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SPECIAL INVESTIGATION AND INTERROGATION REPORT

Subject : UNDERBERG, Hubert Gottfried, Sr.  
and Family (German Citizens)

Case No.: Special

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I. INTRODUCTION.

On or about 7 November 1945, Hubert Gottfried ~~UNDERBERG~~, Sr. and his family (wife, daughter Ellen with six month old baby, and daughter Ruth) were evacuated from St. Wolfgang, Austria, to Germany under protest. The son, <sup>Hubert</sup> Hubert, was confined to an insane asylum (Landesheilanstalt, Salzburg) at the same time. Arriving in Kassel, the elder UNDERBERG presented his case to the Commanding Officer, Military Government in Kassel, who referred him to the Public Safety Officer for the U. S. Zone of Germany, Headquarters, United States Forces, European Theatre, APO 757, Frankfurt, Germany. Subject presented his case there, and Headquarters, United States Forces, European Theatre issued travel permits to Austria so that Subject might present his case for reconsideration.

UNDERBERG, Sr. reported to AC of S. G. 2, 42nd Infantry Division in Salzburg, and Erhard C. JAEGER, 1st Lt., QMC, Repatriation Board, Land Salzburg, was charged with the investigation. Lt. JAEGER issued several reports in which he came to the conclusion that the UNDERBERG family are "...German nationals who were politically persecuted under the Nazis..." and that "...it is the well considered opinion of the undersigned (Lt. JAEGER) that UNDERBERG and his family have not only been politically persecuted by the Nazis, but have been such active opponents of the Nazi regime that they have contributed, within the limits of their power, everything they had to offer to bring about the collapse of the Nazi regime."

At the same time, Lt. JAEGER demanded investigation of several members of the United States Army and the arrest and trial of numerous Austrians. The latter two points will not be the subject of this report, although the fitness of Lt. JAEGER as an investigator will have to be challenged.

Lt. JAEGER's reports, which led to repercussions, did not appear to be without prejudice. Therefore, the Commanding General of the 83rd Infantry Division charged the 430th CIC Detachment with reinvestigating the UNDERBERG family members as to their activities and their claims of political persecution. This task was turned over to the undersigned, and the results are herewith submitted in the form of short biographies.

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*Gottfried*  
II. HUGO HUBERT UNDERBERG, SR.

A. Short History, Abwehr Man.

Subject was born 10 November 1891 in Germany. He claims to have three brothers, all of them dwarfs only slightly over four feet tall. The tension between Subject, who is of normal appearance, and his three brothers led to an endless series of legal contests over the large family fortune. This was carried as high as the German Supreme Court and has not yet been settled. These trials, claims, and counter claims have been a dominant factor in Subject's life. UNDERBERG served in the first World War with the intelligence service and reached the rank of First Lieutenant. In 1930 Subject retired from business due to angina pectoris (heart disease). In February 1940 he was recalled to active service with the German Army, was declared fit for limited service (Zone of Interior), and began to serve with the Abwehr (counter-intelligence) of the VI Corps, which was in Muenster, Westfalen, at that time. He witnessed the preparations for the invasion of the Netherlands and Belgium. He generally wore civilian clothing. At one time Subject attended an intelligence school in Berlin, where he met Admiral CANRIS.

On 27 April Subject was again released from the army and put on an inactive status. He states that his release was due to a previous court conviction to six months' imprisonment on 2 May 1939 for insult and slander (allegedly of a state attorney).

B. The JAEGER Account.

Lt. JAEGER has the following story to tell: "He (Subject) was a decided opponent of any war against these countries (Holland and Belgium) and got into hot arguments with the chief of staff there and was subsequently arranged for trial by the highest military court in Berlin. Through connections with an old friend and World War I fellow officer, the then SS General HAUSER, who had remained active since 1918 to the end of this war and obtained his rank in the SS through his army rank, UNDERBERG managed to pull out of three trials by military court."

C. A Little About Hauser.

When interrogated, Subject stated that his story was all garbled, that he was arrested, that he did write to General HAUSER, but that HAUSER neither answered nor did anything for him.

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As to the SS General HAUSER, "...who remained active since 1918 to the end of this war and obtained his rank in the SS through his army rank", an excerpt from an official German biography of General HAUSER is herewith given:

"SS Obergruppenfuehrer and General of the Waffen SS Paul HAUSER...Resigned in 1929 as Major General in the Reichwehr. After his activities as an SA leader, HAUSER joined the SS in 1934. As the inspector of the Verfuegungstruppen SS he greatly distinguished himself in the formation of the Division 'Das Reich'. HAUSER proved himself during the campaign on the western front...."

