

COMMUNICATION

THE ALLIED DECISION TO ARREST THE DÖNITZ GOVERNMENT*

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I

Before Hitler committed suicide in his bunker on 30 April 1945, he wrote a political testament. He nominated Grand-Admiral Dönitz president of the Reich and supreme commander of the armed forces, Goebbels prime minister and Bormann head of the National Socialist party. Goering and Himmler, the expected heirs, were expelled from the party as traitors for attempting to negotiate a peace settlement with the western allies.¹ The Führer himself was therefore responsible for demolishing his own dictatorial system. What remained resembled the authoritarian regime of the last years of the Weimar republic, except that there was only one party.

Meanwhile Germany had been split in two when American and Soviet vanguards joined up at Torgau on 25 April. This had been anticipated by the German Supreme Command (O.K.W.), half of which had been sent to the north under Dönitz and the rest to the south under General von Rundstedt. During the days that followed 'fortress Germany' shrank under heavy attacks from east and west.

After assessing this desperate situation, Dönitz decided to surrender as rapidly as possible, but in an orderly way. He hoped that a series of partial capitulations would allow as many Germans as possible, both civilians and soldiers, to reach the western zones of occupation. The borders of these had been known ever since the capture of the allied directive Eclipse,² during the offensive in the Ardennes.

A partial capitulation in the south-west and already been negotiated before Dönitz was nominated. He was obliged to acknowledge it.³ The next capitulation was carried out according to his orders. It took place in the north-west and was signed on 5 May between Field-Marshal Montgomery and Grand-Admiral von Friedeburg, the new commander-in-chief of the German navy.

Von Friedeburg then proceeded to Reims, where General Eisenhower, supreme commander of the allied expeditionary forces in Europe (S.C.A.E.F.) had his headquarters. His object was to obtain a further partial capitulation, but he ran into

* In 1967 the author published a study of the Dönitz government, based on German archives (see English translation *Capitulation 1945. The story of the Dönitz regime* (London, 1969)). At the time the Anglo-American archives were not available. It therefore seemed interesting to take up the last chapter on the allied decision to arrest Dönitz using recently declassified material in the Public Record Office (P.R.O.) and the National Archives (N.A.) in Washington. My thanks to David Geyer for research done on my behalf in the N.A.

¹ At first, Harry S. Truman seemed interested in Himmler's peace feelers. A statement by senator Tom Connally refusing to negotiate with members of the Hitler government 'ruined the President's initiatives'. Harry S. Truman, *Off the record: the private papers of Harry S. Truman*, ed. Robert H. Ferrel (New York, 1980), p. 21.

² Steinert, *Capitulation*, p. 56.

³ For details on the capitulation in Italy see P.R.O. FO 371/46786-C 2652, C 2659.

firm opposition to anything less than unconditional surrender. General Jodl was sent to join him, but all that could be obtained was a delay of 48 hours. On 7 May a short instrument of surrender was signed. The ceremony was repeated at Berlin the following day on Soviet demand.⁴ Paragraph 4 of the instrument reserved the possibility of a general surrender imposed by or on behalf of the United Nations.

If the unconditional surrender on which Roosevelt had insisted had been accomplished, there remained the difficult task of demobilizing the German armed forces and governing a country in ruins under the occupation of the four victorious powers.⁵ Because the existence of a German central government had already been discounted during the last days of the war, it was not surprising that the news of a successor government to Hitler met with considerable mistrust and embarrassment.⁶

II

On 1 May Dönitz announced Hitler's death fighting bolshevism and his own nomination as president of the Reich. The first reaction of the allies came the following day in the form of a telegram from General Marshall, head of joint chiefs of staff (J.C.S.), to Eisenhower. It stated that the president of the United States authorized him to publicize information on Hitler's condition obtained through contacts between Bernadotte and Himmler at Lübeck. The purpose of such broadcasts or announcements, which to be effective should be made immediately, would be not only to destroy the Hitler martyr myth but also to refute Dönitz in his attempts to encourage the Germans to further resistance and to convince the Germans of the solidarity of the British, Russians and Americans.

The information obtained about Hitler was that he had suffered a brain haemorrhage and could not be expected to live more than two days longer.⁷ Eisenhower replied the same day that he had already acted accordingly. A press campaign informed the world of the permanent contacts existing between the allies and the Soviet headquarters.⁸

The British government had not been consulted about Marshall's instructions to Eisenhower but was informed of them by the Joint Military Staff (J.S.M.) in Washington. The news caused G. Harrison of the German department of the foreign

⁴ Lengthy discussions had been held on the advisability of a short or long instrument of surrender. P.R.O. WO 220/192, vols 1, II.

⁵ For an interesting survey of the situation in Germany shortly before the capitulation see 'Notes on a trip through Germany', by David Lerner, editor of German Civilian Intelligence, Psychological Warfare Division, S.H.A.E.F. in P.R.O. FO 371/46730-77151 and FO 371/46730-C 1836. See also FO 371/4678-C 3042 for the situation in Germany at the conclusion of hostilities and FO 371/46731 77151-C 2119 for 'Some random impressions on Germany' by Mr. Pink of the Control Commission for Germany.

