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NAZI WAR CRIMES DISCLOSURE ACT
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Maria Berger

Gerstetten / Wuerttemberg
13 August, 1950

Dear Mr. Spivey,

The present time is a time of the greatest physical strains for us, and we can only stand it, supported by the hope that my husband will regain his freedom, owing to the recommendation of the Clemency Board and the decision of the High Commissioner McCloy. I sincerely hope that you will understand that this letter is written because after an extremely happy married life of thirty years I wish to do everything for my husband to help him as much as possible. During the past years of grief and sorrow it was extremely comforting for me to learn from your letters time and again, and for the last time on 25 May, 1950, that you took all possible steps to help my husband to get justice and according to justice his freedom. I am fully convinced that you will be able to help and advise me to take the right actions. The following happened:

On 31 July, 1950, my husband signed his petition for mercy. On the same day it was sent from Landsberg to Munich, the residence of the Clemency Board. On 10 August, 1950, my husband's advocate, Dr. Hennings, had the opportunity of giving verbal explanations to the petition for the time of 30 minutes. Dr. Hennings, who also wrote to Mr. Vanaman and received a very kind reply, dated 20 July, 1950, was here yesterday to inform me about all the events. Among other things he said that it was presumed that by mistake the petition for mercy had not been put together with my husband's file at the Clemency Board. In connection herewith I am very afraid that the statements you and Major General Vanaman - according to Mr. Vanaman's letter, dated 20 July, 1950 - had sent to the Clemency Board might not have reached Mr. Peck (President of the Board), Mr. Moran and Mr. Snow. The following facts may be added:

Dr. Hennings had fully talked over everything concerning the accuse against my husband with the New York lawyer Dr. Dix on 10 August, 1950, in Munich, and on 11 August, 1950, in Landsberg, Dr. Dix advised him strongly to contact again by all means Major General Vanaman, concerning the fact that President Truman is a close friend of a Mr. Vanaman. It is stressed that Dr. Dix did not mention whether this Mr. Vanaman was the Major General, or one of his relatives, or just a namesake. Dr. Dix, however, said that there is no doubt that President Truman would immediately contact the High Commissioner General John McCloy and give my husband the freedom if he would learn from my husband's actions about his responsibility. I believe that I

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C O P Y

with the help of the petition for mercy also your knowledge of my husband's character will be a more detailed one than it was up to now. I, therefore, enclose an original copy of the petition, and I should be very grateful to you if you could spare the time to read it over. Simultaneously you will know, apart from your personal connections with my husband, whom you had to deal with in the first half of the year 1945, and whom you are dealing with to-day.

Dr. Hennings does not think it suitable to ask again for Major General Vanaman's help with regard to the remarks and advice of Dr. Dix. You, dear Mr. Spivey, know exactly the circumstances, and, if you would consider it possible, could you be kind enough and talk the matter over with Major General Vanaman in my name? By 31 August, 1950, the Board will have finished with their work, concerning the cases of about 125 persons condemned in Nuremberg. Their task is merely to pass recommendations to General John McCloy. The final decision is made by the High Commissioner himself. But it is presumed that there is only a short period between the hand-over of the recommendation and the decision. This short time would not be sufficient for me to wait for your reply on this letter and to write to Mr. Vanaman from here.

Apart from the step concerning President Truman I kindly ask you to consider, whether it would be advisable, and possible to send a copy of your and Major General Vanaman's statements for the Clemency Board to General McCloy. This would remove the danger that all records sent by you to the Clemency Board were not put together with my husband's file and would, therefore, not be taken into consideration.

In his letter to you, dated 24 January, 1949, my husband wrote you, how he had made it possible to save Lieutenant USAF Winand, son of the former American Ambassador in London, from the execution, which Hitler had ordered in writing for 24 April, 1945. I wonder if you will be able to get hold of the present address of the "prominent prisoner of war" Winand. I believe and hope that Mr. Winand will also contact General McCloy as an intercessor to the effect that my husband may regain his freedom. May I - owing to the shortage of time - ask you to contact Lieutenant Winand and pass to him my very hearty request? Unfortunately the former Ambassador Winand died, as far as I know. Perhaps I could contact Lieutenant Winand's mother, if you could write me her address.

I already contacted his former English fellow-sufferers

I. John Alexander Master of Elphingstone,

II. the Earl of Harewood,

III. the British Field Marshal Alexander's son Michael,

and I may hope that they will either write to General McCloy or contact him by phone with the help of Ambassador Douglas, and ask for my husband's freedom, he being the saver of their lives.

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You can easily see what happened at that time from the enclosed petition page 13 (Part I, Para A, Item 5) and from the affidavits of

- a) Dr. med. Kurt Krause, dated 25 March, 1948,
- b) the Swiss Ambassador Dr. Feldscher, dated 10 March, 1948,
- c) Lord Elphinstone, dated 23 March, 1948, and
- d) my husband, dated 16 April, 1948.

I, therefore, added them for the sake of completion.

This my letter will certainly cause you, dear Mr. Spivey, much trouble.

I dislike the idea of being obtrusive, especially with regard to you and Mr. Vanaman. I hope you will feel from my words the concern and love I have for my husband as a soldier, whose chivalry is the same as yours. And whom else should I turn to in all my grief more frankly than to those persons, whose lives he saved? I should like to express to you my greatest gratitude, and I remain,

Yours Sincerely,

P. S. I think it will be easier for you if I enclose a translation of this letter.

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