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ARVID AND MILDRED HARNACK

Recollections of Their Trial, 1942-43

by

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The following paper highlights the conditions inside Germany under the Rule of Force. It also offers new proof of the effort which is known as the "resistance movement", but which cannot yet be quite surveyed; it will have to devolve upon the writing of history to determine how many were able to carry unsullied the picture of liberty through those dark times. The picture here given by an eye witness constitutes only a sidelight. But what is said here almost without expression, nevertheless conveys the oppressive functioning of might in a world without rights which was the world of the Germans for a whole decade. One must know the machinery of tyranny. No one should talk about Germany, let alone judge her, who does not know how the Germans had to live and die under despotism.

Editor.

Regarding my efforts on behalf of Dr. Arvid and Dr. Mildred Harnack, I made accurate daily notes and kept them in a safe hiding place in my house. They were destroyed during the air raids. On the following pages I have set down everything that has remained as a living recollection of the painful time of daily struggles for my relatives. I must assume, of course, that there may be errors as to some details; however, I believe that I may safely rely upon my memory in all of the main aspects. I feel that I owe this public report to the memory of the dead who had to die in hidden places and without the solace of a grave. At the same time, I am aware of the fact that a complete and critical treatment of this vast subject is not yet possible and not for me to do.

On one of the last days of September 1942 the Main Security Office of the Reich called me up at my place of work in the Berlin

State Library. It was the Secret State Police; and I was requested to call at their office that afternoon. Now such a request in those days would probably have caused most Berliners the greatest concern; but that was not the case with me. In my position as information-librarian of the State Library, I constantly had business with officers of the Secret Police. They frequently had to carry out some assignment there. Sometimes they went after people who had assumed the title of Doctor without justification; sometimes they explored the personnel data which were attached to the dissertations for a doctorate in order to obtain information concerning the origins of an applicant; then again they made use of the most complete and unique collection of <sup>address</sup> books of the State Library. I thought it likely that I should be asked to assist them in a particularly ticklish investigation. Nevertheless, I entered the large building in the Prinz-Albrecht street with some distaste -- and not without having first mentioned my impending visit at home. After being checked by the guard at the entrance, I was led to a middle-aged official who was made known to me as Chief Counsellor Panzinger. He wore his Party uniform and occupied a very elegantly equipped office. He received me politely, and, during the numerous visits which I had to make to his office from then on, he always remained polite. To be sure, what was hidden behind his hascade, could at first only be suspected. He began the interview with the question whether I had any inkling whatever about the purpose of this visit. In all innocence I denied that I had any idea and called his attention to my official contacts with his office, , and remarked that this conference probably had something to do with my official activities. My Panzinger ignored this and asked me

instead whether I did not have a relative bearing the same name as mine who was active politically. At first I thought of my brother Ernst von Harnack who had been dismissed as President of . . . (Regierungspräsident) because of his political unreliability, and I was seized by some uneasiness. Yet I knew him to be at liberty up to the day of this interview. But Mr. Panzinger was aiming at something else. He steered the conversation around to my cousins, Dr. Arvid Harnack, Chief Counsellor in the Ministerium of the Interior, and asked how I stood with him. I stated that I naturally knew him, but that I was not particularly close to him and that I did not see him regularly. Said Mr. Panzinger: "I am telling you now: he is with us!" Immediately I understood, and then learned further that his wife, Mrs. Mildred Harnack, a native American, had also been taken into custody. It concerned a very serious matter about which I could be told nothing. The whole thing must remain absolutely secret. The couple had named me as a relative who would take charge of all of their affairs during their incarceration. Retaining an attorney for defense would not be permissible. To all outsiders, and also at the ministerium, I was to explain their absence as an "official trip to foreign countries of indefinite duration". Nobody, except the nearest kin, must learn of the arrest, and nobody must talk about it. I shall receive powers of attorney from both which would enable me to carry on with the post office, the bank, the landlord and all other similar matters. These revelations had affected me profoundly. I stated to Mr. Panzinger that I considered it my duty to comply with the requests of my relatives who found themselves in such a difficult situation, but that I assumed definitely that an early explanation would be

possible. I was hoping that my cousin would succeed in proving that the charges were without foundation. I could not suspect my relatives of any punishable deeds; very likely -- according to my notion -- my cousin, in the course of his official duties (he was in charge of German-American commerce matters at the Ministerium) had in some manner been placed in a false light and awakened some suspicion. With respect to my cousin Mildred I observed that, as a native American, she kept away completely from all German political affairs and devoted herself altogether to her profession of lecturer and instructor of university subjects at the evening high school. I left the State Police deeply troubled and now had the sad duty to inform the mother, brother and sisters of my cousin, as well as my own brother(s) and sister(s).