⁶ The preparations for the occupation of Germany started in spring 1943. They passed through different stages and were handled by several services: the European Advisory Commission (E.A.C.), the German country unit in Great Britain, the Military Government Section of S.H.A.E.F., the United States Control Council Group for Germany (U.S.G.C.C.) and the O.S.S. See Conrad F. Latour and Thilo Vogelsang, *Okkupation und Wiederaufbau. Die Tätigkeit der Militärregierung in der amerikanischen Besatzungszone Deutschlands 1944-1977* (Stuttgart, 1973), pp. 22 ff. and Michael Balfour, *Four-power control in Germany and Austria* (London, 1956).

⁷ The text was sent by the joint staff mission to London (J.S.M. 767). There had been 'no time to coordinate with the British' before sending the text to Eisenhower: P.R.O. FO 371/46798 81452-C 1958.

⁸ P.R.O. FO 371/46748-C 1958.

office to write a minute entitled 'Some thoughts on Hitler's death'. Further exchanges between the foreign office, the service departments and the Joint Intelligence Service (J.I.S.) led Orme Sargent, deputy under-secretary of the foreign office, to address a note to Churchill on 2 May:

It seems doubtful whether Doenitz will be able to hold things together for very long. His relations with Himmler are far from clear. Has Doenitz jumped Himmler's claim? Are we witnessing a last minute struggle between the services and Doenitz and the party under Himmler?⁹

Sargent thought that if the two held together, it was unlikely that the high command would try to take over from them and offer total surrender. On the other hand, the removal of Hitler might have a big effect on the professional officers of the Wehrmacht, who had already taken a serious view of their oath of loyalty to the Führer. But SS units would continue to resist. As for Dönitz, it seemed to be his hope that it might still be possible to make a separate peace with the west.

Sargent added that it might be worthwhile to repeat in the Commons the extent to which allied victories in the west had been due to 'the strategy and the overwhelming might of the Anglo-American armies'. This would undermine Russian propaganda that the Germans had offered no real resistance in the west.

Churchill replied the following day. All he said was: 'Let it rip for a day or two'.¹⁰ This was exactly what *had* been happening. At the moment of the partial capitulation in the north-west there had been 'no ruling on the desirability or not of accepting (the) individual surrender of Doenitz'. Christopher E. Steel, political adviser of the British government at S.H.A.E.F., thought that Flensburg, where Dönitz had set up his headquarters, would not be occupied until 8 May 'so as to allow the German high command to issue its necessary orders with as little dislocation as circumstances permit'.¹¹

What concerned Steel most was the fate of Himmler and Goering. He wanted Dönitz to hand them over immediately. He thought that 'with luck this procedure may result in these two committing suicide and saving us a lot of trouble'. In any event, he assumed that everything ought to be done to get hold of them alive or dead without delay.¹² What he did not know was that Dönitz had dismissed Himmler on 6 May and that Goering, who was in the south, had been arrested on 8 May by the Americans.¹³

The first clear statement of the fate reserved for Dönitz and the German high command came from the Soviets. It was transmitted to S.H.A.E.F. in a telegram from the American military mission to Moscow which said:

In the message of General Admiral Frideburg (*sic*) to Grossadmiral Doneitz (*sic*) the words appear 'New Government', 'Head of the'... However in the interests of clarity the Soviet Command considers it necessary to state that it prefers to have business with the German high command and not with the German Government, which actually does not exist, which is recognised by no one as a government, and which in the opinion of the Soviet command should not figure in our documents.¹⁴

⁹ FO 371/46798 81452-C 2038/G.

¹⁰ *Ibid.*

¹¹ Telegram from S.H.A.E.F. (forward) to F.O. from Mr Steel, no. 5, 6 May 1945. P.R.O. FO 371/46785-C 2263/G.

¹² *Idem.* Telegram no. 29, 7 May 1945. *ibid.*

¹³ Himmler was finally arrested by the British on 23 May and committed suicide. Goering, who felt himself the victim of a tragic error made by Hitler, and considered the nomination of Dönitz as haphazard continued, even at Nuremberg, to impose himself on his co-prisoners as Hitler's successor. Sentenced to death on 1 Oct. 1946, he committed suicide.

¹⁴ Archer to Deane, 7 May 1945. FO 371/46786-C 3117/G.

This statement helps explain the controversy over why Bedell Smith, General Eisenhower's chief of staff, preferred to submit a short instrument of surrender, produced by S.H.A.E.F., instead of the long one prepared in advance by the European Advisory Commission (E.A.C.). It also explained why the Russians accepted the same document in Berlin with only slight amendments.¹⁵

The statement further suggests why Orme Sargent submitted to Churchill a draft telegram for Truman, Stalin and de Gaulle, dated 7 May, suggesting that:

there would be disadvantages in seeking the signature of the Doenitz Government on an instrument of surrender. It may be expected that the Russians will take the same line; this would follow from the views expressed by General Antonov as recorded in Moscow... If we do not want Doenitz's signature on an Instrument of Surrender we certainly do not want him as head of a German government for any other purpose. In fact even if we were decided to make him sign an Instrument of Surrender, we should probably (be) wise to get rid of him immediately afterwards.

The telegram added 'that Doenitz should be treated merely as an admiral of the German fleet and should be placed under house arrest, pending a decision as to what is to be done with him'.¹⁶ It seems that this telegram was never dispatched.

