

THE TRIAL OF PASTOR MARTIN NIEMÖLLER ,

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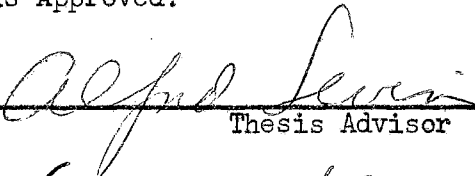
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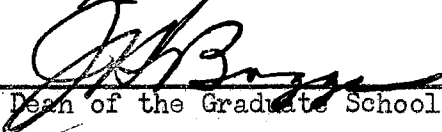
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PREFACE

During the twelve year period of Germany's Third Reich, every institution in the fatherland was forced to acquiesce in the totalitarian philosophy of the National Socialist movement. One such group was the Evangelical Church. Since Luther's time, this Church had traditionally been a virtual arm of the government, but the advent of the Nazi party caused a serious split within the ranks of the leaders of Luther's Church. Some felt that they should work with the new government, even if it meant sacrificing many Christian dogmas to satisfy the temporal authorities. Another group hoped to work with the Nazi government while keeping the Church free from the influence of the new ideology. An important leader of the second group was Pastor Martin Niemöller. It is the purpose of this study to trace the relations of Pastor Niemöller with the Hitler regime, noting specifically his famous trial, which resulted in imprisonment in a concentration camp in 1938.

I wish to acknowledge my indebtedness to both Martin Niemöller and his brother, Wilhelm, for their interest and cooperation in this study. My appreciation is also extended to the Reverends Messers. Ora Compton and Finis Crutchfield of Tulsa, Oklahoma, who arranged my interview with Pastor Niemöller and allowed me to make tape recordings of his sermons. In addition I wish to thank Dr. Alfred Levin for his guidance and encouragement in the preparation of this paper; and Dr. Sidney D. Brown and Dr. Alexander M. Ospovat

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Finally, I wish to record my appreciation for my wife's encouragement and patience, which facilitated my stay at this university.

CHAPTER I

INTRODUCTION

My conscience is based in the word of God. I cannot and will not recant anything; since it is insecure and dangerous to act against conscience. . . . I cannot do otherwise. Here I stand. God help me!¹

These famous words of Martin Luther were uttered on April 18, 1521, at the Diet of Worms. The statement was the result of a disputation in which the Augustinian monk refused to accept the authority of both pope and council. Luther undoubtedly felt that Christ's church during his time was in grave danger as is indicated by his courageous action. The spirit of these words can also be found more than four centuries later in the statements and deeds of certain leaders of Luther's Church as they sought to save their faith from almost certain destruction by National Socialism's totalitarian philosophy.

Luther, while making his presence felt because of his theology, was also instrumental in the evolution of concepts concerning Church-state relations. His political theories have been the guideposts for the Protestant denominations of Germany since the Reformation. Luther felt that both the state and Church were ordained by God but that they should always remain separate entities. The state was simply a secular

¹Henry E. Jacobs, Martin Luther: The Hero of the Reformation (New York: G. P. Putnam's Sons, 1909), p. 192.

institution. Its functions could not be subjected to control by either the precepts of the Sermon on the Mount or the established Church.² By placing the state in a position of equality with the Church, and according it divine guidance, Luther effectively rejected any theory which would tend to place the control of the state in the hands of the people. It is for this reason that a common thread of submission to state authority is found among many of his followers.³ As might be expected, Luther accredited similar authority to the leaders of the state. While recognizing that "the mighty are sinful and without faith," he concluded that "their position and their authority are nevertheless good and of God."⁴ He went even further by declaring that some leaders seem to have an uncanny insight into problems. These people did not need advice and counsel, for they always managed intuitively to make the proper decision.⁵ When the Nazis finally did come to power, it was not difficult for devout Lutherans to accept the leadership principle which is embodied in the title of "Führer." One final point concerning Luther's opinions of Church-state relations must be made. In spite of the fact that he was willing to consider the state as a divinely appointed order on an equal plane with the Church, he always maintained that the state had no authority to exercise or intervene in the ecclesiastical

²Heinrich Bornkamm, Luther's World of Thought, trans. Martin H. Bertram (St. Louis: Concordia Publishing House, 1958), p. 247.

³Ibid., p. 256.

⁴Ibid., p. 246.

⁵Ibid., p. 241.

functions of a divinely ordained Church.⁶

Luther's ideas did not go unaltered through the years. While he assumed that the Church and state were equal in the eyes of God, he nevertheless felt that real earthly authority would naturally devolve on that institution which had the tangible source of power, namely the state. Thus, as time went on, Lutherans began to adapt their Church to the demands of the state and acquiesce in the state's intervention rather than rise in rebellion.⁷ From this reasoning emerged the obvious fact that from the Reformation to the overthrow of the Kaiser's regime in 1918, German Protestantism was an important organ in the maintenance of royal absolutism. Under this system many instances can be found in which members of the nobility were given important administrative positions in the Church. William L. Shirer maintains that only in Czarist Russia was the Church under more direct government control.⁸

While the Protestant Churches that existed in Germany in January, 1933, were steeped in the tradition of acquiescence to government desires, the same cannot be said of every individual Church leader. Many Lutheran pastors were willing to cooperate with the Reich leadership but soon disagreed with the government over just how far the Reich could carry its demands of "One Reich, One People, One Führer." These men simply felt that the government's demands for total loyalty

⁶Ibid., p. 254.

⁷Mario Bendiscioli, Nazism Versus Christianity, trans. Gerald Griffin (London: Skeffington and Son, 1939), p. 211.

⁸William L. Shirer, The Rise and Fall of the Third Reich (New York: Simon and Schuster, 1960), pp. 236-237.

must be countered when they interfered with established church prerogatives and the gospel of Jesus Christ. One such man was Pastor Martin Niemöller.

Martin Niemöller was born on January 14, 1892, in the Westphalian town of Lippstadt, the second of five children. Both his father and mother were natives of Westphalia. Because his father and grandfather were both Evangelical pastors, Martin has always felt unusually close to the ministry. Yet, throughout his idyllic childhood his recurring dream seemed to be to serve in His Majesty's Imperial Navy.⁹

In March, 1910, Niemöller went to the Flensburg-Mürwik Naval Training College where he began what he hoped would be his life's work as a career Navy man. By the outbreak of the First World War, Niemöller was a Sub-Lieutenant with the assignment of Second Torpedo Officer aboard the battleship Thüringen, which was part of the North Sea Fleet. Niemöller soon became bored with the rather drab life aboard a German battleship and asked to be transferred to the U-boat training school at Eckernförde. By becoming a submarine officer, Niemöller hoped to receive a more active duty assignment. On February 22, 1916, his chance came when he was ordered to join the U.73, a large mine-laying vessel. Niemöller soon found out that she was not a fighting ship. After serving aboard the U.73 for almost two years, Niemöller was transferred to the faster combat-ready torpedo ship, U.39, which on January 25, 1918, engaged in action that deeply affected his career. On this day, the crew of the U.39 sank a large allied troop ship and then began to attack an escort

⁹Dietmar Schmidt, Pastor Niemöller, trans. Lawrence Wilson (Garden City, N. Y.: Doubleday and Co., 1959), pp. 13-26.

ship which, by this time, was engaged in rescuing survivors. Niemöller did not want to interrupt the rescue work, but, on the other hand, he knew that the men being fished out of the water would eventually be used to fight the German fatherland. From that time on Niemöller adopted the idea that war made sin inevitable; in fact, "war was sin."¹⁰

On June 30, 1918, Niemöller took command of his own vessel, U,67. She was extremely seaworthy and had a maximum cruising speed of $12\frac{1}{2}$ knots. He had orders to lay mines off Marseilles and harass Allied shipping in that area. Here began his successful command which later earned him one of Imperial Germany's highest military honors. The dramatic end of Niemöller's naval duty is in many ways the most important act in his career, for it shows his total devotion to pre-Republican Germany. In January of 1919 he was ordered to take two U-boats to Great Britain where they were to be surrendered in accordance with the Armistice. Niemöller refused to carry out the order which he considered an insult to the integrity of the fatherland. The Inspector General did not punish his patriotic subordinate. Within a few weeks Niemöller concluded that he could no longer serve with honor under the new government.¹¹

After his resignation from the Navy in January, 1919, Niemöller married Else Bremer and embarked on a life of farming. It was not long, however, until he abandoned his career in agriculture. Niemöller has given two reasons for his decision to enter the

¹⁰Ibid., p. 48.

¹¹Ibid., pp. 27-60.

ministry. First, he emphasized his lifelong faith in Jesus Christ as Lord and Savior. Secondly, he felt that the ministry provided him with the best opportunity to serve his fellow men in their national calamity, i.e. the loss of imperial authority and resulting chaos.¹² After his oral examination in April, 1923, Niemöller received his first church assignment when he was appointed as curate to a pastor in Münster.¹³ He spent the following summer and fall fulfilling the demands of his new position, yet eagerly awaiting a chance to move into a more responsible station. By December 1 he had reached the next step in his quest for a truly responsible situation in the Evangelical Church¹⁴ when he took up his new appointment as "Manager for Westphalia of the Protestant Home Mission."¹⁵ He served in this assignment for the next seven years and seven months. During this time he established important connections with high church functionaries and became known as a vigorous young pastor throughout the Weimar Republic. His fame had brought him the fateful opportunity to accept a position as a junior pastor in the Parish Church at Dahlem, a fashionable suburb of Berlin.¹⁶ The ex-U-boat commander, through his hard work and diligent preparation

¹²Ibid., pp. 63-64.

¹³Ibid., p. 71.

¹⁴Since the Religious Peace of Augsburg in 1555, the Lutheran bodies in Germany have had legal status as the "Evangelical Church of Germany." This term is used collectively when referring to any body which recognizes the Augsburg Confession. See Bishop Hanns Lilje, et. al., Lutheran Churches of the World (Minneapolis, Minn: Augsburg Publishing House, 1957), pp. 6-8.

¹⁵Schmidt, Pastor Niemöller, p. 73.

