have to varying degrees overvalued Latvian autonomy while underplaying the role of the Nazis who were

⁴For the most important examples of raising the importance of Latvian perpetrators over the German ones, see: Max Kaufmann. *Churbn Lettland: Die Vernichtung der Juden Lettlands*. Munich: 1947, and Bernhard Press. *The Murder of the Jews in Latvia: 1941–1945*. Evanston, Illinois: Northwestern University Press, 2000. For the 1960s Soviet version of events, see: “*Destroy as Much as Possible...: Latvian Collaborationist Formations on the Territory of Belarus, 1942–1944*.” Document Compendium. Johan Beckman, ed. Irina Zhila, trans. Helsinki: Johan Beckmann Institute, 2010. For a typical example of this type of “revisionism” see: Ted O’Keefe. “Quiet Neighbors: Prosecuting Nazi War Criminals in America. Book Review,” in *The Journal for Historical Review*. Volume 6, Number 2. Summer 1986, p. 231.

⁵Witness the absence of discussion about the Holocaust among Latvians living in the West and the active repudiation of the idea of the Holocaust by the right-wing Pērkonkrusts [“Thundercross”] organization in present-day Latvia. See: <http://www.perkonkrusts.lv/>.

⁶Andrej Angrick und Peter Klein. *Die “Endlösung” in Riga: Ausbeutung und Vernichtung, 1941–1945*. Darmstadt: Wissenschaftliche Buchgesellschaft, 2006.

in command.⁷ This tradition is generally still being followed in the most recent scholarship from Germany.⁸

Much serious Latvian language scholarship has also been done since 1991, most importantly by the blue ribbon Symposium of the Commission of the Historians of Latvia, which produces periodic volumes. The present study draws upon the findings of several of the participants in this perennial symposium, most significantly Rūdite Vīksne, who almost alone has dedicated herself to the study of the Arajs Kommando.⁹

THE HISTORIOGRAPHY OF THE HOLOCAUST'S LEGAL AFTERMATH

Aftermath studies is a very broad and somewhat nebulous field. It can encompass studies of memoirs, memory, museums, and memorialization; post-war Jewish diaspora and migration to Israel; the Holocaust in art and cinema; trauma and survivor psychology; survivor literature and Jewish generational difference; the post-war Jewish relationship with, say, Poles, or that between the Soviet government and the 'refuseniks,' reparations; and every aspect of German *Vergangenheitsbewältigung* ["actively coming to grips with the past"].

This study focuses on the legal aftermath. In fact, this is a rapidly growing area of research and is garnering considerable interest from top-level scholars and institutions, including Yad Vashem and the United

⁷Modris Eksteins. *Walking Since Daybreak: A Story of Eastern Europe, World War II, and the Heart of Our Century*. Boston and New York: Houghton Mifflin Company, 1999. Katrin Reichelt. *Lettland unter deutscher Besatzung, 1941–1944: der lettische Anteil am Holocaust*. Berlin: Metropol-Verlag, 2011. Menachem Barkahan. *Extermination of the Jews in Latvia, 1941–1945: Series of Lectures*. Emil Tubinshlak, trans. Rīga: Shamir, 2008.

⁸Robert Bohn. "Kollaboration und Genozid im Reichskommissariat Ostland. Die strafrechtliche Aufarbeitung in der Bundesrepublik Deutschland am Beispiel des Arajs-Verfahrens," in *Reichskommissariat Ostland: Tatort und Erinnerungsobjekt*. Sebastian Lehmann, Robert Bohn, and Uwe Danker, eds. Paderborn, Munich, Vienna, and Zurich: Ferdinand Schöningh, 2012. For a significant counterpoint, see: Wolfgang Curilla. *Schutzpolizei und Judenmord: Die Dienststelle des Kommandeurs der Schutzpolizei in Riga*. Berlin: Edition Hentrich, 2005.

⁹Rūdite Vīksne. "The Arājs Commando Member as Seen in the KGB Trial Files: Social Standing, Education, Motives for Joining It, and Sentences Received," in *Holokausta Izpētes Problēmas Latvijā: Latvijas Vēsturnieku Komisijas Raksti*. 2. Sējums. Rīga: Latvijas vēstures institūta apgāds, 2001.