My cousin, Arvid Harnack, son of the youngest brother of my father, the literary historian Otto Harnack, was a highly talented well-educated official; a keen mind, thoughtful head, practiced in debate and always ready to take you on. A certain hardness was characteristic of him; but, in addition, he made full use of irony, and never failed to make full use of it when he was opposed by weaker antagonists in debate. He had strong pride and self possession, based on recognized achievements. He had lived in the United States for some time as a student, but had also traveled in Russia and currently was active in an organization that had for its purpose a study of that country. His interests were many, and I knew that he had engaged in thorough and comprehensive studies, particularly in socialism and the Russian system of government. But I really knew him only slightly, nor had I been a visitor in his house. Although our respective offices were opposite each other

Unter den Linden, we saw each other only seldom; I knew that he and his wife moved in circles that were foreign to me, but that were intellectually very stimulating.

However, I saw his wife oftener as a visitor at the State Library where it was my pleasure to be able to be of assistance to her in many ways. We often had lunch together in the refreshment room of the Library. She was an American and my cousin had become acquainted with her in her own country while he was a student there. As a married student he returned with her from the United States. She had a personality which made an impression on everyone for obvious reasons. Clear, radiant eyes gazed at you, her features were framed by rich blond hair, parted simply in the middle. Everyone was captured by her winning, friendly ways. If you wanted to describe her in a brief sentence, one would have to speak of her as of noble appearance. Her upright character was expressed in her carriage, her dress, noticeably free from adornments, and her entire conduct. She was completely absorbed by her profession -- children had unfortunately been denied her -- and she was warmly attached to her husband, yes, even deeply adored him. She had a firm confidence in his cleverness and his professional and scientific ability; she was completely absorbed in him. She, who in her own country had already completed her studies with distinction, had in her more mature years earned her doctorate in Germany in order to be fully qualified for her profession. She was highly esteemed by her numerous pupils; not a week passed in which I did not receive inquiries as to when her courses would again be resumed. She was busily engaged as a translator of modern American literature and held in high regard in that respect. Because of her marriage

and transfer to Germany, she had become a well-recognized cultural mediator between the two peoples. The written German language she mastered almost completely; in conversation she -- who spoke mostly English with her husband -- retained a slight but most attractive awkwardness.

I do not know what prompted this couple to honor me with its confidence and select me as its personal representative:

There followed now for me heavy months, full of sad affairs. The main point in my efforts, beside the delicate and careful wind-up of the private affairs of two people who had suddenly been torn out of their peaceful existence, consisted of the cultivation of my relations with the State police, which necessitated numerous visits. Every trip was made reluctantly; hardly one was entirely without danger. The atmosphere in this building was sinister, even though one was always treated correctly, which was true in my case. Every visit was strictly controlled by the Guard, including a record of the hour of entry and departure. The State Police had -- and I gained this impression during my visits -- a front and a rear building. The Front Building was furnished elegantly, with hardwood floor, rugs, expensive furniture, and an intricate telephone equipment. It was populated by numerous officials and secretaries who in part had been with the Bureau before the seizure of power, had been taken over from regular branch offices, and who did not believe their origin in a fine tradition. I became acquainted with several who showed a ready comprehension of my problems and who kept their word when it was a matter of sending some small gifts or personal greetings to the prisoners. The Rear Building of the State Police I personally never learned to know. My main concern was to see