¹⁶Ibid., pp. 64-81.

of sermons, soon became an extremely popular man of the cloth in his own parish, and more important, throughout the land. With the advent of the National Socialist movement on January 30, 1933, Niemöller, who had achieved outstanding success in the Dahlem parish, apparently had little conception of the impact the Third Reich would have on him, his church, or his nation.

CHAPTER II

DEVELOPMENT OF THE CHURCH STRUGGLE (1933-1937)

With the advent of the Nazi Revolution, the Evangelical Church in Germany was faced with a temporal government whose political philosophy seemed totally opposed to Christian ideals. But leading churchmen, presented with the fait accompli of the Third Reich, were virtually forced to reach an accommodation with the new government. After all, had not the Nazi movement in its declared program, issued on February 24, 1920, promised that it stood for "liberty for all religious confessions in the State, in so far as they do not in any way endanger its existence. . .;" and did not the same document include the statement that "The party as such represents the standpoint of 'positive Christianity' without binding itself confessionally to a particular faith"?¹ Under the circumstances, in early 1933, most pastors felt obliged to work for a modus vivendi with the authorities.

As the Nazi government had control of both the army and the police, it was in a position to dictate to the Church the practices which it deemed acceptable. That the Reich leaders would extend little sympathy to the Protestant cause is clearly shown by their recorded statements, both public and private. The Reich Chancellor's

¹ Arthur C. Cochrane, The Church's Confession Under Hitler (Philadelphia: The Westminster Press, 1962), p. 221.

opinions of religion in general and Protestantism in particular support this hypothesis. During Hitler's early days in power his anti-Christian feelings were not apparent. He prided himself on having saved Christianity in Germany from the onslaught of Bolshevism and believed that he was in a much better position to act as the protector of the faith than was the established church. Likewise, in the early days, he opposed the destruction or division of Christianity in the realm. Rather, in line with the policy of "Gleichschaltung" (elimination of opponents), he hoped for a unified Reich Church which could be regulated by, and which would in turn support, the philosophy of National Socialism.² His respect for religion was further reflected in his writings, wherein he referred to religion as a force among the people with which the Nazi ideology must reckon and seek a compromise. Similarly, he considered an anti-clerical program in Germany a waste of time because her religious community seemed too deeply divided to constitute a real threat to government control.³

As time passed, however, Hitler became more and more disposed to attack Germany's Protestant bodies because of their recurring emphasis on the First Commandment. On one occasion he offered the following views to his close associate, Hermann Rauschning:

"The Protestants haven't the faintest conception of a church. . . . You can do anything you like to them--they will submit. . . . They

²Henri Lichtenberger, The Third Reich, trans. Koppel S. Pinson (New York: The Greystone Press, 1937), p. 195.

³Ibid., p. 191.

are insignificant little people, submissive as dogs. . ."⁴ Hitler held the same contempt for the Protestant church leaders as he did for the masses. In early March, 1938, during a speech before the Reichstag, he referred to ministers as "indolent persons who go about the country quoting the Bible."⁵

Dependable party members were given portfolios in Hitler's cabinet, each minister having complete control over his department. Several of these important functionaries were in positions which brought them into direct contact with the Protestant churches. As loyal party members, their ideas had to reflect the opinions of the Chancellor, including his pronouncements concerning Christianity. The statements of various Ministers illustrate this similarity. On June 21, 1937, Paul Joseph Goebbels, Reichsminister for Propaganda, made the following statements which placed him in complete alignment with Hitler:

The German nation is healthy. Only a few Confessional pastors and Catholic sexual criminals are discontented. They want to attack the authority of the state.

Christ instructed them to prepare humanity for the next world. In that field we shall not compete with them. The pastors assert that their mission is given to them by God. It may be. We have no way of checking on their credentials. In earthly Germany, however, we rule, and no one else.⁶

That a high official could make such statements as these left no doubt in the minds of Evangelical Church leaders that their future

⁴Hermann Rauschnig, The Voice of Destruction (New York: G. P. Putnam's Sons, 1940), p. 54.

⁵Manchester Guardian, 4 March 1938, p. 165.

⁶New York Times, 22 June 1937, p. 11.

was indeed dreary. Another prominent official, Alfred Rosenberg, who was the official philosopher for the Third Reich and author of the anti-Christian book, The Myth of the Twentieth Century, emphasized the Oriental background of Christianity, pointing out that it was unassimilable for Aryans. He also attempted to show the fundamental difference between German and Christian "mentality."⁷

Realizing the incompatibility of the Protestant Church with National Socialism, yet hoping gradually to attain state control of all religion in the Reich, Hitler created the office of Reichsbischof (State Bishop). According to the constitution of the Reich Church, which was an attempt to unify all Protestant Churches, he was to have complete authority over the Church and had to belong to the Lutheran faith. In addition, the Reichsbischof was to serve as the bishop of the Established Church of Prussia. He was to be selected by a National Synod on the motion of the heads of the various churches,⁸ At first the Lutheran pastors raised little objection to the Führer's plan for Church unification. On May 27, 1933, Pastor Friedrich von Bodelschwingh was duly appointed as Reichsbischof. Bodelschwingh was universally recognized as a sincere religious leader, and received support from the majority of the pastors. There was, however, a certain group among the Protestants who, being extremely nationalistic, considered themselves Germans first and Christians second. Under the growing influence of these "German Christian" ministers,

⁷Lichtenberger, The Third Reich, p. 192.

⁸Bendiscioli, Nazism Versus Christianity, p. 61.

Bodelschwingh eventually resigned under pressure. His replacement, Ludwig Müller, an ex-Army Chaplain and close associate of Hitler, was appointed to the position on September 27, 1933.⁹ After an interlude of four months, the Reich government had succeeded in obtaining clandestinely a puppet of the Nazi movement as the official head of Germany's Protestant Christendom.

With the Church under virtual state control, the Reich leaders, as might be expected, embarked on a campaign to bring the beliefs and practices of Christianity into their proper relation with the Nazi Weltanschauung (world view). The most important effort in this program took place in the fall of 1933 when the Nazi authorities imposed the so-called "Aryan Paragraph" on the Reich Constitution. This piece of legislation prohibited non-Aryans from service in the civil administration of the state. Many of the German Christians used this as a pretext for demanding the exclusion of non-Aryans from the ministry, and some even wanted to deny the sacraments to Jews. It was precisely at this point the Niemöller took his first major stand against the regime. In that same eventful autumn, he published a pamphlet in which he violently attacked what he regarded as the blasphemous idea of denying to any Christian the sacraments of the Church.¹⁰ Finally realizing the need for positive action against the steady intrusion on the affairs of the Church, Niemöller took the initiative in founding and leading an organization which

⁹Lichtenberger, The Third Reich, pp. 197-198.

¹⁰Document in author's personal file entitled "Sentences Concerning the Aryan Question in the Church." This document was sent to me upon request from Wilhelm Niemöller. It is signed by Martin Niemöller.

intended to protect the Gospel of Jesus Christ from further Nazi-fication. The "Pastors' Emergency League" (Pfarrernotbund) came into existence in late September, 1933, with Niemöller at the helm.¹¹ That this organization was a direct result of the notorious "Aryan Paragraph" is evident from the second point in the organization's credo: "I believe that with the 'Aryan Paragraph' being introduced in the Church, the confession of the Church is broken."¹² From the outset, members of the "Pastors' Emergency League" intended to follow their consciences, using only the gospel and the needs of their own congregations as the basis for action. In other words, they did not intend to be blind followers of Reichsbischof Müller. From this hard core of independent pastors there emerged two distinct groups of German Protestants: the "Confessional Christians", as opposed to the conformist German Christians;¹³ or as Pastor Niemöller likes to say, the "Confessing Church" and the "Denying Church."¹⁴

Perhaps Niemöller and his associates in the "Confessing Church" would have attempted, like the German Christians, to reach an accord with the state authorities had they not been aware of several irreconcilable differences between National Socialism and Christianity. While the Nazis were devoted to the principles of Aryan superiority

¹¹ Martin Niemöller, From U-Boat to Concentration Camp (London: W. Hodge and Co., 1939), p. 251.

¹² Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

¹³ Arthur S. Duncan-Jones, The Struggle for Religious Freedom in Germany (London: Victor Gollancz, 1938), p. 58.

¹⁴ Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

in all matters, true Christians felt compelled to preach the good news of salvation through Christ for all men, regardless of race. Furthermore, the Nazi policies regarding the Jews could not be condoned by followers of a religion whose roots were unmistakably found in Judaism—a religion, in fact, whose primary object of worship was a Jew himself! Hitler's followers did not reject all of the teaching of Christianity. Christ was often remembered as a perfect moral example, but never as a true savior of mankind. Finally, and perhaps fundamentally, Christians have traditionally professed the belief that God is love; to ardent Nazis, however, the ultimate good was to be found in mortal struggle for the fatherland.¹⁵ As a result of these basic ideological conflicts, a true believer in the Christian faith as represented by the "Confessing Church" automatically found himself at odds with the government.

Pastor Niemöller was among the first to recognize the inevitable hardships in store for the "Confessing Church," but he would have been the last to recommend any changing of its position. During a sermon in June, 1934, Niemöller emphasized the biblical verse, "'Marvel not, my brethren, if the world hate you.'" As the sermon progressed, he told his listeners frankly that they certainly would be a hated minority if they remained true to the word of God. Explaining his unpleasant prediction, he reminded the congregation that workable compromise with the state could not take place "for the world must hate the Christian fellowship; and because the fellowship, as long as it is a Christian fellowship, cannot hate, it must suffer at the

¹⁵Lichtenberger, The Third Reich, pp. 196-197.

hands of the world."¹⁶ Almost a year later in a similar sermon, Niemöller counseled his followers not to ask why they suffer. Reasserting his belief that the "Confessing Church" was bound to suffer, the pastor advised his parishioners simply to trust in God's infinitely good and wise leadership. To question the justice of their plight would cause a measuring of God's thought with human standards, eventually making faith dependent upon earthly rewards.¹⁷ On January 30, 1937, Pastor Niemöller's sermon had the same familiar ring. "The earthly pillars of our hope are falling away, one after the other--I cannot tell you where there is one still standing--the prospects of better times are leaving us in the lurch. . . . But the Lord Jesus Christ lives. . ."¹⁸ This was a fundamental argument of the outspoken pastor. While no one could deny that the "Confessing Church" was a prisoner of the state, the Church leaders called for devotion to Christ in the face of uncertainty; and these same pastors intended to provide the type of leadership necessary to bolster the sagging morale of the faithful.