States Holocaust Memorial Museum.¹⁰ One of the most important contributors to this arena of thought is Devin Pendas.¹¹ He starkly emphasizes the importance of judicial investigations into Nazi crimes, while struggling to reconcile the disappointing and totally incommensurate penalties applied as a rule to convicted perpetrators with the great benefit to knowledge and truth that even such flawed proceedings could yield. As a unit, an exceptionally high proportion of the men of the Latvian Auxiliary Security Police—between one-third and one-half—either did not survive the war or faced some form of justice thereafter. Yet, in view of the enormity of the crimes they committed, the results for ‘justice’ remain palpably unsatisfying while the cause of ‘truth’ was well-served. In this sense, the fate of the Latvian Auxiliary Security Police stands as compelling evidence in support of Pendas’s paradox. Because it is the area in which the law was most successful, underscoring the significance of the record established by legal investigators is the second goal of this work.

Yet in this rapidly growing area of study, few works have been dedicated to the legal aftermath of Nazi crimes in the Baltics.¹² On that score, the necessary starting point has again been supplied by

¹⁰For recent monographs, see: Donald Bloxham. *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory*. Oxford and New York: Oxford University Press, 2001. *Nazi Crimes and the Law*. Nathan Stoltzfus and Henry Friedlander, eds. German Historical Institute and Cambridge University Press: Washington, DC and Cambridge, 2008. For essay collections, see: *Holocaust and Justice: Representation and Historiography of the Holocaust in Post-War Trials*. David Bankier and Dan Michman, eds. Jerusalem and New York: Yad Vashem and Berghahn Books, 2010. Also see: *Atrocities on Trial: Historical Perspectives on the Politics of Prosecuting War Crimes*. Patricia Heberer and Jürgen Matthäus, eds. Lincoln and London: University of Nebraska Press in association with the United States Holocaust Memorial Museum, 2008.

¹¹Devin Pendas. *The Frankfurt Auschwitz Trial, 1963–1965: Genocide, History, and the Limits of Law*. Cambridge and New York: Cambridge University Press, 2006.

¹²A notable exception is Jerome Legge’s study of the Estonian war criminal Karl Linnas. See: Jerome S. Legge, Jr. “The Karl Linnas Deportation Case, the Office of Special Investigations, and American Ethnic Politics,” in *Holocaust and Genocide Studies*. Volume 24, Issue 1, Spring 2010. Also see, again: Robert Bohn. “Kollaboration und Genozid im Reichskommissariat Ostland. Die strafrechtliche Aufarbeitung in der Bundesrepublik Deutschland am Beispiel des Arajs-Verfahrens,” in *Reichskommissariat Ostland: Tatort und Erinnerungsobjekt*. Sebastian Lehmann, Robert Bohn, and Uwe Danker, eds. Paderborn, Munich, Vienna, and Zurich: Ferdinand Schöningh, 2012. For a significant counterpoint, see: Wolfgang Curilla. *Schutzpolizei und Judenmord: Die Dienststelle des Kommandeurs der Schutzpolizei in Riga*. Berlin: Edition Hentrich, 2005.

Ezergailis—specifically, his critique of perceived Soviet political interference in the workings of US justice in the 1970s and 1980s.¹³ Because this is a wide-ranging comparative project, a third focal point of each national case study will be the laws, legal procedures, and legal culture specific to each polity that determined how the crimes of the Arajs Kommando could even be approached and how the search for ‘truth’ and ‘justice’ could be undertaken and accomplished or distorted and misdirected in these various contexts. What were the relative merits of the respective systems, and what shortcomings did they have relative to one another or did they perhaps share? How did the Cold War shape legal imperatives and influence attitudes and actions toward the suspects and to the other justice systems?

Finally, in connection with the strictly legal aftermath of the Holocaust there is a fourth focal point of the present study. Following Lawrence Douglas, the didactic value or effect of the investigations and trials—that is, their broader societal impact in each polity—must also be reckoned with in the final assessment of the discrepant processes.¹⁴ While this function of the legal proceedings is generally more significant in high profile cases like the International Military Tribunal in Nuremberg, the trial of Adolf Eichmann in Jerusalem, and the Auschwitz trial in Frankfurt, it also can be applied to more minor sets of cases such as those relating to the Arajs Kommando. Even if the various Arajs Kommando cases had relatively less resonance for the wider public, they were at least indispensable for the edification of the Latvian exile communities during the Cold War—of which this author was a member—and for the education of Latvians in Latvia today—a cause to which the present work is also dedicated.