that my relatives were supplied with letters, food and books. For that purpose it was necessary to keep Mr. Panzinger and his fellow-workers always in a good humor, to make them take a human interest in their prisoners, and to point out to them that the Department should have a definite interest in seeing to it that the prisoners retained their strength and did not waste away. I always made it plain to the Police that the prisoners had the firm backing of their families -- at least so long as there was no certain knowledge as to their guilt. One could hope that such an attitude, which was never relinquished by us, would make an impression upon the Police and result in better treatment of the prisoners. Also, I was in hopes that thereby I might learn something about the case itself. I put it up to Mr. Panzinger: So long as I cannot ascertain what the prisoners are charged with, they are only under suspicion so far as I am concerned, and I consider it my duty to do all I possibly can to make their conditions easier. Only a publicly established conviction, never a mere suspicion, would cause our family to surrender. In that position the intervenor's own personality had to radiate an atmosphere of confidence and absolute loyalty. Gradually I established a certain confidence, and I succeeded in creating the right emotional foundation to enable me, after telephonic announcement, to make special requests many of which were granted. I emphasized again and again that the prisoners were worthy persons, capable intellectual workers and independent minds who through some disaster, unknown to me, had gotten on the wrong track and into misfortune. At times, Mr. Panzinger was amenable to such suggestions; he carried on long political discussions with Dr. Harnack which resulted in a certain amount of respect for the

latter. With respect to Mrs. Mildred Harnack, there at first seemed to exist an intention of early dismissal. Later on Mr. Panzinger declared that her position had become decidedly worse -- that she lied so much, denied things which she was bound to know, and it became ever clearer that she too "had conspired substantially". To what extent this was true was never definitely ascertained. I hardly believe it. Rather, it is probable that she was retained in prison to keep her from talking about the case, from calling help from the Army (she still had an American passport), and to prevent her from being a witness later on. It was not in Mrs. Harnack's nature to lie. Certainly, in her position and before that Department, she had a right to use that weapon. If she did avail herself of it, it was only to clear her husband. When her "lying" was held up to me and advanced as the reason for her continued incarceration, I was indefatigable in my urging (but, alas, without success) that it was due to a mental disturbance brought about by her long incarceration.

So, for many weeks, nothing could be ascertained from the State Police to explain the reason for the arrest. That was advantageous in so far as it did not place me in the dangerous position of being identified with the prisoners. But if it were possible to work successfully for their release, a place would have to be sought out where a lever could be inserted. Just what were they accused of? With a great deal of effort and caution it was possible, through a trustworthy official of the Commerce Department, to contact a member of the State Police who could have a look at the files. To be sure, we learned nothing concrete from him, except the depressing news that this was a matter of quite an exten-



sive investigation of a large group of people, surrounded with deep secrecy, and which brought those involved in it in danger of their lives. This checked with the intimations which had already been made to Dr. Falk Harnack, the younger brother of the prisoner, by Mr. Panzinger back in November. This brother was at that time a soldier in Chemnitz. On several Sundays he had come to Berlin to look after his brother and work in his behalf. He alone, in these months, had been permitted to speak to his brother twice; in spite of great efforts, this permission was never given to me. The meetings were of course held in the presence of an official and were deeply emotional for both brothers. Mr. Panzinger was a little more talkative with Dr. Falk Harnack than with me "since he was a soldier"; early in the game he led him to the belief that he had considered the accused as lost right from the beginning. No one had ever received permission to talk with Mrs. Harnack; all efforts in this direction came to naught; and these failures were particularly painful to me. Even my always repeated proposal to grant a feminine member of the family permission for an interview, found no acceptance. Only later on we discovered that in all probability was the real reason for this unusual severity toward a woman: Mrs. Harnack's health had become worse from month to month, and without doubt would have necessitated her transfer to a hospital. The officials wanted to prevent some relative whose public standing perhaps commanded a certain importance, from seeing the prisoners and insisting on thorough medical attention.