On the same day a telegram from the British embassy in Moscow informed the British war cabinet that the bodies of Goebbels, his wife and children had been found in Berlin and that the cause of death was poison. It added that 'no trace' had yet been found of Hitler. The information came from Lozovski, deputy commissar of foreign affairs. He and Litvinov, the former Soviet foreign minister, were 'very sceptical about Hitler's death and thought he, Goering and Himmler had gone to earth'.¹⁷ This uncertainty as to Hitler's fate was undoubtedly *one* of the reasons for not wanting to get involved with Dönitz and his government.¹⁸

A minute written on 11 May by Sir J. M. Troutbeck, head of the German department of the foreign office, reveals that until then no instructions had been issued as to what was to be done with Dönitz. All that Troutbeck knew was that the intention was 'to have allied Declaration without a German signature'.¹⁹ As a result Orme Sargent again suggested to Churchill that Dönitz and members of his cabinet should be arrested. However, the prime minister, who clearly wanted to gain time, objected to raising such 'grave constitutional issues'. In his view, Dönitz should be used to enforce the allied terms.²⁰ According to Churchill's memoirs, he suggested to Truman on either 11 or 12 May that there should be a meeting of the big three to sort out all

¹⁵ A host of literature has been devoted to the subject. In his memoirs, Bedell Smith pretends to have forgotten the existence of the long instrument: *Moscow Mission* (London, 1950). For the latest summary of the question see Maurice Vaïsse, 'Remarques sur la capitulation à Reims, le 7 mai 1945', 8 mai 1945: *La victoire en Europe*. Actes du colloque international de Reims (Lyon, 1985), pp. 141-63.

¹⁶ PM/OS/45/79 quoted in PM/OS/45/102, 12 May 1945. P.R.O. FO 371/46914 81452.

¹⁷ Mr Roberts, no. 1.738, 6 May 1945. P.R.O. FO 371/46798 81452-C 2025.

¹⁸ This uncertainly lasted for a long time. The Political Intelligence Report by the J.I.C. 30 July 1945 (16845) stated 'It is impossible to give any authoritative account of Hitler's last days since evidence is still accumulating.' P.R.O. FO 371/46749-C 4278. Reuters and Pravda still maintained in September that Hitler and Eva Braun were alive: *ibid.* C 5637 and C 5650. The Soviet attitude was ambiguous. His body was found on 9 May and identified by his denture and by several witnesses. Until the beginning of June there should have been no more doubts about his death. One can only speculate on the reasons for this behaviour. See the introduction of Hugh Trevor-Roper to the third edition of *Hitlers letzte Tage* (Frankfurt/Berlin, 1965), pp. 222-39.

¹⁹ P.R.O., FO 371/46914 81452-C 2316.

²⁰ Mentioned in a note from Harrison for the secretary of state, 17 May 1945, *ibid.*

outstanding matters between them. Perhaps he intended the fate of Dönitz to be discussed then.²¹

Meanwhile, on 11 May, Major-General Lowell W. Rooks, a close collaborator of Eisenhower since the landing in North Africa, was ordered to establish a Supreme Headquarters Control Party with O.K.W. in Flensburg. The party was composed of army, naval and air representatives. The object of Rooks' mission was to impose the Supreme Commander's will on the German High Command in relation to the areas of Germany occupied by the Allied Expeditionary Force. Rooks' orders were based on the Eclipse memorandum and the revised edition of the Military Occupation Handbook. It was also stipulated that detachments from O.K.W. were to be set up near S.H.A.E.F. and Zhukov's headquarters.²²

On the evening before the arrival of the allied control party on 11 May, an incident took place which produced angry reactions in Whitehall and the press. Radio Flensburg, which was still in German hands, broadcast the following order from Field-Marshal Busch to all military and civil authorities in Schleswig-Holstein.

By order of the Grand Admiral and in agreement with the British occupation authorities, I have taken over command of Schleswig-Holstein and of the areas occupied by the troops of Field-Marshal Montgomery. It is my task to safeguard order and discipline as well as the supplies of the troops and of the civilian population in all walks of public life. In order to carry out this task, all military and civil authorities in my area have been subordinated to me. They will receive directives from me, respectively from the military and civil organs subordinated to the chief of all supply and administrative services sector north. Executive regulations to this order will be issued separately. I expect unquestioning devotion to duty and obedience to this order, and I expect ready cooperation of every single individual in the carrying out of the tasks given to me.²³

The text of this order was telephoned to Chequers on the evening of 8 May. In an attempt to find out why Busch was still taking instructions from Dönitz who, as Troutbeck put it, 'ought to be under lock and key' contacts were made with the 21st British army in Schleswig-Holstein and the War Office. These produced the following reason for the order given to Busch:

There are two million German troops and swollen number of civilians into the bargain, with relatively small British forces in the area. To discipline, feed and administer the German troops it may well be necessary to continue provisionally the German chain of command and to allow it to requisition foodstuffs from the population. If the German arrangements break down... the blame will rest with the Germans and not with the British commander.

To make sure that such a blunder did not happen a second time, Busch was called to order by Montgomery. The field-marshal told him that if such an episode occurred again, he would be replaced immediately, or the British army would take over itself, which might make things more difficult for the German population. For his part, Winston Churchill wrote as follows to Orme Sargent on 14 May.