This study hinges on the subject of law and the Holocaust, and is predicated upon the validity of the notion that the concepts of ‘truth’ and ‘justice’ are related but can be separable. While individual perpetrators were confronted with their crimes and given ‘due process’ and ‘justice’ of various stripes, another metric is available: what contribution did the dispensers of individual ‘justice’ make to the cause of ‘truth,’ first discovering and then

¹³Andrew Ezergailis. *Nazi/Soviet Disinformation About the Holocaust in Nazi-Occupied Latvia: ‘Daugavas Vanagi—Who Are They?’ Revisited*. Valters Nollendorfs, ed. Rīga: Latvijas 50 gadu okupācijas muzeja fonds, 2005.

¹⁴Lawrence Douglas. *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*. New Haven and London: Yale University Press, 2001.

exposing the reality of the Holocaust for all humanity? Theories that the law is to be applied primarily in order to rehabilitate the criminal, to deter future criminals, or to satisfy the victims seem inadequate in the face of such truly extraordinary crimes. Because of the magnitude of real atrocity, the assignment of proportionate penalties to the perpetrators seems a virtual impossibility. To evaluate the judicial system used by each polity—East or West—to reckon with the Kommando’s crimes, then, this study chooses ‘truth’ alongside ‘justice’ as a comparative metric. At least as important as the number of perpetrators in the dock and the severity of their punishments and the cathartic value the process might offer the survivors—in the long term—is the quality and volume of reliable historical data uncovered for posterity over the course of the investigations and trials. Because historians, the public, and posterity are so dependent on the material generated in the course of these cases, this project evaluates the disparate legal systems involved according to the criterion of their contribution to our understanding of the historical reality.

THE ORGANIZATION OF THE STUDY

Before any assessment of the legal attempts to visit justice upon the men of the Arajs Kommando and establish the truth of their crimes can take place, the wartime events themselves must be described. Chapter 2 reconstructs and analyzes the actions of the Arajs Kommando and the historical context—both deep and immediate—in which they occurred, the collective biography of the unit, and the various hypothetical motives of its members. It aims to help account for their volunteerism in the Nazis’ project to exterminate the Jews even though, as Latvians, they emerged from a culture hitherto almost uniquely not anti-Semitic among the others of Eastern Europe. Chief among a variety of posited factors is a militant and traumatized anti-Soviet sentiment gained through the first year of the USSR’s occupation of Latvia and misdirected by the Nazis against Jews.

Chapter 3 is the first of a series of four case studies of the post-war judicial ramifications of the Arajs Kommando’s lethal participation in the Holocaust. The Soviet Union was the first to recognize and prosecute any man who had belonged to the Kommando. A tremendous amount of data was accumulated by the investigations, conducted by the Soviets between 1944 and 1967, of some 356 captured men of the Kommando—almost a third of the unit, remarkably. This hard data was largely concealed from

domestic audiences, however. A related but partly falsified official history was substituted and periodically adjusted by the Communist Party of the Soviet Union (CPSU) for purposes of political utility according to the times. Thus, paradoxically, while responsible for punishing by far and away the greatest number of Arajs Kommando perpetrators, the USSR also did the most to distort the historical truth of the Holocaust and the Kommando's role in it before a domestic and international public. The political instrumentalization of justice by the Soviets manifested itself most egregiously in a series of show trials in the 1960s. Here, a number of defendants—including Latvian exiles living in the West—were tried and sentenced to death in order to send a Cold War message abroad, and to audiences at home. Even here, however, justice for the criminals was deserved and no obviously innocent persons were convicted, but much of the truth was again hidden behind propaganda and the proceedings took place with no provision for due process. Nevertheless, Soviet cooperation with legal efforts against captured suspects from the Kommando abroad was unstinting, reality-based, and would prove to be indispensable.