The false statement in Lt. JAEGER's report appears to be the work of Lt. JAEGER because UNDERBERG gave an essentially correct version of HAUSER's background when questioned.

D. Subject Again Imprisoned.

In Bonn on 23 March 1942 UNDERBERG again received an eleven months' prison term for knowingly making false accusations and for defamation of name. On 17 March 1943 Subject was given a six months' prison sentence by the Division Court in Cologne for insulting a superior officer. In the meantime he had more police trouble, which he termed political, but which never led to a conviction.

E. Move to Austria and Court Battles.

In April 1943 UNDERBERG moved from Godesberg to Schwarzenbach 8, St. Wolfgang, District Grunden, Gau Oberdonau (Austria). It should be noted that Subject was not bombed out. He simply did not like the climate of the Rhineland, which became increasingly unhealthy under Allied bombing, but preferred the quiet beauty of Austria. It should be noted that only very wealthy or very influential people could make such desirable moves. UNDERBERG could not get along with the family from which he had rented rooms and had an endless row of court procedures. The family wanted to get UNDERBERG out of the apartment, but he played every possible legal trick of delay. An outline of the proceedings follows.

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- 28 September 1943 Axel von LEVETZOW vs. UNDERBERG  
CHARGE: Return of a key belonging to plaintiff.  
RESULT: 4 October 1943 court ruled case was too unimportant to consider. Advised settlement out of court.
- 16 October 1943 Axel von LEVETZOW vs. UNDERBERG  
CHARGE: To prevent defendant from using a kitchen owned by plaintiff.  
RESULT: 14 December 1943 court ruled case was too unimportant to consider. Advised settlement outside of court.
- 28 September 1943 Axel von LEVETZOW vs. UNDERBERG  
CHARGE: To have bedroom owned by plaintiff evacuated.  
RESULT: 4 October 1943 court adjourned to 11 October 1943. Again adjourned to 23 October 1943. On the latter date court drew up a new lease in which the defendant would be the direct lessee of the owner of the Schloss Schwarzenbach von Goerschen, of certain rooms, including the room in question. The lease was drawn up on condition of the plaintiff and defendant. On 9 November plaintiff told court through his lawyer that he did not approve of the agreement. On 23 December 1943 case was reopened, and immediately the court adjourned. The litigation continued for a year and a half and was finally settled on 6 March 1945, Subject being required to vacate the room and pay expenses amounting to 597.48 marks.
- 16 October 1943 Hilde von LEVETZOW vs. UNDERBERG  
CHARGE: Stealing wood.  
RESULT: On 26 October withdrew complaint, as differences had been settled in the meantime.

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- 8 November 1943 UNDERBERG vs. Heinrich von PACHER & Axel von LEVETZOW  
CHARGE: Defamation of Character.  
RESULT: 14 December 1943 court ruled that case was too petty to be considered during time of war.
- 10 November 1943 Margarethe PACHER & Hilde von LEVETZOW vs. UNDERBERG  
CHARGE: Defamation of Character  
RESULT: Charge was that defendant told plaintiff he belonged at the front and not back home. Plaintiff would not believe defendant when latter gave his word as an officer in the army. After a sentence of ten days and costs and a couple of appeals the case was finally settled out of court.
- 26 November 1943 UNDERBERG vs. Margarethe PACHER  
CHARGE: Defamation of Character  
RESULT: 29 November 1943 court ruled that case was too petty to be considered in time of war.
- 18 December 1943 UNDERBERG vs. Hilde von LEVETZOW  
CHARGE: Making false statement under oath.  
RESULT: Defendant acquitted on 27 December 1943.
- 18 December 1943 UNDERBERG vs. Margarethe PACHER  
CHARGE: Making false statement under oath.  
RESULT: Defendant acquitted on 27 December 1943.
- 5 February 1944 Axel von LEVETZOW vs. UNDERBERG  
CHARGE: To compel defendant to vacate rooms leased by plaintiff.  
RESULT: 15 March 1944 court ruled defendant must vacate and pay trial costs. After appeals and new trial court upheld first sentence with addition of costs of new trial.
- 8 March 1944 Hertha ROSE vs. UNDERBERG  
CHARGE: Making false accusations knowingly.  
RESULT: Plaintiff accused defendant of accusing her of theft of valuables from his room. Defendant was cleared of charge on 5 October 1944.

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The following will give some indication of the comic-opera affairs these various litigations turned out to be.