I neither know nor care about Doenitz. He may be a war criminal. He used submarines to sink ships, though with nothing like the success of the First Sea Lord or Admiral King. The question

²¹ Winston Churchill, *The second World War*, vol. iv, *Triumph and tragedy* (London, 1954), pp. 498 f.

²² N.A. RG 331, entry 30, box 141, folder 387-7-12. The nomination of Rooks was based on the so-called 'gold cup' plan, issued by section G 3 of S.H.A.E.F. on 18 April 1945. Its aim was (a) to establish contact between supreme headquarters and the Soviet central command, and (b) the assumption of initial control over the German ministries. N.A. RG 331, entry 27, box no. 82, folder 091-3.

²³ P.R.O. FO 371/4673 77151-C 2302 – also for the following.

for me is has he any power to get the Germans to lay down and hand over quickly without any more loss of life? We cannot go running round into every German slum and argue with every German that it is his duty to surrender or we will shoot him... You seem to be startled at General Busch giving orders. The orders seem to be get the Germans to do exactly what we want them to do... Sometimes there are great advantages in letting things slide for a while. It must of course be remembered that if Doenitz is a useful tool to us, that will have to be written off against his war atrocities for being in command of submarines. Do you want to have a handle with which to manipulate this conquered people, or just have to thrust your hands into an agitated ant-heap?²⁴

In public, however, and after having talked to Eisenhower, the prime minister had to be more careful. In answering a parliamentary question, Churchill replied:

I am not sure whether any machinery of government, whether central or regional, can be said to exist at present in Germany, and in any case I should prefer... to speak of administration rather than government. In general it is our aim that Germans should administer this country in obedience to allied directions. We have no intention of undertaking the burden of Germany ourselves.²⁵

In view of the existing situation, this attitude seemed quite realistic. The fact was that conditions at supreme headquarters were 'chaotic', as 'Kit' Steel from the British political office wrote on 15 May to J. M. Troutbeck. Precise information about the membership, authority and functions of the Dönitz government was still lacking.²⁶

III

In the meantime the allied control party under Major-General Rooks had arrived in what had been labelled the Flensburg 'enclave' and found 'comfortable quarters' on the liner *Patria*. The group consisted of 14 Americans and 11 British under Brigadier Ford.

The first meeting with a representative of the German general staff took place on the evening of 12 May between Brigadier Ford and Lieutenant-Colonel Meyer-Detering. The latter was ordered to produce, by 10 a.m. the following day, details of the O.K.W., the navy, and Luftwaffe in the northern and southern zones, together with their affiliated agencies. He was also to produce a list of all senior officers, in particular generals and admirals on the active list, a plan of the Flensburg area showing O.K.W., navy and Luftwaffe offices, and an organization chart of the High Army Command (O.K.H.), which had in fact been absorbed in O.K.W. In addition, Brigadier Ford demanded a list of all government personalities present in the Flensburg area and of persons arrested by the government. The possible arrest of Himmler was the subject of a special inquiry.²⁷

The first conversation between Rooks and Dönitz took place on 13 May at noon.²⁸

²⁴ P.R.O. FO 371/46914 81452-C 2436. It may be noted that in a comparison with other alleged German war criminals, Dönitz fared much better than others. P.R.O. FO 371/50984 81452.

²⁵ P.R.O. FO 371/46731-C 2461. Excerpts of an account of the meeting between Churchill and Eisenhower were sent by Robert Murphy to M. Matthews, head of the European department of the state department in his telegram 5-2245 on 22 May 1945. F.R.U.S. (1945), III, 302.

²⁶ P.R.O. FO 371/46914 81452-C 2481.

²⁷ Steinert, *Capitulation*, p. 199.

²⁸ Telegram no. 3, 13 May 1945. N.A. RG 331, entry 30, box 141, folder 387-7 and P.R.O. FO 371/46914 81452 - also for the following. Originally Keitel and Jodl were to be arrested and Eisenhower had even informed the Soviets, via the American military mission in Moscow, that he

The head of the allied control group informed the grand-admiral that General Keitel, chief of the O.K.W., was to be arrested and that General Jodl would replace him temporarily. Dönitz, for his part, stated that he was commander in chief of the armed forces, which had taken an oath of allegiance to him. O.K.W. represented merely an H.Q. staff. The grand-admiral further stated that the food situation was extremely bad. There was no coal in northern Germany and the money in the banks there would be exhausted in 2 days. As Rook stressed in his telegram to Bedell Smith:

All this led Doenitz to emphasize the necessity for a central German authority in order that necessary orders could be issued from existing German authority to produce and deliver maximum products.

Jodl was summoned at 2.30 p.m. and informed of his new appointment. He said that he would 'carry out unhesitatingly all orders given to him'. He realized that a repetition of 1918 would not be allowed and he would not attempt it.

Rooks reported that the German authorities showed 'a great desire to retain a central German authority' for reasons which were obvious. They were using the possibility of disturbance and chaos if immediate economic steps were not taken to reinforce the argument that they were the best people to issue orders. They also intended to carry out the capitulation orders to the letter because they thought it the best way to avoid chaos. Rooks thought the O.K.W. should be used 'as long as it serves our purpose'. He suggested that political advisers from S.H.A.E.F. should pay a visit, because 'a considerable part of the German government' was located in Flensburg.