In Chap. 4, the West German response is addressed. It was in that country that Viktors Arājs himself was captured and tried in the 1970s. His pursuit, prosecution, and punishment are laid out in detail. The post-war experience of Arājs was in some ways typical of that of the generic Nazi war criminal living quietly in the Federal Republic of Germany (FRG). Left unpunished by the Allied Commissions in the immediate wake of the war, he was left in peace throughout the 1950s and forgotten. The 1960s saw a rekindling of interest in the pursuit of justice and coming to terms with the Nazi past, and Arājs was asked after but not apprehended. Arājs's story deviates from the norm, however, firstly in that he was captured at all. Secondly, although throughout the investigation and trial his rights were assiduously—even meticulously—respected and he and his legal defense team were given every possible opportunity to stall the proceedings, invoke technicalities, and make appeals, unlike most such defendants, he actually received the harshest legal punishment available in West Germany: life imprisonment. The trial was, of course, conducted in full view of the public and the authorities in this case seem to have been perfectly uninterested, politically.

Chapter 5 covers the single case brought by East Germany against a suspected former Arajs Kommando man. It is convenient from the standpoint of the historian who wishes to draw comparisons between East and West that the capture, investigation, and trial of this suspect in the German

Democratic Republic (GDR) were virtually contemporaneous with those of Arājs in the FRG, and both men received the same sentence. The East German trial was kept secret, however, firstly because it was presumably initiated as an ‘insurance policy,’ and secondly because it was bungled. This case was probably being prepared as part of East Germany’s obsessive competition with West Germany to prove itself the more progressive and anti-fascist of the two Germanies. But the effort ended up serving no political purpose because the West German investigation did not result in a clear miscarriage of justice, unlike many other such trials in West Germany, thus depriving East Germany of the opportunity of using its own parallel Arājs Kommando trial to showcase its more uncompromisingly anti-Nazi stance. Moreover, the investigation itself was seriously and bizarrely flawed. This was an elaborately squandered opportunity in that the suspect was clearly guilty of crimes related to the Holocaust, but the process was so badly managed that almost all knowledge to be potentially gained from it was corrupted. In the end, the entire case remained secret. Lacking due process and drawing some dubious conclusions, the investigation and trial neither served justice nor enhanced historical knowledge, despite being years in the making.

Lastly, the comparatively belated response of the United States is assessed in Chap. 6. Only in the late 1970s did the necessary alignment of political and social factors emerge to trigger a revisitation of Nazi crimes by US justice authorities: the devalorization of the victims of Communism amid a population growing weary of the Cold War and the roughly simultaneous breakthrough of the Holocaust into public consciousness. In the event, a novel system was devised to denaturalize immigrants who were convicted of having perjured themselves on the requisite immigration and naturalization forms about their wartime past, and who had indeed committed crimes of Nazi persecution. Once convicted, they faced banishment: deportation to any country as would take them. The American Latvian exile community, however, pushed back against this effort in the 1980s in concert with their native right-wing allies. The resulting melee turned out to be very illustrative of the relationship between the public and the judiciary in a free and pluralistic society—that is, between the court of public opinion and the courts of justice.

The conclusion of the present study underscores the thesis that the most lasting and salutary legacy of the investigations and trials undertaken against the killers of the Latvian Auxiliary Security Police lies in the knowledge they uncovered—that truth was better served than justice.

The exception that proves the rule, the Israeli government-sanctioned extrajudicial killing of a notorious and high-ranking Kommando member in the 1960s, Herberts Cukurs, represents at once an act of perhaps understandable revenge but also a permanent and irrevocable denial of knowledge to posterity. The crimes at issue are beyond punishment, the perpetrators beyond rehabilitation, and the victims beyond any fitting compensation. In the long term, then, the best that could realistically be hoped for was the discovery, preservation, and dissemination of knowledge about what happened. For the most part, that is what happened.

Of the four Einsatzgruppen tasked with the mass murder of Jews and Communists behind the advancing Wehrmacht, none was as dependent on the aid of local volunteers as the 170-man EG A.¹⁵ The approximately 1,200 men of the Latvian Auxiliary Security Police made a heavy contribution to the Nazi cause. The goal of Chap. 2 is to document the crimes of Viktors Arājs and the “plowmen” of his Kommando, and to propose a series of explanations for how they could have so willingly scarred the soil of Latvia with their evil tilling. The chapters that follow it will explore what justice and truth there were to be reaped.