On 3 February 1944, in the Amtsgericht in Bad Ischl, Judge Dr. Alfred NOLDIN was handling the case, "Axel von LEVETZOW vs. Hubert Gottfried UNDERBERG". Hilde von LEVETZOW, wife of the plaintiff, was called as a witness. To the question of who had made the preliminary negotiations with the defendant from the party of the plaintiff, the witness answered, "Was heisst Vorverhandlungen?" (What means preliminary negotiations?). The judge then rebuked the witness for answering questions with counter-questions, particularly in the manner in which the witness asked, "Was heisst Vorverhandlungen?", since that is a typically Jewish way of expressing one's self. It is ironical to note that Mrs. von LEVETZOW, a vicious Nazi of Prussian nobility, should be accused of Jewish mannerisms. Because representatives of the plaintiff objected on the grounds that the judge was prejudiced, the court adjourned to consider the objection.

F. Political Martyr?

When the lessors of the apartment concluded that they couldn't get rid of UNDERBERG by court action they tried other means known to the Third Reich - political denunciation. They eventually were able to find three instances in which UNDERBERG is alleged to have made disrespectful remarks about high-ranking Nazi personalities, including HITLER. In January 1945 UNDERBERG was arrested because of these allegations but liberated by the arriving Allies. Was this denunciation enough to make UNDERBERG a political martyr? A letter written by him on 7 October 1944 to the Replacement Office of the Waffen SS, Replacement Depot Danube XVII, is quoted:

"Schloss Schwarzenbach  
7 October 1944

"Subject: Enlistment of an Auxiliary Instructor of the Reichs Labor Service into the Waffen SS.

"I herewith respectfully ask which steps should be taken by a volunteer for the Waffen SS who is volunteering from the Reichs Labor Service for duty in the Waffen SS in the Spring of the year. Due to his excellent conduct as chief foreman, he received the assurance of an official of the Waffen SS at that time that former assistant instructors of the Reichs Labor Service are scheduled for immediate entry into a non-commissioned officers school. The person in question has been released from the Reichs Labor Service since 30 September.



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"Due to my long standing acquaintance with SS Obergruppenfuehrer Generaloberst of the Waffen SS Paul HAUSER, I am personally interested that this excellent young man find appropriate employment with the Waffen SS, and I would appreciate a prompt reply.

Heil Hitler  
/s/ UNDERBERG  
Lt. d. Res. a. D."

Subject received the reply, in which he was asked for the name and personal data. He replied on 12 October 1944:

"Many thanks for your kind information, dated 10 of the current month. Complying with your request, I am giving you the following personal data:

"Rudolf WALLNER, born 17 September 1926, in St. Wolfgang, (Upper Danube).

"After his previous excellent performances in the Reich Labor Service and also in his previous activity, one may justly expect that the above mentioned chief foreman will bring honor upon himself through his conduct in the Waffen SS.

Heil Hitler  
H. G. UNDERBERG  
Lt. d. Res."

This is strange language for a convinced anti-Nazi. Subject's only explanation is that he was glad to help a brilliant young man to get ahead in life, the latter knowing that he could call upon UNDERBERG for a letter of recommendation in the Waffen SS.

Concerning Subject's last imprisonment, it should be noted at that time the Linz prison began to fill up with Nazis of all sorts and descriptions due to a mad wave of denunciations, desertions, etc. The Reichsstatthalter of Upper Danube, EIGRUBER, threatened Baldur von SCHIRACH when he appeared in the Gau during his flight from Vienna, with immediate arrest as a traitor if he were not out of the Gau within twelve hours. Von SCHIRACH repaired to Gau Salzburg in a hurry. Facts such as this must be considered before a man can be considered a political refugee.

G. The Wild Denunciations.

When Subject returned to St. Wolfgang after the American occupation, he began a series of wild denunciations which were eventually believed by Lt. JAEGER and formed the bases of arrests. Only one of them is given here as an example, quoted from Lt. JAEGER's report.

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"Among other occasions, SAUTER was standing in a group with the notorious Gauleiter EIGRUBER at 1300A about 27 June 1945 in the hall of the house Schwarzenbach 8...."

This statement concerning the presence of Gauleiter EIGRUBER is then made the basis for far reaching accusations. The case and contacts of Gauleiter EIGRUBER were made the object of a minute study at this Headquarters in November 1945 (See Detailed Interrogation on "The EIGRUBER Gang", Ref. No. USDIC/DP3, dated 6 December 1945, this Headquarters). It is a proven fact that EIGRUBER hid in the mountains around Hinterstoder from about 15 May 1945 until his arrest in the middle of August. Never in all this time did he leave the mountains; he positively did not have any meetings in St. Wolfgang, about 35 miles away from his hideout. UNDERBERG had been seeing things; he still sticks to the story, and Lt. JAEGER swallowed it hook, line and sinker.