By the next morning he had changed his mind. He informed Bedell Smith that further inspection of O.K.W. had taken place and it seemed obvious to him that it was 'a rapidly decaying concern with little knowledge of present events and practically no work to do'. He felt it could do little more than 'act as a Post Office'. The only way for it to be made really useful would be to consolidate and reconstitute it and give it the authority to control the German armed forces, but this was not what was wanted. In any event, it would be necessary to wait for the Russians before O.K.W. could be disbanded.²⁹

The same day, section G 3 of S.H.A.E.F. prepared a preliminary draft memorandum on the reorganization and disposal of the German ministries and higher headquarters. Its point of view was that Flensburg could soon be treated purely as an intelligence target and all arrest-category personnel could be treated as such. However, no decision should be taken 'until agreement had been obtained from the Russians and the French'. In the meantime, pending a decision at government level, the enclave 'could be regarded as a special PW cage'. As a precaution, 'Nazi officials should be removed from administrative functions'. Expediency was not a sufficient reason for failure to do so.³⁰

On 15 May, section G 2 of S.H.A.E.F. urgently demanded information about the

had ordered the arrest of Keitel, Kesselring, Jodl and Warlimont, and that this had been done on 11 May. The reason given for the arrest was the resistance of the army groups south and centre after the capitulation: P.R.O. FO 371/46786-C 3118/G. Because of Montgomery's intervention and for reasons of expediency, only Keitel was arrested in Flensburg. See the report from Murphy, 19 May 1945. N.A. RG 59, file 740.0019 control 862.00/5-1945. For the arrest of Keitel and first contact with Dönitz, see also telegram from Caffery, Paris, to secretary of state, transmitting text from Murphy no. 5-1945, 15 May 1945. F.R.U.S. (1945) III, 781 f.

²⁹ P.R.O. FO 371/46914-81452-C 2481 and ref. no. 18, 14 May 1945 (M23) N.A. RG 331, entry 30, box 141, folder 387-7.

³⁰ N.A. RG 331, box no. 91, folder 388, 3-1.

composition and functions of the 'Doenitz government'.³¹ The day before, a new incident had occurred. The B.B.C. had broadcast an interview between Edward Ward and Count Schwerin von Krosigk, who was acting premier, as well as foreign minister and minister of finance in the Dönitz government.

Von Krosigk was asked why Hitler had chosen Dönitz as his successor, and answered: 'When Hitler made the decision to sacrifice himself and his troops in Berlin, he wished to appoint a man whom he felt would be best fitted to bring peace to Germany'. Such a man had to hold the high esteem and confidence of the armed forces. Questioned about the fact that Dönitz wore the gold badge of the N.S.D.A.P., von Krosigk replied that being in the armed forces excluded the possibility of being a party member. He, himself, had been awarded the gold badge in 1937 and the fact 'that I was not a member of the armed forces made me a party member'. Furthermore the count spoke of Dönitz as *Führer*, which meant that he was not the political head of the government but the head of the state, which was a position 'similar to a sovereign'. Von Krosigk said that personally he would prefer to retire, but both he and his colleagues felt that they could not abandon the German people in their hour of need. He felt that they were 'the men best qualified to deal with the task and to help the Allied occupying powers'.³²

Orme Sargent, commenting on this interview in a letter to Brendan Bracken, minister of information on 16 May wrote:

The time may come when we shall have to set up a German Government to run the German administration for us, but I hope that we ourselves will carefully choose the Government and not allow members of the General staff, such as Dönitz, and Nazi Party hacks, such as Krosigk to impose themselves upon us. But this is precisely what they are trying to do by representing themselves as indispensable and inevitable.

He added that he feared this interview would 'soon lead us in a nice mess, both with the Russians and with our Vansittartites at home', because people would believe that the British government had 'recognized Dönitz as the new head of the German state'. Bracken, in his reply, characterised von Krosigk as a 'slippery customer'.³³

To clarify the situation, S.H.A.E.F. published a declaration that Dönitz and other 'selected German officers' were being used temporarily. They were under the instructions of the allied commanders and responsible for carrying out duties concerned with the feeding, disarmament and medical care of the German armed forces. In addition, Ambassador Robert Murphy, the American political adviser at S.H.A.E.F., stated that Dönitz had never been recognized by the allies. General Clay declared that the grand-admiral was on the list of the war criminals who were being held as prisoners of war until application was made for them by one or the other of the allied governments.³⁴

IV

Meanwhile, two political advisers from S.H.A.E.F. were sent to Flensburg.³⁵ They were Robert Murphy and C. E. King, who replaced Christopher Steel. Upon arrival,

³¹ P.R.O. FO 371/46914 81452.

³² *Ibid.*

³³ *Ibid.* C 2464/G. The interview had been sent to Oliver Harvey by John Wheeler-Bennett.

³⁴ Mentioned by Harrison in a minute for the secretary of state, 17 May 1945. P.R.O. FO 371/46914 81452 - C 2316.