Dr. Arvid Harnack was lodged in Prinz-Albrechtstrasse, and his wife in Police Headquarters at Charlottenburg. Up to the time of trial, the food was barely sufficient; with respect to his treat-

ment, it is certain that the prisoner was also subject to abuse. Avvid Harnack was permitted to read, and it was a pleasure that I could accede to his manifold desires in that regard. Every time it was a favor that had to be asked specifically; for there was always the suspicion that some written messages might be smuggled with the books. It was no light reading that the prisoner demanded; and the nature of his requests commanded for him a certain respect: Plato, Hegel and Adam Smith, I can still recall. I bought numerous expensive books for him which I could not locate in his home. During those first months I still had access to his home; no thorough search was ever made there which had to be considered as a very bad sign. Obviously, such a measure was deemed superfluous, because there was enough other uncontradictable proof available. The dwelling was later confiscated by the State Police, and a Storm Trooper with his family was installed as residents. The furniture was stolen to a large extent, but it had been possible to take away a few valuables just in time. And in the early days sufficient means were available to pay the current bills. His salary was transmitted for several months after his arrest. It was not quite clear whether payment was stopped so much later because of carelessness or whether the State Police determined not to notify the Ministerium in order to prevent the news of his arrest from spreading. I had to maintain that fiction about the official journey to foreign countries, but I did ascertain that his immediate superiors at the Ministerium knew nothing about the arrest and at worst suspected it. Only the Secretary of State had been officially notified, but from the very beginning had declined to do anything at all for his employee. The case was called to the attention of Reichsminister of the Inter-

ior on the day preceding the execution by a professor who was on friendly terms with the family; he evinced complete surprise over the news. Anyhow, it was difficult to find persons of rank and weight who could contribute advice and assistance. One such was Egmont Zechlin, a professor of modern history. Early in the game he got in touch with me and was able to give me details about the arrest, since he had been a witness to it. It had taken place early in September at a Baltic sea resort where the Harnacks were vacationing and where they had met their friends the Zechlins. Professor Zechlin has made a memorandum of that occurrence which recreates the atmosphere of those tragic hours and the mood of those friends in very moving fashion. In Berlin Professor Zechlin got busy immediately in his efforts to save the Harnacks by making use of his many connections.

The family, as well as friends, were of the opinion that every delay of the case was favorable, whether one figured -- depending on political insight and temperament -- on an end of the war with its overwhelming changes, or on an amnesty. Therefore it was decided not to urge continually the setting of the case for trial; instead, the efforts were limited to maintaining the strength of the prisoners, at least to some extent, with letters and supplies. The letters from the prison -- directed to his mother and to me -- always showed a proud and sure attitude, conveying an imposing impression which in turn heightened the family's efforts.

It may have been toward the end of November when there was mention of a trial. Now it was time to retain defense counsel. But the choice was not free. Only very few carefully selected attorneys were allowed to appear before the Reichs-Court Marshal; and of those, by no means everyone was inclined to undertake a case such as this. For there always existed, even for these attorneys, the danger of being sus-

pected as entertaining some sympathy for the accused! Finally, after several attorneys had declined, a lawyer was found who inspired confidence in Dr. Harnack's sister and in me. Winning the assent of this lawyer to take the case, was the work of this same sister in the first place, Mrs. Inge Havemann, who tirelessly and faithfully carried the load with me of looking after her sister. Although she had to refrain from making visits to the State Police, she was able to look after messages and gifts. Shortly before the trial which took place on December 19, 1942, we had a conference at the office of defense counsel which has remained unforgettable. Beside my cousin and myself we included the senior of our family, my brother Ernst. The idea was to inform the lawyer who did not try to hide from us how extraordinarily serious the situation of the Harnacks was, as comprehensible as possible. The suspicion of the officials toward the lawyer was so strong that even to him only parts of the files were made available which dealt with the accusation itself and he was allowed to read them only in the offices of the court house! He was emphatically forbidden to communicate any of the information to us. After my cousin and I had spoken briefly, my brother sketched a clear and comprehensive picture of our cousin in a well-rounded speech. With warmth he described his life, his educational background, his scientific and political ambitions, and he did it as penetratingly as if he himself had been charged with the conduct of the defense. Politically he was in an altogether different camp, but he was able to speak so effectively and with such power of understanding, that the lawyer had only to help himself to obtain valuable material. We separated, deeply moved. At that time I had no idea of the fate that this eloquent, volunteer defender was to meet/

Then eventually, and through hints and allusions, we learned what

the Harnacks were being accused of: High treason, committed by attempting to make contacts with Russian groups, through Sweden, with a view to terminating the war.