H. Conclusion.

UNDERBERG is a German citizen with pathological ability to get himself involved in law suits. He was a member of the Abwehr for at least three months. He has again and again bragged about his connections with highest Nazi and Reich authorities. His "political" arrests are, upon close examination, solely an outgrowth of his continuous quarrels with his fellow citizens. He therefore cannot be called a victim of political persecution. It has further to be considered that until the end two of his children were in Reich's positions for which close scrutiny of their character reliability in the Nazi sense was mandatory (See below). Considering the Nazi principles of Sippenverantwortlichkeit (clan responsibility) these positions could not have been held by them if their father was known as an avowed and fighting enemy of Nazism.

III. THE SON.

A. Investigation Results: Nazi, First Class.

<sup>H060 ?</sup>  
UNDERBERG, Hubert (son), born 11 January 1920.

Subject appears to have been a brilliant student, a radio amateur at the age of 12, and a member of the German Amateur Radio League (DASD) since 1934. In the summer of 1935 Subject attended the first radio amateur school of the Reichsjugendfuhrung of the Hitler Jugend and became the youngest licensed radio

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amateur in Germany. According to a biographical sketch written by Subject on 5 April 1943, he was sent to the United States in the Fall of 1936 on behalf of the Reichjugendfuehrung (Hitler Youth) in order to study American news and broadcasting institutions. Subject visited all large American manufacturing concerns and states he succeeded, "under certain difficulties"; in taking one of the latest model HRO receivers (National) directly from the factory to Germany, where this set became the model for numerous German constructions. During the winter 1938/1939 Subject studied at the Technische Hochschule in Berlin and operated a Reichsbetriebstation (Abwehr radio station) in connection with Captain SCHMOLINSKE, a known Abwehr member.

Subject writes, "In the Fall of 1938, due to the political situation, I was supposed to receive a special mission in connection with the German High Command and the Foreign Office. The affair was called off, however, because of the Munich agreement."

In August 1939 Subject was called to service with the German Army High Command in the department Ausland IV (later Ausland III). On 4 November 1939 he was released to the Foreign Office for "special missions abroad essential for the war effort". Until 10 August 1941 Subject was engaged in this work, being employed in Lisbon, Portugal, most of the time. A copy of a certificate from the Foreign Office dated Berlin 28 November 1942 confirms that Subject's work, which extended over a period of more than nineteen months, was "successful".

On 21 August 1941 Subject was drafted into the infantry. He apparently disliked this duty, for on 18 December 1941 he wrote to Freg. Kapitain (Inga) und Ressortdirektor i.V. SCHMOLINSKE. The answer is quoted in part:

Wilhelmshaven 10 Jan 1942

Dear Underberg:

"...I talked with influential gentlemen of the Abwehr yesterday concerning your continued employment. The most important thing is that you become an officer first in order to subsequently occupy a leading position in our enterprise. I therefore recommend to stick to it for the time being and go through the

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scheduled military training, including combat, until you become an officer....I regret to inform you that there is no possibility to become an officer within the Abwehr if you don't become one at the front..."

/s/ SCHMOLINSKE

Freg. Kpt (Ing) und Ressortdirektor **I.V.**

Subject became sick and spent seven months in various hospitals. He then succeeded in getting a transfer to the navy and worked in the Nachrichtenmittelversuchskommando Kiel, Funkversuchsstelle Pelzerhaken (Communication Research Command, Kiel; Experimental Radio Station, Pelzerhaken). In April 1943 he was ordered to the Entwicklungsinstitut f. Nachrichtenmittel, Konstanz (Institute for the Development of Means of Communication). Nothing is known about these two institutions at this Headquarters, except for the fact that their work was of a confidential nature.

In April 1943 Subject was released from the navy and assigned to the Institute for World Postal and News Services at the University in Heidelberg. In a letter dated 27 October 1944 he describes the assignment as follows:

"Based on a special order of the Fuehrer for the planned mobilization of all forces into the total war effort for victory, I was discharged from the armed forces, deferred with highest priority, and assigned to the Institute for World Postal and News Services, special institute of Heidelberg University, as a physicist and scientific collaborator in order to be able to devote myself exclusively and wholly to my scientific tasks and research."