³⁵ Telegram ref. no. FWD-21631 to Rooks, 16 May 1945. N.A. RG 331, entry 1, box no. 42, folder 322.01/29, vol. 1.

on 17 May, they spoke to General Rooks and Brigadier Lewis, who informed them that neither O.K.W., nor the so-called acting government of the Reich, was of any use. As a result of this meeting, Rooks sent a telegram to S.H.A.E.F. urgently recommending the immediate abolition of the acting government and the placing of its members in custody by the 21st army group.³⁶ On receipt of this telegram, Eisenhower informed the Soviets, via the American military mission to Moscow, that 'only a shell of O.K.W.' existed at Flensburg, and therefore it might be advisable to reduce the Russian control group to 15 officers.³⁷

Next morning Murphy and King paid a visit to the O.K.W. offices, which confirmed what they had been told about the futility of that organization. From an interview with Dönitz, King retained two significant points:

(a) Dönitz's statement that he assumed power as head of the state in obedience to direct instructions issued from Hitler's headquarters in Berlin on 30 April; and

(b) his insistence on the necessity and urgency of setting up a central German government capable of dealing with the food problem and thus saving western Germany from communism. He denied any knowledge of the whereabouts of Himmler, saying that he had last seen him in Flensburg on 5 or 6 May.³⁸

In his report, Murphy wrote about a 'motley array of individuals who under Grand Admiral Doenitz style themselves the Acting Government of the Reich'. He described them as a 'melancholy group', which seemed 'quite detached from the atmosphere of desolation and destruction' which he had noted in his visits to Hamburg and Kiel. Murphy also underlined that Dönitz showed 'no repentance for Germany's acts but still infers the Fuehrer has succeeded in keeping excellent discipline and is surrounded by armed guards'. Even if allied orders were 'obeyed with alacrity... Rooks and I both felt strongly that an immediate end should be put to this unwarranted and hollow pretense of establishing a German Central Government in S.H.A.E.F. controlled Germany'. And he concluded that according to Rooks, O.K.W. was not necessary for military purposes and that it should be dispersed. 'I have supported him by saying that politically this is most desirable'.³⁹

Accordingly, on 18 May Eisenhower's H.Q. informed the Combined Chiefs of Staff (C.C.S.) that Dönitz appeared on the list of war criminals and as such was due for arrest. His disposal would be of interest to the Russians 'since he had set himself up as (the) supreme German authority' and his arrest had wide implications. However S.H.A.E.F. was 'forbidden to communicate with the Russians, except on purely military matters'. The C.C.S. should therefore consult Moscow 'in order to obtain Russian agreement to the step proposed'.⁴⁰ The state department and the foreign office were also informed of the visit to Flensburg and intention to arrest Dönitz.⁴¹

Events now moved rapidly. On 18 May the Soviet control group under General

³⁶ Ref. no. 37, 17 May 1945. N.A. RG 331, entry 30, box 142, folder 387-9. See also telegram from Caffery, Paris, to secretary of state no. 2758, 18 May 1945. N.A. RG 59. File 53.740.00119 Control (Germany) 5-1845.

³⁷ Ref. no. FWD-21757. N.A. RG 331, entry 27, box no. 86, folder 387-1.

³⁸ P.R.O. FO 371/46914 81452-C 2559.

³⁹ N.A. RG 53, file no. 862.00/5-1945. The telegram was sent by Caffery, Paris to secretary of state, N.I.A.C.T. 2815.

⁴⁰ N.A. RG 331, entry 27, box no. 83, folder 250-3-1, and entry 2, box 113, folder 250, 3, vol. 1. See also telegram S.C.A.E.F. 398, 18 May 1945 from S.H.A.E.F. to A.G.W.A.R. P.R.O. FO 371/46914, 81452.

⁴¹ Telegram no. 66 from S.H.A.E.F. to War Cabinet Distribution, 18 May 1945. P.R.O. FO 371/46914 81452-C 2312.

Trusov arrived in Flensburg. It was composed, as Eisenhower had suggested, of 15 officers and some personnel.⁴² General Rooks, without consulting S.H.A.E.F., informed Trusov of Eisenhower's request to the C.C.S. The head of the Soviet control group immediately contacted his supreme command and within eight hours had received the following radio message from Marshal Zhukov: 'The government of the Soviet Union and the Soviet High Command have nothing against the arrest of all members of the so-called government of Doenitz.' Eisenhower informed the C.C.S. of this message and added; '[I] regard this as adequate indication of Soviet policy on this matter and am issuing orders for the early arrest of Admiral Doenitz and his party at Flensburg.'⁴³

Churchill, who had been informed about the small value placed on the Dönitz government, sent a sarcastic note to his foreign secretary on 19 May. It said: 'All this should be very popular with the papers just now. It seems a notable step in making sure we have no one to deal with in Germany.'⁴⁴

Yet Churchill was in a minority. The foreign secretary, the war cabinet and Lord Strang all approved the arrest, but without consulting the Russians. Apart from Churchill and Montgomery, it seems that only Sir Andrew Cunningham had doubts about the desirability of arresting Dönitz and his group. Cunningham wanted to know who would replace them since 'some German Commanders would be required as a medium for the control of the German armed forces'. Furthermore, 'the arrest might cause trouble in Bergen, where there were several thousand Germans and some forty U-boats'. The outcome was that the joint planning staff was instructed to examine and report urgently on the desirability, from a military point of view, of the proposed arrest.⁴⁵

Meanwhile, Churchill continued to object and talked to Eden and Eisenhower, but in vain. As Harrison minuted on 20 May 'his view will *not* prevail'.⁴⁶ Thus on 21 May General Bedell Smith instructed the 21st and 12th army groups to be ready to deal with the arrest of members of OKW – north and south.⁴⁷ The total number of personnel to be detained by the allies was estimated at approximately 470 officers and 2,400 other

⁴² Telegram MX 24345, Military Mission to Moscow, 17 May 1945. P.R.O. FO 371/46914 81452.