In view of the fact that so few members of the "Confessing Church" had hope for a voluntary change in attitude on the part of the government, it might seem odd that this opposition should cause the Führer a great amount of concern. As a matter of fact, the inability of the Reich to bring the minds of the faithful under the influence

¹⁶Martin Niemöller, First Commandment (London: William Hodge and Co., 1937), p. 111.

¹⁷Ibid., pp. 176-180.

¹⁸Martin Niemöller, God Is My Führer: Being the Last Twenty-Eight Sermons (New York: Philosophical Library and Alliance Book Corp., 1941), p. 138.

of National Socialism's anti-Christian propaganda was a constant source of embarrassment for the leaders. It was a graphic illustration to the entire world that Hitler could not succeed with the totalitarian project of placing religion in a position subordinate to, and in support of, the Nazi state. True, brute force could have ended the religious opposition, but the Nazi Party did not want to magnify Germany's image as a police state among the Western powers. The answer to Hitler's dilemma seemed to lie in the tried and proven tactic of legal infiltration resulting in ultimate domination. The German Christians seemed well suited for the task.

The German Christians had been officially organized in Prussia on June 6, 1932, that is, prior to Hitler's assumption of authority in 1933. The idea achieved immediate popularity, quickly attracting, among others, the nation's future Reichsbischof, Ludwig Müller.¹⁹ Although the ultimate goal of this group was to rid Christianity of many of its basic beliefs, the leaders of the German Christians made no attempt to hide their feelings. In a meeting at the Berlin Sportspalast on November 7, 1933, spokesmen for the movement defined their basic aims in excitable speeches. Above all, the Führer represented the supreme law in religious matters as well as those of the state. Realizing that this rejection of the First Commandment would be unacceptable to large numbers, the German Christians attempted to broaden their appeal by extolling the virtues of Germany's famed Reformation leader. Only by creating a truly German Christian Church could Luther's hope of complete separation from the "Oriental

¹⁹Lichtenberger, The Third Reich, p. 194.

Materialism" of the Roman Church be fulfilled. The teachings of Judaism found in the Old Testament as well as all Jewish influence on the New Testament were to be eliminated from the German religion. The exact method for carrying out this project was never explained. Finally, the German Christians called for the expurgation of all symbols of human weakness from their religion. Worthy of such treatment was the phrase in the Lord's Prayer which asked for deliverance from evil. This plea was considered "synonymous with renunciation of the vital struggle" and "unworthy of an heroic heart." Similarly the idea of the suffering Christ was totally unacceptable to the new "Christian" religion of the Aryan. This feeling is evident in the statement of Dr. Reinhold Krause, the most fanatic exponent of the new faith, in which he announced that "We reject the crucifix, we wish an heroic Christ."²⁰

The existing dichotomy in the Evangelical Church was not reduced with the passage of time. As late as February 13, 1937, the Reichsminister for Church Affairs, Hans Kerrl, made the following statement showing the impossibility of agreement between the opposing theologies.

Christ must be taught according to the laws of our own time and place. . . . Bishop [Clemens August] von Galen and Dr. [Wilhelm] Zoellner wanted to bring home to me what Christianity really was, namely that it was a question of the acknowledgment of Jesus as the Son of God. That is ridiculous, quite unessential. There has now arisen a new authority as to what Christ and Christianity really is. This new authority is Adolf Hitler.²¹

²⁰Ibid., p. 199.

²¹Duncan-Jones, The Struggle for Religious Freedom in Germany, p. 300.

The first organized opposition to the encroachment of these alien ideas into the Christian community was Niemöller's "Pastors' Emergency League." The second major event in the growing church struggle was the synod of pastors belonging to the "Confessing Church" which met in Barmen, in May, 1934. Outstanding churchmen from every state in Germany were in attendance. The climax of this meeting was the publication of "The Six Principles of the Synod of Barmen," signed by the 138 pastors and bishops that had taken part in the conference. The issuance of this document represented a rare and courageous event in Hitler's Germany: open and public opposition to a goal sanctioned by the government.

In this declaration the position of Christ as the one and only savior of mankind was reaffirmed and the Nazi demand of total submission to state control was rejected. According to the first of the "Six Principles," "The heresy is refuted that the state, over and above its special task should and can become the single and total regulator of human life and thus also fulfill the vocation of the Church."²² Again in March, 1935, the "Confessing Church" held another Synod, this time at Dahlem, in which they reaffirmed the Barmen Declaration and accused the government of introducing myths of blood, race, and soil into the Christian religion.²³ In both meetings, Pastor Niemöller was one of the most outspoken proponents of these indictments of Nazi leadership. As a result of his role, Niemöller became both the spiritual leader of the opposition and primary target

²²Paul Hutchinson, "The Strange Case of Pastor Niemöller," The Atlantic Monthly, CLX (Oct. 1937), p. 519.

²³Lichtenberger, The Third Reich, p. 201.

for future reprisal by the Gestapo.

As the leader of the outspoken "Confessing Church," Niemöller faced three distinct struggles. While the difficulties with the government and the German Christians were the most obvious, the third problem was offered by that group of Lutherans who wished to remain neutral. They presented a more subtle concern for the Dahlem Pastor. He quoted the scriptures to illustrate the futility of well-wishers who wanted to remain outwardly neutral: "'He that is not with me is against me; and he that gathereth not with me scattereth.'" During the same sermon he rephrased the admonition in a somewhat more fitting manner for an ex-naval officer: "In this struggle service behind the lines does not count as active service."²⁴

While leading his flock in its time of crisis may have been Niemöller's most difficult problem, his inevitable estrangement from the state was his greatest risk. After a little over two years of watchful waiting, the government embarked on a series of measures which were undoubtedly designed to strike the "Confessing Church" its death blow. First in the series of attempts to destroy the opposition was the creation of the Ministry of Church Affairs on July 19, 1935, with Kerrl as Reichsminister.²⁵ Kerrl was to remain in this position throughout the period of Niemöller's opposition.

Kerrl's solution to the division between German and "Confessing" Christians within the Evangelical Church was to establish a Reich Church Committee, composed of representatives from both factions,

²⁴Martin Niemöller, God Is My Führer, pp. 163-169.

²⁵Norman H. Baynes, ed., The Speeches of Adolf Hitler: April, 1922-August, 1939 (London: Oxford University Press, 1942), Vol. I, p.355.

but appointed by the Church Affairs Ministry. This Church Committee, through a series of local committees, was to have complete control of the entire Evangelical Church.²⁶ The idea seemed fair enough to most, including a large number of "Confessing" Pastors; but in reality the committees were nothing more than an attempt to hoodwink the ministers, thereby allowing the government to consolidate its control over Church. Niemöller, who by this time could be counted on to oppose any such attempt of state interference, did not mince words in denouncing the idea. The outspoken pastor called the effort at reconciliation between German and "Confessing" Christians an attempt to create a church made up of "moderate Christians on the one hand and moderate heathens on the other."²⁷ In February, 1936, Niemöller published a pamphlet entitled "The State Church Has Arrived!," which was suppressed by the police. Niemöller held that the committees had no authority since they were appointed by the state, not the Church.²⁸ While Niemöller had achieved some success in disrupting Kerrl's idea, he had also, from the government's point of view, committed one more intolerable act.

On December 2, 1935, the Ministry of Church Affairs issued a decree which further restricted the autonomy of the Evangelical Church. By this decree, the governing bodies of the "Confessing Church" lost their administrative power. No longer were the Brotherhood Councils

²⁶ Duncan-Jones, The Struggle for Religious Freedom in Germany, p. 116.

²⁷ The New York Times, 1 March 1937, p. 9.

²⁸ Duncan-Jones, The Struggle for Religious Freedom in Germany, p. 116.

allowed to ordain and examine candidates for the ministry, inspect parishes, or convoke synods. While the Councils' memberships remained intact, these bodies no longer controlled the functions of their own Church.²⁹

In the final days before the arrest of the straightforward pastor, the government took one further step in the restriction on "Confessing Church" activities by placing severe limitations on their finances. Shortly before July 1, 1937, Dr. Wilhelm Frick, Reichsminister of the Interior, decreed it a crime for any individual to contribute money to the Confessional Synod. While the decree was often violated, it had the desired effect of further reducing the financial base of Niemöller's Church.³⁰ On the day before, Kerrl had issued a decree stating that the revenue for all the churches of Germany was to come from a uniform tax required of all Germans, with the exception of those who had seceded from their church.³¹ Naturally the two purposes of this decree were to reduce and control the Church's income, and to encourage more people to leave the Church. From that time on, all church expenditures, including pastors' salaries, had to be approved by Kerrl or a member of his staff.

As a result of these government attempts to thwart the program of Niemöller and his associates, many pastors were faced with the choice of breaking the law or sacrificing their principles. Many, like Niemöller, chose the former. Normally the violators received

²⁹Lichtenberger, The Third Reich, p. 202.

³⁰Harold E. Fey, "The Christian Church Says No!," The Christian Century, LIV (Sept. 1, 1937), p. 1067.

³¹The Manchester Guardian, 2 July 1937, p. 4.

some form of punishment ranging from a mild admonition to confinement in a concentration camp. The authorities, nevertheless, tried to conceal the number of arrests, but Niemöller would not allow this act.

The first recorded sermon in which Niemöller informed his congregation of the rough treatment of churchmen by state authorities was given in October, 1934, when he recounted the story of the rightful Bishop of Württemberg who had been unlawfully deposed from office.³² After this initial exposure, Niemöller continued to make public reference to the arrest of church leaders whenever he felt it necessary. But the public announcement of injustice was not enough. On April 7, 1935, Niemöller held a divine service of intercession on behalf of "five Protestant pastors from Hesse and Saxony, who have been taken away from their congregations and put in the concentration camp."³³ He emphasized again and again the growing number of unfair arrests of the nation's clergy.

In the perspective of the story of the German Church struggle, Pastor Niemöller must be regarded as only the most famous of the 807 "Confessing" pastors arrested in the fateful year of 1937.³⁴ Yet, with all due respect to his associates, Niemöller's personal conflicts with the authorities received the attention of the world, and for this reason deserve closer examination.