¹⁵Valdis O. Lumans. *Latvia in World War II*. New York: Fordham University Press, 2006, p. 167.

Wartime Latvia: Viktors Arājs, Hell's Plowman

OVERVIEW

The intent of this chapter is to establish, contextualize, and analyze the wartime events in Latvia. It is divided into two parts. The first lays out the necessary historical background of the territory of twentieth century Latvia from the Middle Ages through the Second World War. It also examines the commander of the Latvian Auxiliary Security Police, Viktors Arājs, the composition of his unit, and its specific contributions to the Nazi cause. The second part focuses solely on analyzing the motives behind the men of the Arajs Kommando. It is an attempt to situate the Arajs Kommando and its crimes intelligibly within Latvian history. The examination of the investigations and trials that took place after the war pursuant to these crimes forms the basis of this work's subsequent chapters. First, it is necessary to know and understand what those crimes were, and the context in which they were committed.

THE DEEP HISTORICAL BACKGROUND

For more than 700 years, the territories that would become Latvia were ruled by a military, religious, and merchant elite of Germans—conquering crusaders and their descendants. This minority ruling class of Germans maintained its lordship over the proto-Latvian peasantry under successive empires even after it could no longer maintain its own exclusive suzerainty over the territory. This class maintained its unassailable ascendancy

until the emancipation of the serfs in their lands by the Tsar in the early nineteenth century. That decree set in motion a series of developments that undermined and eventually unseated the Baltic Germans.

Emancipation brought the gradual advent of a Latvian middle class. With education, Latvian print culture developed along with national consciousness and aspirations for independence. The first armed rumblings were to be observed in the unsuccessful 1905 Revolution—jointly put down by the Russian autocracy and its local aristocratic German allies. But the cataclysms of the First World War and the Russian Civil War afforded the chance for a nationalist movement to militarily defeat all of its enemies—the detested Baltic Germans, the White Russian monarchists, and the newly birthed Red threat—one-by-one. Independence was declared on 18 November 1918, although the fighting persisted until the last opponent withdrew from the arena in 1920.

Latvia's first experience with self-government took the form of a parliamentary democracy. It functioned well during the 1920s and minority rights were respected. However, political gridlock, international turmoil, and the Great Depression combined to see the parliamentary democracy fall to an indigenous dictatorship, in much the same way as these factors combined to produce democratic failure and authoritarian successor regimes across much of Europe. Kārlis Ulmanis, the Vadonis, or "Leader," used the slogan "Latvia for the Latvians," banned all political parties, and imposed strict censorship, fatefully blinding the population to the menacing and portentous events transpiring in Nazi Germany and the Soviet Union after he came to power in 1934.

The pivotal year between the summer of 1940 and that of 1941 saw the imposition of a new Soviet regime on Latvia. During this brief period, known as the Baigais Gads, or "Year of Horror," tens of thousands were killed or deported to the Soviet interior. Soviet control also occasioned massive economic dislocation and the pauperization of the country. The commencement of Operation Barbarossa put Soviet power in Latvia quickly to flight. What followed is the chief concern of this chapter.¹

¹Several helpful synthetic general histories of Latvia form the basis for this summary, for instance: Andrejs Plakans. *The Latvians: A Short History*. Stanford: Hoover Institution Press and Stanford University, 1995. Some of these were offered as part of the exiles' post-war public relations offensive, but remain very useful sources. For example: Alfred Bilmanis. *Dictionary of Events in Latvia*. Washington, DC: The Latvian Legation, 1946. Also see: *Crossroads Country Latvia*. Edgars Andersons, ed. Waverly, Iowa: Latviju

The Sword Brothers

The land now called Latvia has ever occupied a strategic geographic position. Archeological evidence of Viking and proto-Russian and Ukrainian cultures shows that the land was traversed by traders and raiders since time immemorial. Its existence as a land that supplied amber, furs, and honey was vaguely known to the Mediterranean world during the flourishing of the Roman Empire.