⁴³ S.C.A.E.F. 400, 19 May 1945. P.R.O. FO 371/46914 81452. In his telegram no. 68, 19 May 1945, Steel found that 'This business is now becoming frankly ludicrous, and even somewhat dangerous... The generals here have a morbid craving for consulting the Soviet Government on the slightest opportunity and do not appreciate the dangers of using more than one channel', *ibid.* Note that Murphy in his telegram no. 2814 to the secretary of state on 19 May seemed to find this procedure quite normal. N.A. RG 59, file 740.00119, control, 5-1945.

⁴⁴ P.R.O. FO 371/46914 81452. Victor Cavendish Bentinck, president of the joint intelligence committee, commented on the large number of records which had turned up due to the rapid German collapse: 'All the German naval records, dating from before the last war, are now in this country together with German archivists who take pride in producing any document that may be called for. We have also got hold of almost all the records of the German army and the records of the German Scientific Research Organisation. As far as pouncing on intelligence targets is concerned, our machinery does not work too badly, though it has given a good deal of trouble and produced violent quarrels between the American services whose representatives have used in my room most violent language about each other.'

⁴⁵ P.R.O. 371/46914 81452 (C 2482 and C 2536).

⁴⁶ *Ibid.* Harrison thought it better not to show Churchill Steel's telegram no. 67 which recommended the immediate arrest of Dönitz. Orme Sargent and William Strang agreed: *ibid.* (C 2333/G).

⁴⁷ Nos FWD 21924 and 21925, 19 May 1945, *ibid.* and N.A. RG 331, entry 15, box no. 142, folder 387-9.

ranks. About 30 individuals were to be transported to 'Ashcan', a special detention centre for high-ranking Nazi personalities located at Mondor-les-Bains in the duchy of Luxemburg.⁴⁸

The scene was now set for the final act. The western press had attacked this unexpected 'government' from the beginning. The Soviet press and radio exhibited 'great alarm and despondency' about the fate reserved for Admiral Dönitz and his 'ministers'. From 17 May on a visibly orchestrated campaign denounced the 'Idyll in Flensburg',⁴⁹ not without undertones of suspicion against Great Britain. On 22 May the war department must have given the green light to Eisenhower to carry out Dönitz's arrest.⁵⁰ The state department strongly favoured this action, saying it was 'unable to understand' why Dönitz and his group had been permitted, for so long, 'freely to continue in their pretense of functioning as a government of Germany'.

On 23 May Dönitz and his military and civilian collaborators were arrested under humiliating conditions by infantry of the 11th armoured division.⁵¹ The round-up was ordered by Major-General Rooks, as Montgomery – who had been in England at the time – later told Churchill. The prime minister had not liked 'to see the German admirals and generals with whom we had made arrangements, being made to stand with their hands above their heads'.⁵²

V

Allied relations with the Dönitz government were shaped by the need to continue the wartime alliance between the Western allies and the Soviet Union until the war in the Far East was concluded. There were a variety of reasons why neither the Americans nor the British were willing to become involved with Hitler's designated successor, though Churchill, for one, believed that Dönitz could be used to create a central German authority through which order could be maintained in Germany. Quite apart from the domestic difficulties which would be created if Dönitz, and his 'motley crew' were recognized as head of the German state, there were the anticipated objections of the Soviet authorities to be considered. The decision was delayed, at first, by the chaotic situation in Germany at the moment of Hitler's suicide and the uncertainty concerning the nomination of Dönitz. Soviet headquarters were already informed of Hitler's decision by the plenipotentiaries sent by Bormann and Goebbels⁵³ and it was the Soviets who issued the first clear statement about the fate reserved for the Dönitz 'government'. The Soviet decision to ignore the so-called government of the Reich and to treat only with the O.K.W. apparently influenced the attitude of the men at Eisenhower's headquarters. Instead of the 'long document' prepared by the E.A.C.,

⁴⁸ A second 'dustbin' located first in Versailles, then in Frankfurt, was for German scientists and industrial technologists. S.H.A.E.F. AG 254-1, GBI-AGM, N.A. RG 331, entry 27, box no. 83, folder 250.3-1.

⁴⁹ See no. 1.992, Roberts in Moscow to foreign office, 22 May 1945. Soviet monitor radio bulletins from the U.S.S.R. issued by Tass agency nos 6031 and 6050, 17 and 21 May 1945. P.R.O. FO 371/4691 81452. See also telegrams nos 1657 and 1663 from Moscow via Army, the latter signed Kennan. N.A. RG 59, file 740.00119 Control Germany/5-1945.

⁵⁰ The permission is mentioned in a telegram from the acting Secretary of State Grew to Murphy, 22 May 1945. N.A. RG 59, file 862.00/5-1945 and F.R.U.S. (1945), III, 782 f.

⁵¹ Steinert, *Capitulation*, pp. 280 f.

⁵² Nos 98873 and M 582, 4 and 5 June 1945. P.R.O. FO 371/46732 77151-C 3111.