³² Martin Niemöller, First Commandment, pp. 131-132.

³³ Ibid., p. 175.

³⁴ The Manchester Guardian, 28 Jan. 1938, p. 65.

CHAPTER III

PASTOR NIEMÖLLER VERSUS THE NAZI STATE

Pastor Niemöller began to speak out against the Nazi movement only after the selection of Ludwig Müller as Reichsbischof. While he was still a staunch supporter of the National Socialist approach to Germany's political position, the appointment of Müller caused the Dahlem pastor to become a determined opponent of state interference in the prerogatives of the Evangelical Church. Niemöller's pulpit of Christ Church in Dahlem was the forum he utilized most often in his attacks on the government. Parish members and visitors could depend on hearing weekly sermons which almost without exception contained a serious charge against the Nazi authorities. Following the German collapse in 1945, Niemöller was asked to state the general issues about which he made public protests against the government. He replied,

I pointed to the falsified Church elections, to the lies of Goebbels' propaganda, to the systematic destruction of Church and Church life, to the persecution of the Jews, to the education of party members and leaders, inciting them to enmity towards the Church, the Bible and the Christian way of life; and I tried to show in my sermons how all this was bound to lead our country and people to ruin.¹

¹Martin Niemöller, Of Guilt and Hope, trans. Rence Spodheim (New York: Philosophical Library, 1947), p. 73.

Throughout 1933, the first of the one thousand years promised by the Third Reich, Niemöller's sermons contained recurring questions about the ideology of National Socialism. One such idea was that Germany would have to pass through misery in order to attain glory. The German Christians had used the story of the crucifixion as an example of the path which the fatherland would inevitably follow. It was simply a "false conclusion," he said, to say that "Christ had to suffer to fulfill his mission, therefore our nation, too, must tread the path of sorrow in order to reach its destination."² During a subsequent sermon in that same year, Niemöller made a direct attack on the attempt by the Nazis to impose their Weltanschauung on the German nation. He told his listeners that under this new guiding principle, people no longer felt a need for the grace of Christ. "We turn," he said, "to our own particular creed and, if need be, change this into a sort of Christian sugar-icing, calling it 'view of life,' 'welfare work,' 'politics,' 'ethics,' 'religion,' and what not!"³ After such a stinging rejection of a vital part of the philosophical justification by the Nazis for dictatorship, Niemöller obviously became a man for the Gestapo to watch.

By 1934, Pastor Niemöller had begun to make public reference to the existing split in the Evangelical Church, despite the government's attempts to promote unification under Reichsbischof Müller. In a sermon in June, Niemöller said that no longer could the Church and nation be regarded as one. But this was not all, unfortunately,

²Martin Niemöller, First Commandment, p. 14.

³Ibid., p. 34.

as the Church itself was also truly divided. Lamenting these circumstances, Niemöller said, "no one really wanted it [the division of the Evangelical Church], but nobody is able to prevent it."

It is apparent from the tone of the sermon that Niemöller preferred continued separation to union with the German Christians.⁴

In the fall of that year, Niemöller preached a sermon in which he again criticized a popular idea of the "Denying Church." By that time several ministers were advocating the theory that if the German citizen were both as socialistic and nationalistic as the Führer, they would become Christians automatically. Niemöller could not tolerate the substitution of Hitler for Christ as a pattern for living. Assailing the German citizens for their growing conceit and reminding them of their ultimate need for humility before their Savior, he told his congregation that "Our salvation does not lie in the fact that we are satisfied with ourselves and have given ourselves up to the alluring fancy that God, too, will surely be satisfied with us. . . ."⁵ But the Reich leaders had, through every means available, reminded their subjects that pure Aryans had no inferior qualities; thus humility, suitable only for a member of an inferior race, was impossible.

With the coming of the New Year, Niemöller felt compelled to make an attack upon point twenty-four of the NSDAP⁶ program, which called for a "Positive Christianity." Niemöller felt that both

⁴Ibid., p. 108-109.

⁵Ibid., p. 146.

⁶National Socialist German Workers' Party.

the government and a substantial number of Lutherans regarded "Positive Christianity" as a form of worship which "helps us to realize and to stabilize our great aim of a united, strong and proud nation." As an added insult to the anti-Semitic Nazis, the outspoken pastor compared the "Positive Christianity" of Nazi Germany to the attitude of the Jews at Christ's time. Like the "Positive Christians," the Jewish nation "was ready to approve of its Messiah just as long and as far as it thought it could gain some advantage for its own plans and aims from Him, His words and His deeds." He further pointed out that "Positive Christians" disseminated Jesus' preaching when moral heroism was demanded and emphasized Christ's personality in which this heroism "has found its perfect realization in service, sacrifice, and devotion." Conversely, the "Positive" German Christians regarded the presentation of man's sin, Christ's grace, and God's forgiveness as "Negative Christianity." Finally, Niemöller put forth the question which he felt all Christians in Germany must answer: "Do we want a Christianity which we can use to further our own plans and aims or do we want the Lord Jesus Christ, Who reveals the plans and aims of God to us?" The pastor of Christ Church at Dahlem was determined to help people make up their minds to choose the second alternative in this proposition, regardless of what the government leaders might think of his methods.⁷

On February 3, 1935, Niemöller delivered a sermon entitled "Power," which showed that while he had respect for the Nazi leaders

⁷Martin Niemöller, Here Stand I! (Chicago: Willett, Clarke and Co., 1937), pp. 193-197.

and the government, he would never be able to consider Adolf Hitler as his true master. During his address, he reminded his congregation that "it is the government of the Emperor Nero which the Apostle [Paul] has before his eyes when he writes: 'There is no power but of God.'" That Hitler was, like all other mortals, subject to the will of God, was implicit in this statement. Niemöller logically proceeded to ask for God's guidance for the Chancellor.⁸

Regardless of Niemöller's acceptance of Hitler as leader of the state, his objections against the anti-Christian policies of the movement, as well as the grounds for these objections, became more numerous during 1936. In a sermon on October 25, Niemöller read a Biblical parable in which a king expelled a wedding guest because he had not worn the proper garment to a wedding feast. Niemöller foresaw a similar fate for Germany. He hinted that the government, while telling the people to work out their own salvation, but not necessarily through the established Church, was advocating the wearing of an improper "garment." According to Niemöller, the individual wears the correct "garment" only when he belongs to and works in Christ's bride, the Church. In this same sermon, Niemöller emphasized the incident in the parable when the king destroyed a city because its leaders did not heed his wedding invitation,⁹ and he pointed out that the same fate awaited Germany unless she heeded God's invitation to salvation. "It is easy," he said, "to draw conclusions regarding the punishment which threatens our nation if

⁸Martin Niemöller, First Commandment, pp. 151-156.

⁹Matthew 21. 1-14.

it does not or will not heed the call."¹⁰ Such an admonition would be perfectly innocuous in most societies, but to all ardent Nazis such statements as these were indicative of cowardice and showed a lack of faith in the leadership principle. To some they indicated treason.

One idea generally upheld by Nazi theorists was that the German person could by some mystical method achieve immortality through the German nation. Naturally, Pastor Niemöller rejected this idea as simply one more aspect of Nazi neo-paganism. "No man," said Niemöller, "believes what is being said today. . .: namely, that we live on forever in the life of the German nation."¹¹

Both the German Christians and the Nazi neo-pagan movement¹² intensified their attacks on the "Confessing Church" as the months went by. Again and again they pressed their attack against the Judaic foundations of Christianity, and the teaching of the "Rabbi" Paul. In his sermon for December 20, 1936, Niemöller directly confronted their slanders, calling them attacks on Christ. But by January 30, 1937, a day which was celebrated throughout all Germany as the fourth anniversary of the Third Reich, Niemöller at obvious personal risk delivered a sermon entitled "Retrospect," in which he recounted the injustices that Christ's Church had

¹⁰Martin Niemöller, God Is My Führer, pp. 20-25.

¹¹Ibid., p. 56.

¹²This was a group under the leadership of Field Marshall Erich Ludendorff that wished to return to the religion of the pre-Christian Teutonic tribes. While they enjoyed the support of several Nazi personages, they were never a real threat to the numerical superiority of the Christian churches.

suffered in the past four years. The hero of this sermon was the Apostle Paul, and Niemöller advised his congregation that ". . . we, like Paul, must be concerned with the one thing for which no price is too high: namely that Christ alone shall be preached."¹³

In the six months before his arrest, from New Year's Day, 1937, Pastor Niemöller made more and more frequent assaults on the anti-Christian ideology of National Socialism. In his sermon for February 7, 1937, he vehemently criticized the Nazi belief that the welfare of the nation was the highest aim. His Biblical text showed how the Sadducees and Pharisees had followed this principle when they decided to kill Jesus in order to protect the Jewish people and nation from Roman intervention. To Niemöller, this incident was the best proof that by following the doctrine of "'Whoever (or whatever) is useful to the nation is good,'" we no longer follow what is "right" or "true." "When we place any ideal higher than truth-- though it be the best and highest aim, though we call it 'nation' or 'church'--we are deadly certain to come into more and more serious conflict with Him who says: 'I am the truth.'"¹⁴ His flock probably had no trouble understanding that their pastor could not sacrifice the "truth" of Christianity to the theories and practices of National Socialism.

A cursory examination of Niemöller's sermon for April 24 might give the impression that he had truly given up in his struggle to keep the "truth" of Christ alive in his nation. The hopelessness

¹³Ibid., p. 137.

¹⁴Ibid., pp. 144-145.

of the Church seems implicit in the following questions: "Who today, I ask you, still dares to hope for a happy ending to the cause of Jesus Christ in our nation? Who can muster up enough confidence to believe in such an ending?"¹⁵ The answer was Niemöller himself. He never hoped to "win" the struggle with Nazism, in the usual sense of the word, because of their overwhelming physical power. Yet, with his characteristically simple faith he always knew that his cause, based on faith in Christ, would be the ultimate victor. It was this faith which drove him to take grater and greater risks, and eventually sustained him throughout his long imprisonment.