The trial took place in the Reichs court marshal in Charlottenburg. No one was admitted to the court room. We learned through the attorney that Dr. Harnack had spoken freely and with a straightforward attitude. The judgment, in view of the law and the facts, had to be punishment by death as to him, and six months in the penitentiary as to Mrs. Harnack. Apparently the reduction of the latter sentence was due to the efforts of the defense counsel; the prosecutor had demanded a twelve months sentence. For Dr. Harnack, defense counsel was not able to accomplish anything. When the sentence was pronounced, Dr. Harnack -- looking straight at his wife -- was radiant; he insisted to his counsel that because of that sentence, her life had been saved; for she would be able to serve that term or even surely be liberated before then. There were several death sentences that day, and they were immediately sent by courier to the Fuehrer's Headquarters for confirmation.

Immediately after pronouncement of sentence, we began our efforts to appeal to the pardon board. In the opinion of counsel, there was plenty of time for that procedure, inasmuch as several weeks always passed between the confirmation of the sentence and its execution. There were warnings about our seeking a pardon; the office manager of our attorney who had had a great deal of experience, said to me: "You really want to do that? No one in our office has ever done it!" For one thing, the difficulty and danger for us lay in the fact that it was very hard to submit sound reasons for the pardon-<sup>our</sup>position, since we did not know the facts that led to the conviction, or were not permitted to know them. More important, however, was the second reason: through a petition for mercy, even if it were handed in in favor of the next of kin, one came

under suspicion of deviating in ones evaluation of the crime from that officially determined. The idea of considering the pardon system as a necessary branch of jurisprudence, yes that its absence is a sign of dwarfed development and a low cultural rank, had been destroyed in a disastrous manner.

But all of these considerations and worries were found to have been for naught. The sentence had hardly become known to the nearest relatives, they had not yet been able to make any sort of plans -- when the courier from the Fuehrer's headquarters brought the confirmation of the sentence with orders for immediate execution. And so, on December 22, just before Christmas, the execution was carried out by hanging. "He died like a man," later declared Oberstkriegsgerichtsrat - Superior Judge Advocate - Roeder who had been present at the execution and who was known as a particularly brutal official. A farewell letter from Dr. Harnack to his mother is a magnificent proof of the spiritual strength of the man. In a deeply moving meeting in which the nearest Berlin relatives participated, the prison chaplain gave an account of the last hours of Dr. Harnack. He had desired to hear "The Prolog in Heaven" from Faust, and so the chaplain had recited to him: "The sun-orb sings in emulation . . ."

The last book which he received from me and took with him into the death cell was Plato's Defense of Socrates in Schleiermacher's translation. He had asked for it; it was not available in bookstores and so I let him have my copy. It is a beautiful thought that an immortal work of Greek philosophy, translated by a Protestant theologian of great spiritual power, accompanied a man preparing for death. And -- strange coincidence -- of the many valuable books which I sent to Arvid Harnack in his prison -- that little work was the only one which was returned to me. All the others -- together they constituted a

small but weighty library -- were, upon a later inquiry, found to be "unfindable".

Arvid Harnack rendered his family one last valuable service in the face of death. Through his counsel and the prison chaplain, Dr. Poelchau, he conveyed the information that during his numerous examinations, he had been intensively questioned regarding his relations to my brother Ernst, and he advised him to leave immediately for foreign countries if there were even the slightest thing against him. This very serious news I passed on at once. Since my brother was in no wise connected or involved with the case against Arvid Harnack, he did not heed the warning. Two years later -- in connection with the events of July 20, 1944 -- he met the same fate as that of his cousins.