However, if history begins when people start to record events by the written word, then the pre-literate peoples of present-day Latvia entered history at the tip of German crusaders' swords in the last few years of the twelfth century. The best records of the first conquest of the territory by the Teutonic and Livonian Orders, referred to by Latvians as Zobeņu Brāļi, or "Sword Brothers"—comes from the *Chronicles of Henry of Livonia*.² He depicts an indigenous agricultural society composed of numerous fractious pagan tribes. These were gradually subdued by the foreign knights through the direct application of force aided by political maneuvering that sought to pit one tribe against another. Forced conversion to Christianity and serfdom awaited all those who were not wiped out.³

What emerged was not quite the classic feudal system of the high Middle Ages elsewhere in Europe in that power remained radically decentralized. The military caste was autonomous and its barons were independently powerful enough to prevent the emergence of a kingship. Where the sword went, the Cross followed. Like everywhere else in Europe, secular power was complimented and rivaled by the ecclesiastical, and despite the theoretically religious commission of the Livonian and Teutonic Orders from Popes Celestine III and Innocent III, the barons jealously defended their corporate independence. Rīga quickly became a fully-fledged Catholic archbishopric, while smaller centers in the territory became bishoprics. Next in power behind these two forces

Footnote 1 (continued)

Gramata, 1953. Other histories created for native Latvian audiences are also instructive, for example: P. Dreimans. *Latvju Tautas Vēsture*. Copenhagen: Imanta, 1958.

²Henricus Lettus. *The Chronicle of Henry of Livonia*. James A. Brundage, ed., trans. New York: Columbia University Press, 2003.

³Andrejs Plakans. *The Latvians: A Short History*. Stanford: Hoover Institution Press and Stanford University, 1995, pp. 14–29.

in the lands called Courland and Livonia was the Hanseatic League, the great north-German trade network of free cities that would include Rīga after 1282. Beneath these three competing groups was the mass of the peasantry.

Interestingly, in what Heinrich von Treitschke called “the classical land of peasant oppression,” one other dynamic set Courland and Livonia apart.⁴ Unlike elsewhere in Europe, the system of social stratification was fully congruent with linguistic, ethnic, and ultimately national difference. The most durable aspect of the society’s structure—unchallengeable German privilege and perpetual indigenous peonage—would persist under three separate expansionist powers: the Polish-Lithuanian Commonwealth, the Swedish Empire, and the Russian Empire.

The unrelenting hegemonic status of the Germans in Courland and Livonia meant that both the nascent Latvian people and Jews, who began arriving in the territories in the 1600s, were similarly cast in the role of underlings. Both groups’ rights were curtailed by the German barons, clerics, and merchants. For example, until perhaps the mid-1600s, both Latvians and Jews were effectively priced out of the chance to become householders in Rīga.⁵ Other historical circumstances also retarded the growth of a distinctly Latvian form of anti-Semitism. Firmly locked into their station as a permanent peasant underclass, the nascent Latvian people experienced no economic competition from Jewish storekeepers, peddlers, and craftsmen. Also, Christianity was very long in taking root in the hearts of the peoples indigenous to Courland and Livonia. Pagan symbols, folksongs, stories, and other cultural artifacts still enjoy currency in Latvia today, being sold to tourists in the very shadows of the Germans’ stone churches in Rīga’s medieval Old Town. The concepts undergirding Christian anti-Semitism were as foreign to the local peoples as the religion itself. The elaborate pagan belief system

⁴Gershon Shafir. *Immigrants and Nationalists: Ethnic Conflict and Accommodation in Catalonia, the Basque Country, Latvia, and Estonia*. New York: State University of New York Press, 1995, p. 131. It was also dubbed “the heaven of nobility, the paradise of the clergy, the gold mine of foreigners, and the hell of the peasants.” *Ibid.*, p. 131.

⁵Andris Kolbergs. *The Story of Riga: History of Riga Old Town*. Rīga: Jāņa Sēta Publishers & Printers, 1998, pp. 24–25. The author argues that the householders of Rīga bore a common allegiance to that city-state that outweighed ethnic tensions. He admits, however, that “non-Germans” bore a huge set of special prohibitions.