⁵³ German Rosanow, *Das Ende des Dritten Reiches* (Berlin, 1965), p. 214.

only a short instrument of surrender prepared by S.H.A.E.F. was signed at Reims and then with slight modifications in Berlin.

Though the Soviets took an early stand on this issue, the allies were far less decisive. The ill-fated J.C.S. 1067/8 was signed by President Truman only on 11 May and not distributed until 21 May. Truman had been president for less than a month and was heavily dependent on the views of his military advisers, while attempting to continue Roosevelt's policies.⁵⁴ The meeting between the big three, proposed by Churchill, only took place in Potsdam in July. A minute of G. W. Harrison after the arrest of the 'German government' summed up the course of recent developments.

The Anglo-American machine is so cumbersome that except in the broadest outline, our policy towards Germany tends rather to be at the mercy of circumstances than to be consciously shaped. Not so however Russian policy. They have started with the intention of ruining Germany and stripping her of her wealth, her industry and her manpower. There will probably be serious trouble when the chasm between our policy and theirs is revealed in all its starkness on the Moscow Reparation Commission. If they find that they cannot put through their policy, we must look out for a lightning change of direction...

We are now face to face with the choice, which has for some time been open to us between either agreeing and putting into effect (*sic*) a joint policy of controlling Germany to our mutual interest, or of building up against the Russians as much of Germany as will follow our lead.

The next day, Orme Sargent noted that this minute contained

a great deal of food for thought. S.H.A.E.F. bungled the Dönitz business quite unnecessarily, and their vacillation has given us the worst of both worlds. By first playing with a Dönitz Government we have aroused the deepest suspicions in Moscow, and by then abolishing it by wholesale arrest of its members, we deprived ourselves of what might have been an opportunity of starting to build up some more respectable German Government to administer the country, as the Prime Minister wants.

Whether we shall be able in the immediate future to create a German Government acceptable to the Russians as well as to ourselves remains very doubtful. But the sooner we explore the possibilities the better, not only from the point of view of our own responsibilities in Germany but also in the interests of our relations with the Soviet Government. And the only way to set about doing so is by the Control Commission and turning it on to the business.

Eden pencilled his agreement.⁵⁵

The Soviet Union, for its part, quickly prepared the ground for the Communist future in Germany. The Pieck-Ulbricht and Ackermann groups were flown to Berlin by the beginning of May 1945.⁵⁶ The Western authorities seem to have known little about these and speculated only about signs of a fraudulent government under von Paulus.⁵⁷ They restricted their own efforts to using German refugees either to draft occupation plans⁵⁸ or to work within the allied military governments,⁵⁹ but did not actually create contact groups or prepare for 'governments in being'.

⁵⁴ *American civil-military decisions* Harold Stein (ed.), (Tuscaloosa, 1963).

⁵⁵ P.R.O. FO 371/46914 81452-C 2449.

⁵⁶ Wolfgang Leonhard, *Die Revolution entlässt ihre Kinder* (Berlin, 1966).

⁵⁷ P.R.O. FO 371/46914 81452-C 2316.

⁵⁸ For example, in the research-analysis branch of the O.S.S., where famous authors of the 'critical theory' like Franz Neumann, Kirchheimer and Marcuse elaborated plans for a total socio-economic reconstruction of Germany: Alfons Söllner (ed.), *Zur Archäologie der Demokratie in Deutschland* (Frankfurt am Main, 1982).

⁵⁹ During the years 1943-5, five different services elaborated plans for Germany. See above, footnote 6. For the attitude of the foreign office see Victor Rothwell, *Britain and the Cold War 1941-1947* (London, 1982), pp. 21-68.

Though the decision to arrest Dönitz and his followers had important political overtones, on the allied side it was the military and their representatives 'on the spot' who took the decisive action. Their decisions were sanctioned by the political authorities so that at least the formal civilian hierarchy was respected. Of the authorities concerned, Eisenhower and his closest collaborators were the most important, although the head of the American control party in Flensburg, General Rooks, and the American political adviser, Robert Murphy, a strong opponent of the early establishment of a central German government, played key roles.⁶⁰ Ultimately, the allies preferred a unilateral proclamation by the victors to a document signed by a dubious German government.⁶¹ The joint planning staff noted that the arrest of the acting government of the Reich brought about 'a situation which has been anticipated'.⁶²

The form and timing of the decision were dictated by the circumstances of the moment. The sharp reaction of public opinion in Western countries, especially after the 'Busch incident' and the Krosigk interview, as well as the insistence of Dönitz and his collaborators that a central government was needed to avoid chaos and radical upheavals in Germany, served only to increase allied mistrust of the German intention to play up the splits in the wartime coalition. At the end of the war in Europe, neither the Americans nor the British, despite some misgivings, wanted to endanger cooperation with the Soviet Union. They had no intention of doing so for a German government and supreme command which were, as Rooks and Murphy argued, politically undesirable and militarily useless.

⁶⁰ Telegram 2888, 22 May 1945. Murphy to secretary of state. N.A. RG 59, file 740.00119, Control (Germany)/5-2245.

⁶¹ The proclamation was signed on 22 May 1945. In the material I consulted I found no evidence of a direct link between this signature and the permission from the war department to arrest Dönitz and his group. An answer to this might be found in the POLAD files of Murphy in Suitland, Washington, or in the archives of John McCloy.

⁶² P.R.O. FO 371/46914 81452-C 2482.