The relatives could have considered Mrs. Harnack as safe. Her transfer to the penitentiary in Brandenburg seemed imminent; we concerned ourselves with establishing some contact with the matrons in charge there, and to commend the prisoner to them. Then it was made known that the sentence to the penitentiary, was the only one out of all the sentences sent up to the highest authority, which was not confirmed, that on the contrary, the case was remanded for a new trial. The sense of this order was not at first clear to Defense Counsel; in any event, he had never experienced a similar case. Again, inquiries were set in motion. Full of dark forebodings, I decided to hunt up the Chief Judge Advocate Roeder, already mentioned; he had his office in the Aviation Ministerium. Never since have I experienced so pronounced an impression of brutality as I did from this man. He was a creature who was surrounded by an atmosphere of fear. He was considerably out of humor when he received me in the presence of another official. When I spoke of my cousin who had "passed away" he interrupted me with great vehemence: "Because of his reprehensible activities he suffered a shameful

death. He was one of the greatest criminals that had ever existed in Germany; he had committed the worst treason that had occurred in this war!" I inquired after the condition of the case against Mrs. Harnack and remarked that according to my conception a relative will still remain a relative, even though she may have been convicted. He was enraged because I knew of the non-confirmation of the sentence. I do not know now whether I was advised of this by the attorney or had learned it through some other source, in any event I should not know that fact, which was embarrassing to the prosecutor. For the Court, and particularly he himself, had been exposed, because the sentence had been too mild! "I urgently warn the Harnack family not to undertake anything whatsoever in favor of this woman! You are to assume the attitude that this woman has nothing whatever to do with you. She no longer belongs to your family!" Thus the Reichs judge advocate screamed at me, and by his disclosures left no doubt in my mind that any further intervention would result in immediately endangering at least the liberty of several members of the family. Mr. Roeder knew the reason. For a frightful violation of justice was already under way. As a consequence of the direction from the Fuehrer's headquarters, the same court reopened the case, and without any new facts, pr testimony, or evidence before it, and in a second short hearing, arrived at a death sentence. This was confirmed immediately. And yet, at most, Mrs. Harnack could be accused of no more than knowledge of the crime and failure to report it. But there were sound extenuating reasons on her side. Was she in duty bound to report her own husband and deliver him to certain death? Perhaps so, according to the law then in force; nevertheless, even if that law was invoked, her position as a wife should have been considered as an ameliorating factor. And that is what obviously had happened at the first conviction. On February 1<sup>5</sup>, 1943, Mrs. Mildred Harnack met her



death. As was related by the prison chaplain who stood at her side, the condition of her physical and mental health had suffered severely after five months of incarceration, and she received the announcement of the impending execution with a certain rigid resignation. No farewell letter was handed to her relatives; it is not known whether she did not write one or whether it was confiscated. During the last days of her life she worked on a translation of some of Goethe's poems into English.

There followed a sad epilogue. The sentence included a confiscation of the couple's estate. In spite of all searching no cash at all was found (I had succeeded in liquidating the modest bank account just in time) and with that the occasional despicable slanders that Dr. Harnack had practiced espionage and high treason, should be silenced. So far as they had not been plundered already, the furnishings were seized and stored in government warehouses. There were no more trips to the State Police, but difficult dealings with the Chief Finance President were now in order, part of whose duty consisted in taking charge of "state enemy fortunes". In the apartment of the couple there had been valuables, belonging to friends who had stored them there, and further, there was the matter of a gold seal ring, a valuable heirloom, which Dr. Harnack had worn up to his death and of which he had made disposition. As to this much, at least, these painful transactions were successful; in all other respects they were in vain. When at last they seemed to take a more favorable turn, thanks to the somewhat more accommodating attitude of a younger official, all of the confiscated property was destroyed by an air raid.

The news of the horrible death of the Harnacks could not be made public; and so it became known only slowly and excited deep compassion in the circles of family and friends. The manly attitude of those two who had gone to their deaths for their conviction, found admiration,

The exposition of the comprehensive political plans of the deceased is an important task for the future writers of history. They will have to describe the aims and works of the resistance movement, in part embodied by Arvid Harnack and thereby prepare the ground for a judgment that will fairly divide the lights and the shadows.

Only posterity will be able to judge to what extent Germany will be freed through the labors of men like Arvid Harnack. What may serve as a foundation for such a consideration, I have here laid as a cornerstone for the future -- based on my own experience. It seems to me that this contemporary picture speaks a distinct language. There can be no doubt as to the purity of the aims. To the painful, never to be forgotten sacrifices that Germany brought for her liberation, also belong Arvid and Mildred Harnack.

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