Among other things, Subject studied atomic energy and writes in a letter dated 17 September 1943, addressed to a former teacher: "The experimental Kernphysik (nuclear physics and atomic research) which I pursue with special interest is taught by Prof. W. BOTHE, Dr. GENTNER, Dr. MAIR-LEIBNITZ, so that I am in the happy position to get my knowledge in this field from masters of this art, first hand so to speak."

In October 1943 Subject became ill with stomach ulcers and joined his family in St. Wolfgang, Upper Austria. His health deteriorated, and he also began to show signs of schizophrenia, which necessitated temporary confinement to an insane asylum in 1944.

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Until the end of the war Subject retained the possession of his short wave receiver, which indicates he must have had the confidence of very high authorities; and he remained a member in good standing of the German Radio Amateur League (President: SS Obergruppenfuhrer and General of the Waffen SS SACHS). He carefully signed all his correspondence with "Heil HITLER", and when a Gestapo employee searched the house he threatened to write a special report to KULTENBRUNNER

B. Biography: JAEGER Version.

The biography of UNDERBERG, Jr., as given by Lt. JAEGER is added in full for comparison.

"(2) Underberg, Jr.: A brilliant student of physical science, he graduated at the age of 16 from college in Bonn already then considered a genius in electrotechnical research. At the age of 16 he was sent over by the International Shortwave Amateur League to the States, studied there for some months. In Germany at beginning war immediately deferred from active service, and assigned as radio shortwave expert to the German Legation in Lisbon, Portugal. After a year and a half in Lisbon he returned to Germany disgusted with the German Gestapo politics in Portugal and forced his dismissal from this civil service. As punishment immediately thrown into an infantry unit at the Russian front, he took sick spent 7 months in a military hospital. German scientists again dug him out of the army and put him to work on special assignments in shortwave research and later atomic research. He participated in the development of the cyclotron in Germany and became at the age of 24 a leading expert on atomic energy. When assigned to the Atomic Bomb project, he immediately backed out and went through a series of Gestapo attempts to threaten him back into continued work on the project. His fragile highstrung mentality suffered and inherited schizophrenic tendencies made him patient of a mental hospital. Out of the hospital he volunteered for the Navy, but got courtmartialled there in short order to anti-nazi attitude. A certificate from the mental hospital to the effect that he was through emotional disturbances at times mentally out of order saved him."

C. Conclusion.

Subject was a member of the Abwehr for many years. He was charged with top secret missions for the Third Reich. He is in a highly arrestable category and a detailed interrogation might reveal war criminal material.

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IV. THE DAUGHTER: NO. 1.

A. Embassy Secretary.

Daughter ELLEN~~\*~~ was a secretary in the German Embassy in Paris during the war, beginning in 1943 and remaining until the end. Although this position is not in an arrestable category, she must have enjoyed the confidence of Ambassador ABETZ.

B. Conclusion.

Subject is in the exclusion category and cannot claim any rights of asylum in Austria.

V. THE DAUGHTER: NO. 2.

A. Art Student.

Daughter RUTH~~\*~~ studied painting in Berlin until the art academy was bombed out. She then joined her parents in St. Wolfgang. In the fall of 1944 she was called up for compulsory labor service in an arms factory but succeeded, however, in obtaining a much more pleasant position as arts and crafts counselor in a hospital in St. Wolfgang.

B. Conclusion.

Subject led a rather pleasant life in Nazi Germany and cannot claim any rights of asylum in Austria.

VI. THE WIFE.

Little is known about Mrs. UNDERBERG, Sr., except for the fact that she has bad health.

Conclusion: Mrs. UNDERBERG cannot claim political asylum.

VII. FINAL CONCLUSION.

The repatriation of the UNDERBERG family was legally mandatory under the repatriation order for Reichs Germans living in Austria.

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VIII. RECOMMENDATION.

1. Whereas UNDERBERG, Sr. and such members of his family now living in Austria came back to Austria under authority and permit of United States Forces, European Theatre, they should be returned to the office authorizing the trip. At the same time the findings of this report should be communicated to said office, pointing out that UNDERBERG, Sr., as a member of the Abwehr, is in the automatic arrest category.

2. UNDERBERG, Hubert, the son, should be arrested and interrogated in detail as to his Abwehr activities.

3. Erhard C. JAEGER, 1st Lt., QMC, Repatriation Board, Land Salzburg, should be investigated as to his suitability as an interrogator or investigator.

4. No report of Lt. JAEGER written in the case "UNDERBERG Family" should be admitted as evidence, and any doubtful questions concerning the family UNDERBERG and the community of St. Wolfgang should be investigated anew by competent authorities.

FOR THE COMMANDING OFFICER:

*Rolf Jacoby*  
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