Niemöller's sermons for June convey a feeling of urgency. Perhaps he was aware somehow of the nearness of his arrest. In a brief, frantic statement on June 19, he successfully defined the diametrical positions of his views and those of the state. "We must not--for Heaven's sake-- make a German Gospel out of the Gospel; we must not--for Heaven's sake--make a German Church out of Christ's Church; we must not--for God's sake--make German Christians out of the Evangelical Christians!"¹⁶ No one else in Germany ever made public statements which were more opposed to the wishes of the Führer and his henchmen than those of Pastor Niemöller. This quotation indicates the irreconcilable difference between Niemöller and the authorities, and so does another statement from his last sermon before his arrest, given on June 27, 1937. Again he

¹⁵Ibid., p. 205.

¹⁶Ibid., pp. 276-277.

represents the underlying theme of all his sermons for the last four and one-half years. "We abide and shall continue to abide by this rule: God must be obeyed, rather than man."¹⁷

While Niemöller was in open disagreement with the government concerning political ideology and the state's relation with the Church, it is conceivable that the authorities might have left well enough alone had he limited himself to the realm of ideas. But Niemöller was not a man to refrain from expressing himself on any matter. If he saw that government functionaries were in need of "pastoral care," he did not hesitate to discuss their problems publicly, even if it meant correcting the Führer himself. At times, Niemöller hurled stinging insults at high party members, each such incident being carefully noted and reported by Gestapo spies. Niemöller, feeling a sense of mission to his parish, almost never faltered in his program of seeking the truth and giving light to those with whom he was associated. As Pastor he had to guard the flock, warning them of danger and showing the way to safety. "I see the danger and woe unto me if I should say to you, 'Peace, Peace!'"¹⁸

One such warning came on January 9, 1937, when he cautioned his congregation concerning the hazards involved in putting too much faith in Hitler. He reminded them that for ages men had dreamt of and hoped for a Savior, but few had stopped to think that the Savior might be Jesus of Nazareth. Deriding Nazi faith in Hitler, Niemöller reminded his listeners that "Today men talk with

¹⁷Martin Niemöller, "Valedictory," The Living Age, CCCLIII (Nov. 1937), p. 216.

¹⁸Martin Niemöller, First Commandment, p. 110.

the exuberance of religious veneration about the Führer of our nation, who has taught us to have faith once again. But Jesus of Nazareth?"¹⁹ While Niemöller freely admitted that Hitler had restored Germany's selfconfidence, he did not think that Hitler was a substitute for the risen Christ.

While Hitler was the object of a large share of Niemöller's criticism, the Reichsminister for Church Affairs, Hans Kerrl, was a more direct adversary. On June 17, 1937, in a sermon at Dahlem, Niemöller pointed to the ridiculousness of having Kerrl in this position. "The Reich Church Minister regards faith in Jesus Christ as an absurd side issue, and his right hand man, his State Secretary, announced his resignation from the Church just a week before he was called to his post. These are the men who now govern the Protestant Church in Germany."²⁰

Two days later, Niemöller resumed the attack, this time against Hitler. He recalled that Hitler had promised to safeguard Church prerogatives, yet only recently the right to take collection had been abrogated by government decree. He asked simply, "Does the Führer's word still hold good?" Such a question would have been adequate grounds for imprisonment in the Nazi state, even if left unanswered. But this subtle questioning of the Führer's integrity would not satisfy the pastor. He left no doubt about his opinion of Hitler, however, in the next statement:

¹⁹Martin Niemöller, God Is My Führer, p. 109.

²⁰The New York Times, 18 June 1937, p. 1.

As long as one man is left in prison, as long as one man remains evicted, as long as one man is forbidden to speak because he has replied to attacks against the Church or because he has quite clearly called desertion of the faith desertion, or has been put in prison for collecting offerings, the question as to whether the word of the Führer holds good is answered in the negative.²¹

But Niemöller's indictment apparently in no way changed Hitler's attitude toward the Church. The changes that did occur did not help Niemöller as events soon proved.

Pastor Niemöller's fame was primarily attributable to his bold sermons, but he was also involved in other incidents which were equally important in his elevation as the symbol of the German Church struggle. Important among these events was the above mentioned Synod of Barmen, and its Declaration.²² Another such development was the submission of a memorandum to Hitler on June 4, 1936, which contained a series of specific grievances and was signed by ten "Confessing Church" pastors, including Niemöller. This document was extremely polite to the Führer, but by adhering to it, the pastors virtually signed their own warrants for arrest. The following quotation illustrates the frank tone of the message. It was in a section which accused Hitler of allowing himself to be revered in a manner that was reserved for God alone.

It is only a few years ago that the Führer himself disapproved of his picture being placed on Evangelical altars. [Apparently by now they had reappeared.] His judgment is taken to be the standard unrestrainedly today not only in political decisions but also in regard to morality and

²¹Martin Niemöller, God Is My Führer, p. 273.

²²See p. 18.

justice in our people, and he himself is vested with the dignity of the national priest, and even of the mediator between God and the people.²³

Although the pastors never received a reply to this memorandum, its content, tone and signatures suggest that it probably made an important impression on Hitler.

The memorandum to the Führer was an open invitation for reprisal, but at least Niemöller knew that in this instance he was not alone as on previous occasions. An outstanding demonstration of his new position had taken place on January 25, 1934, when Niemöller had his only opportunity to present his views to Hitler in a personal confrontation. On this date, Dr. Wilhelm Frick called a group of Church leaders to the chancellery to discuss problems concerning Reichsbischof Müller. The pastors would not recognize Müller's authority and they intended to propose that he go on a leave of absence and that August Marahrens, Bishop of Hanover, be appointed the "temporary administrator." Present at the conference were Hitler, Frick, Müller, eight representatives of the German Christians and an equal number of "Confessing" Christians, including Pastor Niemöller.²⁴ Just as the meeting was about to begin, Hermann Göring rushed into the room with a wax recording of a telephone conversation earlier that day between Niemöller and an associate, and asked the Führer for permission to play it. By doing so he intended to prove that Niemöller could never be trusted. There are

²³Arthur C. Cochrane, The Church's Confession Under Hitler, p. 278, (Appendix X, entitled, "Memorandum Submitted to Chancellor Hitler, June 4, 1936").

²⁴Duncan-Jones, The Struggle for Religious Freedom in Germany, p. 70.

two conflicting versions of what the recording actually contained. A. S. Duncan-Jones believes the following quotation to be the exact recorded words of Pastor Niemöller:

We have laid our mines; we have sent our memorial to the Reichspräsident [von Hindenburg]; we have given things a favorable turn. Before the conversation on church affairs today the Chancellor will have had a lecture from the Reichspräsident and received from him extreme unction.²⁵

In a more recent book, Dietmar Schmidt declares that the telephone rang just as Niemöller was leaving for the conference. The caller was another "Confessing Church" pastor, wanting to know what Niemöller thought would be the result of the impending meeting. Niemöller was in a hurry and told his companion that he expected Hitler to dismiss the Reichsbischof. Niemöller then added that he understood that Frick desired a peaceful solution and had, therefore, called on Hindenburg for his support. At this point in the conversation, Schmidt says, "Niemöller's secretary called into the mouthpiece: . . . 'and to make him give Hitler extreme unction! You must let Pastor Niemöller go now, or he will be late to the conference!'"²⁶

Regardless of who had actually uttered this insulting metaphor, Göring's antic produced the desired effect. Hitler immediately went into a fit of rage, soundly berating the stunned pastor and

²⁵Martin Niemöller, From U-Boat to Concentration Camp, (Appendix by A. S. Duncan-Jones), p. 255.

²⁶Schmidt, Pastor Niemöller, pp. 92-93. The account of Duncan-Jones seems the more plausible because if a secretary really did shout into the mouthpiece, the recording would have shown that it was not actually Niemöller's voice.

eventually "stormed out of the room, screaming that people like Niemöller were incapable of offending him."²⁷ But Niemöller later recalled that in the midst of the confusion, he had managed to have the last word. "We will not stop watching over our people," Niemöller said, "and nobody, not even yourself, will be able to deprive us of this responsibility."²⁸ That same evening, eight Gestapo men ransacked Niemöller's parsonage, searching for information which would prove that he had been engaged in illegal relations with foreign individuals as Goring had earlier charged at the interview, and, of course, they found nothing.²⁹ But Hitler was not to forget this face-to-face encounter with his outspoken critic. Niemöller said that from that time on, "nobody dared to speak to him [about me] or to use my name in his presence."³⁰

Within the year Niemöller was once again at odds with the state authorities. Reichsbischof Müller, hoping to silence Niemöller permanently, placed him on a compulsory pension and forbade the community to allow him to conduct services in the parish church. Müller's decree had little immediate effect, however, as the church members disregarded the forced retirement. Niemöller took a daring step at this point when he decided to bring the case before a court to test the validity of the Reichsbischof's authority. This could

²⁷E. Sinclair Hertell, "Niemöller," The Christian Century, LIV (July 14, 1936), p. 896.

²⁸Martin Niemöller, Of Guilt and Hope, p. 71.

²⁹Wilhelm Niemöller, Macht Geht Vor Recht: Der Prozess Martin Niemöllers (Munich: Christian Kaiser Verlag, 1952), p. 20.

³⁰Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

be done only by suing his parish for payment of his full salary. The court ultimately decided with Niemöller, thereby delivering a severe blow to the new Church leaders.³¹ The first "Trial of Pastor Martin Niemöller" had, therefore, brought absolute victory to the frank man of God.

By the year 1937 Niemöller's position had become almost intolerable. Several incidents took place from January to July which now seem to have been harbingers of the Pastor's ultimate arrest for his troublesome acts. In a speech on February 13, 1937, Hans Kerrl left no doubt in the minds of his listeners that the pastor would collide with the policies of the Führer: "It is intolerable when for instance, Niemöller says at Dahlem: 'Our Führer is the Golden Calf around which our people dance.'³² In the spring, Niemöller had another brush with the authorities. He and his "Confessing Church" associate, Friedrich Dibelius, jointly published a pamphlet entitled "We Summon Germany to God," which expressed their complete lack of confidence in the government's oft repeated promise to allow autonomy in the Church. On April 8, all available copies of this document were seized by the Gestapo.³³ On May 14, as a result of his constant insubordination, Niemöller was ordered by the Church authorities to refrain indefinitely from preaching. He was given no specific explanation for the action.³⁴ Consistent with

³¹Wilhelm Niemöller, Macht Geht Vor Recht, p. 17.

³²Duncan-Jones, The Struggle For Religious Freedom in Germany, (Appendix: Speech by Kerrl), p. 302.

³³The New York Times, 9 April 1937, p. 14.

³⁴Ibid., 15 March 1937, p. 3.

their reaction to a similar prohibition in 1934, his parishioners paid no attention to the state demands, and Niemöller continued to deliver his troublesome sermons.

The fact that Niemöller continued to oppose openly the Nazi infringement on Church prerogatives and still avoid permanent arrest may seem baffling. However, even Adolf Hitler, like any other dictator, was limited in his freedom of actions. He probably would have relished the idea of getting rid of Niemöller as soon as he began to attack the state and its leaders on religious grounds. But the Führer realized that even he needed public support, and to arrest and imprison Niemöller without legal grounds would have caused untold harm to Nazi prestige, especially among Christians of all faiths who did not fully support the movement. Likewise, Hitler felt compelled to represent Germany to the world as a nation worthy of respect. That is why the pastors who sent the famous memorandum to him in 1936 escaped immediate arrest. At the time of this appeal the Berlin Olympics, with all their propaganda overtones, were in full swing. The eyes of the world were focused on Germany and Hitler, therefore, gave orders not to arrest any pastors during the festivities, as this might leave a negative impression on the foreign visitors.³⁵

Another consideration which limited Hitler's freedom of action was his need for the support of various prominent Germans, many of whom had been well known in military, diplomatic, or other circles

³⁵Birger Forell, "National Socialism and the Protestant Churches in Germany," Maurice Baumont, John H. E. Fried, and Edmond Vermeil, editors, The Third Reich; (New York: Frederick A. Praeger, 1955), p. 823.

long before the Nazi Revolution. A significant number among them had a great deal of respect for Niemöller, both as a war hero and as a man who followed the dictates of his conscience. Several such admirers were, in fact, residents of the fashionable suburb of Dahlem, and had been under Niemöller's pastoral care since 1931. Without these Prussian aristocrats and high state officials to act as buffers, Niemöller probably would not have been able to carry the battle as far as he did.

One such sympathetic member of Niemöller's parish was Count Lutz Schwerin von Krosigk, who served during the early years of the Hitler regime as Minister of Finance. Even more famous was Dr. Hjalmar Horace Greely Schacht, who made several references, both public and private, to the admirable courage of his pastor. Similarly, Baron Konstantin von Neurath, who served several years as Foreign Minister, was known to have an occasional good word for Niemöller. He feared an anti-German reaction abroad because of Nazi persecution of the Churches.³⁶

The curious role of yet another parishioner deserves special attention because it illustrates both Niemöller's good fortune in the membership of Dahlem parish and his blunt manner in approaching party officials. When Joachim von Ribbentrop, the ex-wine merchant turned diplomat, became the German Ambassador to Great Britain, he found upon his arrival to his new assignment that most members of the British government looked with disdain upon the anti-Christian policies of the Nazi movement. Ribbentrop's advisors suggested that

³⁶The New York Times, 2 July 1937, p. 8.

he might help placate British feelings by rejoining the Protestant Church which he had abandoned when he became a member of the party. In accordance with the prescribed method, Ribbentrop sent his petition for membership to the bishop of his diocese in Germany, who forwarded the letter to the proper parish for further consideration. As fate would have it, Dahlem was Ribbentrop's parish, and Niemöller had the opportunity to pass judgment on the sincerity of the candidate. He immediately sent the following letter to the Ambassador:

Excellency:

Your application to return to Christ has been duly received. Before dealing with its contents, I beg you to inform me whether the step is prompted by religious conviction or is due to political considerations.³⁷

There is no record of any answer from Ribbentrop, but it can be assumed that, owing to his position, the Ambassador could not have had the pastor punished for insolence.

Pastor Niemöller had been engaged in many anti-Nazi activities since January 30, 1933, and never once was his opposition covert. For more than four years he was allowed to continue the fight for his convictions, constantly gaining greater fame in Germany and abroad. But his opposition could not be tolerated indefinitely and on June 30, 1937, Niemöller received the visit from the Gestapo that he had expected for a long time.

³⁷ Ibid., 10 June 1937, p. 4.

CHAPTER IV

TRIAL FOR TREASON

Under the Third Reich, the function of law and all persons or institutions engaged in securing justice for the nation, underwent a radical change. In the opinion of the Nazis, courts of law had one primary function: to use their influence to further the program of Gleichschaltung. To do this, judges could no longer consider themselves as unbiased arbiters in disputes between the state and individuals. Instead, the judges followed the advice of Rudolf Hess (Deputy to the Führer) that "All administration of justice is a political activity,"¹ and usually rendered decisions which they felt were in line with the program of the party. Determining what action was most compatible with the desires of the Nazi movement was simple enough. Jurists had only to follow the suggestion of Dr. Hans Frank, Commissioner of Justice and Reich Law Leader: "Whenever you have to make a decision, ask yourselves: How would the Führer decide if he were in my place? Ask yourselves: Is my decision in harmony with the National Socialist conscience of the German people?"² Thanks to the efficient operations of the Ministry

¹Sidney Post Simpson and Julius Stone, Cases and Readings on Law and Society: Law, Totalitarianism and Democracy (St. Paul, Minn.: West Publishing Co., 1949), p. 1677.

²Ibid., p. 1683.

of Propaganda and Popular Enlightenment, German judges could easily determine what the feeling of a National Socialist was, or at least should be, in almost any situation. Nearly every German judge cooperated with the movement, but the few who would not were provided for in Article 71 of the Civil Service Law of January 26, 1937, which held that all government officials could be dismissed if they were politically unreliable.³ Trial lawyers as well as judges in Nazi Germany were expected to represent the Weltanschauung of National Socialism. Professional colleagues who failed to do so were to be ostracized. Hans Frank made a special plea for all German lawyers to unite behind the movement in his statement that "National Socialism has, from the beginning, got rid of all non-conformist movements. Let us therefore remain firm on this point as National Socialist Lawyers."⁴ Realizing that the members of the legal profession were under such extreme pressure, Niemöller could not expect his judges to decide his case in any other light than Nazi philosophy.

One of the most difficult problems the authorities faced after the arrest of Pastor Niemöller was deciding which of several courts would consider his case. That Niemöller was not to be accused of high treason was evident from the fact that the Ministry of Justice never considered trying him before the Volksgerechtshof (Supreme Court), the only court capable of handling such cases. The problem of which lower court should hear the case was more difficult to

³William Ebenstein, The Nazi State (New York: Farrar and Rinehart, 1943), p. 82.

⁴Simpson and Stone, Law, Totalitarianism and Democracy, p. 1682.

resolve. According to a Manchester Guardian correspondent,⁵ certain extremists in the party demanded that he be tried before the notorious Volksgericht (People's Court). The personnel of a Volksgericht usually consisted of avid party members who were not necessarily members of the legal profession. To make matters worse, their sessions were held in complete secrecy. Prominent jurists, on the other hand, appear to have been of the opinion that Niemöller should be tried in a lower level court, competent only to try civil cases.⁶ As might be expected, a compromise was reached, and the decision was made to try him before the Sondergericht (Special Court).

The Sondergerichte were created by a decree of the government on March 21, 1933. There were a large number of these instances scattered throughout Germany during the Nazi period, and they were under the control of the various states in the Reich. Each court had a president and two associate judges and was competent to try only cases in which the defendant was apprehended in its jurisdiction. While in many respects the structure and duties of this court were similar to others, certain articles of the decree endowed the Sondergericht with characteristics which made it unique and were of real importance in the Niemöller trial. According to Article 14:

The Special Court has to pass sentence even if the trial results in showing the act of which the defendant is accused, as not being under the jurisdiction of the Special Court.

And Article 16 held that:

⁵According to Wilhelm Niemöller, the reports of the world press were reliable (Wilhelm Niemöller, Macht Geht Vor Recht, p. 56).

⁶The Manchester Guardian, 21 Jan. 1938, p. 47.

There is no legal appeal against decisions of the Special Court.

For the sake of expediency, the Sondergerichts were given two more privileges. They were qualified to impose all sentences, including the death penalty, and they could make certain that their verdicts would be carried out immediately.⁷ This was the court before which Niemöller would be allowed to present his case after seven months of waiting.

Early in the evening of June 30, 1937, the doorbell rang at the Niemöller home, just as the pastor was preparing to take his son for a walk. Eight Gestapo men forced their way into the house and informed Niemöller that he was to come with them for routine questioning and that he would not be gone long.⁸ He was immediately taken to Old Moabit Prison, where he was placed in remand custody. Weeks and months dragged by before he was informed of the exact charges against him or when he would be tried. Meantime, Niemöller did not find life in cell number 1325 as difficult as one might expect. Technically, he was under fortress arrest, the same honorable type of imprisonment imposed on Adolf Hitler following the abortive Beer Hall Putsch in 1923. Thus, Niemöller had several privileges which were not enjoyed by most other political prisoners in Nazi Germany. He was allowed to purchase and choose his own food for five marks daily. As a further insurance of good health,

⁷Trials of the Major War Criminals Before the Nuernberg Military Tribunals (Washington: U. S. Government Printing Office, 1951), III, pp. 218-222.

⁸Clarissa Start Davidson, God's Man: The Story of Pastor Niemöller (New York: Ives Washburn, Inc., 1959), pp. 88-89.

he was allowed a thirty minute walk per day in the prison court yard, while the "half-Aryan" prison doctor allowed him to lie on his bunk during the daytime. Cleaning his cell and keeping it in order was his only real duty. These privileges were granted, however, to all prisoners in Old Moabit. Among Niemöller's special privileges were the right to use his Bible, prayer books, and hymnal; a visit by his wife and one child every ten days; use of the prison library and typewriter; and the right to take part in Church services.⁹ At night, he was not forced to undergo Gestapo interrogation, and he always slept well in his cell. All in all, Niemöller's stay at Moabit was not too unpleasant, considering that he was a political prisoner in the Nazi state.¹⁰

Niemöller immediately began to prepare himself for what he hoped would be an immediate and decisive trial. To his dismay his day in court did not come until February 7, 1938. Time after time, Niemöller was given reason to believe that his trial was imminent. On August 3, 1937, for instance, the Justice Ministry publicly announced that the Niemöller case would be tried on the tenth, twelfth, and sixteenth of that month.¹¹ When the date for the trial arrived, Niemöller remained in his cell without any explanation. Legal officials, moreover, pressed for a decision. Soon after his arrest a District Appeals Court held that further imprisonment of the pastor had no legal basis. This decision pointed out that

⁹Wilhelm Niemöller, Macht Geht Vor Recht, p. 30.

¹⁰Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

¹¹The New York Times, 4 Aug. 1937, p. 5.

no specific charges had been made against him and that the Sondergericht should either try him or release him, remembering that he had a large family to support and that he had merely followed the dictates of his conscience.¹² Shortly before November 24, Minister of Justice Franz Gurtner, who by this time was anxious to dispose of the Niemöller case, was reported to have made a personal appeal to Hitler for the pastor's release. He was unsuccessful and Niemöller remained in remand custody.¹³

As the Christmas season approached, sympathy increased for the embattled pastor who was separated from his family and church. Niemöller applied for Christmas leave to be effective for four days, beginning on December 24. It was no surprise to anyone when his request was denied. The grounds for the refusal, however, indicate the importance which the authorities still attached to the imprisoned pastor:

The reasons a warrant was issued are still valid. . . . It is also in the interest of the public order, and therefore of the peace during the Christmas season, both in his residential district and in his parish that the accused shall not be released.¹⁴

It can be assumed that the prosecution had all the evidence necessary to begin the trial at the time of Niemöller's arrest. The authorities simply felt that by postponing his trial, public interest in his plight would gradually diminish. As a matter of fact, the exact opposite was the case.

¹²Ibid., 9 Oct. 1937, p. 3.

¹³Ibid., 25 Nov. 1937, p. 17.

¹⁴The Manchester Guardian, 28 January 1938, p. 65.

On January 17, 1938, the long awaited day arrived. Berlin Sondergericht II mailed an official summons to all witnesses to appear at Room 664, Old Moabit Prison, on designated dates in February.¹⁵ The three judges who were to serve Sondergericht II, like all their counterparts in Germany since 1936, had been appointed and sworn in by the Führer himself, after nomination by the Minister of Justice. Niemöller knew, therefore, that his main problem would be to convince these Nazi-approved judges of his innocence. Niemöller became aware of the exact identity of his future judges in October when the State Supreme Court director Dr. Robert Hoepke was made President of Sondergericht II, to be assisted by Dr. Welz and Dr. Schwarz.¹⁶ Niemöller was not acquainted with any of these men personally before the trial, but he knew from the beginning that he would receive fair treatment from them, as they all had excellent reputations.¹⁷

Then, both sides in the trial proceeded to choose expert counselors to prosecute and defend each charge in the indictment. The Chief Prosecutor selected District Attorney Dr. Lange, General Prosecutor Thissen, and District Attorney Dr. Gorisch.¹⁸

¹⁵February 7, 8, 10, 11, 14, 15, 17, 18. A later summons issued during the trial called for appearances on February 19, 21, 22, 24, and 25. Wilhelm Niemöller, Macht Geht Vor Recht, p. 52.

¹⁶Ibid., p. 54. The Christian names of these judges are not available. The same is true for the counselors listed in the next paragraph.

¹⁷Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

¹⁸Wilhelm Niemöller, Macht Geht Vor Recht, p. 52.

Pastor Niemöller was allowed to choose three equally qualified experts to defend him: Dr. Hans Koch, Dr. Hahn, and Dr. Horst Holstein. Dr. Holstein was selected on Niemöller's second day in remand custody because Niemöller knew he could depend on his "knowledge, enthusiasm, and personal solidarity," and he had been the Pastor's attorney in other trials. Dr. Koch was selected in August because he had been so effective in a similar trial of one of Niemöller's associates in the "Confessing Church," Pastor Gerhard Jacobi.¹⁹

Niemöller, along with the trial personnel, began to enact the drama which was closely followed by the world press. The actual witnesses of his ordeal were, however, a select group. After some deliberation the Court decided to admit a "small committee" of "Confessing Church" pastors. These men were Niemöller's only sympathizers in the audience,²⁰ as the other seats were occupied by prominent members of the Nazi press and the government. No members of Niemöller's family were allowed to witness the proceedings.²¹ Regardless of the composition of the audience, Niemöller approached the trial with real confidence, for during his remand custody he had been allowed to compile massive evidence for his own defense. And he faced his judges with self-assurance and vigor throughout the whole trial. According to Pastor Hans Deppe, a member of the committee representing the "Confessing Church," Niemöller

¹⁹Ibid., pp. 34-40.

²⁰The New York Times, 8 Feb. 1938, p. 1.

²¹Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

was a little thin but otherwise in good spirit and physical condition when he testified on February 21. According to a correspondent of the Daily Telegraph he was happy and optimistic, and looked like a typical German Naval Officer.²² In one respect, Niemöller's positive attitude begot a negative reaction. Prior to the beginning of the trial the court had issued 150 passes to ministers who wished to witness the proceedings. Apparently, these clergymen attended the opening session of the trial. After the charges were read, Niemöller, to everyone's surprise, rose to present the case for the defense personally. He was immediately interrupted by the prosecution who wanted to know why Niemöller did not speak through counsel. The Pastor quickly observed that the trial centered around church problems and considered that he knew more about church affairs than his attorneys. Immediately the state moved that the public be excluded. The three judges accepted the state's motion, permitting only the "small committee" of clergymen to remain.²³ The evidence indicates that the prosecutor feared the effect of Niemöller's eloquence. One should not get the impression that Niemöller attempted to steer an independent course during the trial. On the contrary he was able to work in complete harmony with the defense counsel, even in the most difficult stages of the trial.²⁴

Among the most notable aspects of the Niemöller trial was its secrecy. The Nazi authorities did everything in their power to

²² Wilhelm Niemöller, Macht Geht Vor Recht, p. 59.

²³ The New York Times, 8 Feb. 1938, p. 1.

²⁴ Wilhelm Niemöller, Macht Geht Vor Recht, pp. 60-61.

insure against its publicity. On February 5, the Propaganda Ministry issued a decree to all church papers, instructing them in handling news of the trial:

[Information] about the Niemöller trial can only be published in a manner which is according to the German News Agency. Nothing can be added or taken away. No comment is allowed. It is not permitted, therefore, to announce the verdict in a conspicuous way on the front or second page in the paper.²⁵

In a second directive issued on the same date, the Propaganda Ministry informed the secular press that no journalists would be allowed to participate in the trial, "which must be kept completely secret. The public will be withheld because of the danger to the security of the State."²⁶ These decrees indicate that the government was faced with a real dilemma. An ultimate verdict of innocence would mean total failure of the Nazi church policy, while a verdict of guilty would certainly have unfavorable reception among all German Protestants. By imposing secrecy the authorities only postponed their embarrassment. But they could conceal the evidence from which a decision was reached.

News of Niemöller's trial was kept secret until February 22, when the first public notice that it was to be held appeared in Schwarze Korps, the official organ of the Schutzstaffel (S.S.). The article referred to Niemöller as a man without honor because of his "neighborly love for Jews and traitors."²⁷ By keeping

²⁵Ibid., p. 54.

²⁶Ibid.

²⁷The New York Times, 23 Feb. 1938, p. 17.

the date of the Niemöller trial a secret until February 22 and severely criticizing him in the first public notice of the trial, the Nazis hoped to prevent the German people from getting the impression that he should be acquitted. The authorities did what they considered best from the standpoint of the government.

While the secrecy of the trial kept the truth from the German people, Church leaders learned about the proceedings through the special witnesses for the "Confessing Church" who were present. Although Niemöller's associates who were still free were undoubtedly disappointed and worried about Niemöller's personal fate, they were more concerned that a great public debate between Nazi and Church leaders was not stimulated by the trial. These pastors had hoped that Niemöller's trial would serve to clarify and rectify the issues between Church and state.²⁸ The secrecy of the trial also served to damage further the already questionable reputation of the German Court structure. That Protestants could receive just treatment from these courts was seriously doubted.²⁹

On July 12, 1937, the official indictment was presented in Berlin Sondergericht II, and was entitled simply "Cause of Arrest."³⁰ Not until the hour of reaching the courtroom did Niemöller learn the specific charges he was expected to answer, but his extensive preparation indicates that he was almost certain what they would be. He found that he was accused of the following crimes:

²⁸Ibid., 6 Feb. 1938, p. 33.

²⁹Ibid., 11 Feb. 1938, p. 8.

³⁰Wilhelm Niemöller, Macht Geht Vor Recht, p. 35.

Charge I-A: ". . . as a clergyman in the practicing of official duties in churches and other places reserved for religious meetings, . . . [he had] made several matters of the government the subject for his discussions, and this in such a way that the public peace could be endangered. . ."

Charge I-B: ". . . in coincidence with this [I-A]. . . [he had] made malicious and inflammatory remarks about leading personalities of the government, especially the Messrs. Kerrl, Goebbels, Rust, and Gurtner,³¹ and about their orders and established arrangements. These remarks were capable of undermining the people's confidence in the political leadership. . ."

Charge II: ". . . committed offense against the order of the 18th of February, 1937, by the Reichsminister of the Interior together with the Reichsminister of Church Affairs, for the enforcement of the law concerning the protection of people and nation, given by the Reichs-president on the 28th of February, 1933."

Charge III: ". . . publicly invited the crowds to disobey the above stated order of the 18th of February, and because of the invitation there followed a punishable deed."³²

Each of the above charges was legally based on specific statutes in the Reich Penal Code, and Niemöller knew of their existence. The laws involved were not, as might be expected, a set of decrees designed to deal with the recalcitrant "Confessing Church." Rather, each law originated to combat separate and entirely different threats to the German Government. The basis for Charge I-A was found in paragraph 130a of the Penal Code.

³¹ Bernard Rust, Reichsminister of Science, Education, and Popular Culture. Franz Gurtner, Reichsminister of Justice.

³² Official Indictment in author's personal file entitled, "Cause of Arrest," p. 1. This is a photostatic copy of the indictment used during the trial. It was sent to me upon request by Wilhelm Niemöller.

It originated in 1876 and is commonly called the "Bismarck Law," used by the "Iron Chancellor" in his struggle against the Roman Catholic Church. Basically, it forbids any minister of the gospel to speak politically from the pulpit.

. . . A clergyman or other minister of religion who . . . makes affairs of state a subject of his announcement or discussion in a manner endangering public peace either before a crowd or before several people assembled. . . shall be punished. . . . A similar punishment shall be imposed upon a clergyman or minister of religion who . . . issues or distributes writings in which affairs of state are made the subject of announcement or discussion in a manner endangering public peace.³³

Pastor Niemöller, for more than four years before his imprisonment, had actively and willingly spoken and written in sermons and pamphlets about "affairs of state." From the Nazi viewpoint, these discussions had the effect of endangering public peace.

The basis for Charge I-B was found in a decree signed by Hitler which was promulgated on December 20, 1934. It is usually called the "Malice" law and prohibited criticism of the government or any member thereof.

. . . anybody deliberately making false or grossly distorted statements, which are apt to debase the welfare of the Reich or the prestige of the Reich government, the NSDAP or its affiliated agencies. . . . will be imprisoned. . . .

Whoever makes statements showing a malicious, inciting or low-minded attitude toward leading personalities of the State or the NSDAP. . . which are apt to undermine the confidence of the people in its political leadership--shall be punished with imprisonment.³⁴

³³Trials of the Major War Criminals, III, p. 926.

³⁴Ibid., pp. 173-174.

That Pastor Niemöller had made malicious attacks on officials in both the Nazi party and Reich government seemed apparent to most people before the trial.

The basis for Charge II was an extension of the decree issued by the Reichspräsident on February 28, 1933, which severely restricted individual liberties, and gave the Reichspräsident dictatorial powers under the authority of Article 48 of the Weimar Constitution. Thus the decree was instituted as a "defensive measure against Communist acts of violence endangering the State."³⁵ Under Nazi leadership, it was used to justify any measure to protect the state and party from aggression from any quarter. And to enforce it in connection with attacks from the Church the decree of February 18, 1937 was promulgated which prohibited reading the names of apostates from the pulpits.

. . . the publication or public announcement of the names of those persons who left the church is prohibited. Particularly it is forbidden to read such names from a pulpit.³⁶

The decree came into effect just four months before Niemöller's arrest. Since the beginning of the Lutheran Church, it had been an accepted practice to read from the pulpit the names of both those who entered and those who left the Church. Niemöller would not give up this tradition of the Church, regardless of government orders to do otherwise. While prosecuting Charge III, the state simply intended to show that the persistent reading of the names of apostates was an open invitation to the congregation to oppose

³⁵Ibid., p. 160.

³⁶The New York Times, 29 July 1937, p. 4.

the state. According to the prosecution, brawls between Hitler Youth and "Confessing Church" members, if they took place after a service in which the identity of apostates had been presented, were a direct result of the reading of names.

As the trial progressed, the charges were argued before the judges in the order of their presentation, and the first debate centered around the alleged violation of the "pulpit article." At the onset, counselor Hahn presented the Nazi prosecutor with a true conundrum. He quoted a passage from Heinrich von Treitschke, a hero in Nazi ideology, in which the old Prussian historian vented his opposition to the "pulpit article." Treitschke called it "nonsense" to attempt to prohibit a minister from talking about politics, because religion must deal with all phases of human life. Treitschke concluded that, "It would be a weak, unspirited Church that would give up this noble right to influence the morale of the people."³⁷ How the prosecutor explained the state's virtual demand that the Church become, in the eyes of this famous German, "weak" and "unspirited" is not explained from information available. By presenting this problem, Niemöller's lawyer had shown the Nazi court that his client possessed the cardinal virtue of courage. Holstein pointed out that the law had come into existence when Germany was ruled by another and entirely different type of government and that it was meant to be a weapon against the Catholic Church. To substantiate his claim, Holstein mentioned the fact that in the past sixty years, no Protestant

³⁷ Wilhelm Niemöller, Macht Geht Vor Recht, p. 76.

ministers and only six Catholic clergymen had ever been accused of violation of the law. He ended his speech by advocating that Niemöller had always discussed Church affairs, not matters of the state. Holstein felt that the Nazi regime wrongly considered many areas as government affairs.³⁸

It is apparent that Holstein was being completely unrealistic in his attempt to prove that Niemöller had never spoken of political or state matters from the pulpit. Hans Gisevius, a leading member of the Gestapo who later lost faith in the movement, points out that, "Hitler and Himmler. . . did not give a damn about religious questions. They knew perfectly well that they were fighting Niemöller on their exclusively political plane."³⁹ For under the Nazis, religion and the state had become inseparable. That Niemöller recognized this phenomenon and willingly violated the law is evident from a passage in one of his own sermons: "The fact is that it is simply impossible for us today to accept the comfortable formula that politics have no place in the Church."⁴⁰

The ultimate decision as to whether Niemöller had spoken politically from the pulpit rested with the three judges. And it was their opinion that Niemöller's public theological discussions about the German Christians and the neo-pagan German Faith Movement were perfectly legal. But they decided that when he attempted to convince his listeners that these groups were unofficially

³⁸ Ibid., p. 74.

³⁹ Hans Bernd Gisevius, To The Bitter End (Boston: Houghton Mifflin Co., 1947), p. 216.

⁴⁰ Martin Niemöller, First Commandment, p. 13.

supported by the government through the Nazi party, "he overstepped the limit of pure religious consideration and stepped into the realm of politics."⁴¹ In this same section the judges vividly revealed the degree to which totalitarianism had progressed in Germany by 1938. They defined the "realm of politics" as all public matters, or anything the state considered a government matter.⁴²

The prosecution introduced several instances which, in their opinion, clearly demonstrated that Niemöller had made a number of malicious attacks against the Nazi leaders and government institutions. In numerous sermons, Niemöller had told his listeners that Kerrl was not the Minister for Church Affairs; rather he referred to Kerrl as the Minister "against" Church Affairs. Niemöller had often referred to the Church Minister as a hostile agent against the "Confessing Church," the only truly Christian segment of the Evangelical Church, and in this function Kerrl had acted against the solemn word of the Führer. In fact a sermon delivered on January 13, 1937, should indicate that Niemöller probably was guilty as charged. According to the Pastor, "Reichsminister Kerrl never cared for the Church. He was never a Christian and neither is anyone in his department a Christian in the meaning of the Confession."⁴³ The state also felt that

⁴¹Document in author's personal file; title: "Official Court Findings," p. 8. This document is a photostatic copy of the verdict of Sondergericht II in the Niemöller case. I received it upon request from Wilhelm Niemöller in May, 1963.

⁴²Ibid., p. 7.

⁴³"Cause of Arrest," p. 6.

Niemöller had attacked high officials of the Third Reich. He assailed Reichsminister Goebbels indirectly by asserting that the Church Committees created by Kerrl, were really "special departments of the Ministry of Propaganda." And he had vehemently criticized Rust's decree which removed religious instruction from all public schools. The final target of Niemöller's vituperations was Reichsminister Görtner, whom he had insulted by the mere question in a sermon, "Where is the right and wrong?"⁴⁴

The judges concluded that Pastor Niemöller was not guilty of making malicious attacks in the true spirit of the law. It was their opinion that in order for guilt to exist, it had to be proven adequately that Niemöller's remarks were "hateful, inflammatory and indicative of a low opinion." They felt that Niemöller's personality, meaning his sincere attempt to love his neighbors as befits a true Christian, prevented him from harboring such feelings. He undoubtedly did disagree with certain government policies, but the court felt that he did not mean for his statements to be regarded as attacks against individuals. To support their claim, the court said that "even the Public Prosecutor must admit this," and he certainly did.⁴⁵

That Niemöller had violated the decree forbidding the reading of apostate's names could not be denied, and the court had no choice but to find him guilty on this charge. But the defense's explanation for the continued violation indicates Niemöller's true

⁴⁴Ibid., pp. 13-14.

⁴⁵"Official Court Findings," p. 10.

attitude toward his duty as a pastor. The order from the Reichsminister of the Interior which prohibited the reading of these names was published in the daily press and in a church periodical. But a section providing for punishment of violators was omitted in both cases,⁴⁶ and Niemöller, being uncertain of the consequences of violating the decree, continued the practice for several weeks thereafter. On June 3, 1937, the Brotherhood Council of Niemöller's "Confessing Church" had voted to continue indefinitely the practice of reading the names. Pastor Niemöller, as the leader of this group, told a meeting of two hundred clergymen that he would not consider this a binding decision in view of the ever increasing number of arrests of "Confessing Church" pastors. He held that each pastor must follow his own conscience, but that he would continue to read the names under any circumstances.⁴⁷ He, for one, would certainly not allow the Nazi government to interfere with this tradition of the Church.

On March 2, 1938, the court presented its long awaited judgment.

The defendant is sentenced to seven months of confinement to a fortress because of continued offense against paragraph 130a, Article I of the Penal Law Book. He is also sentenced to a fine of 500-R.M. because of an offense against paragraph 4 of the order of the 28th of February, 1933, and also to a fine of 1500-R.M. because of the same offense, in violation of Paragraph 130a, Article II of the Penal Law Book.

The confinement to a fortress and the fine of 500-R.M. are remitted because of the endured remand custody.

⁴⁶Ibid.

⁴⁷Ibid., p. 11.

If the fine of 1500-R.M. cannot be paid,
 there will be instead three months in prison.
 The defendant has to pay the costs of the trial.⁴⁸

The verdict was clearly a victory for Pastor Niemöller and the "Confessing Church." More important, it revealed that even as late as 1938, some German judges were willing to risk their lives to see that justice prevailed. The relatively light sentence was a virtual testimonial by the court that Niemöller was not an enemy of the state. Fortress arrest meant that his honor was not impaired and that the attempts of the prosecution to brand him as a traitor had failed. As fortress arrest carried no stigma, he was immediately acceptable to all members of society. The reading of the verdict was open to the public, including the foreign press. In compliance with its duty to inform the people of noteworthy events, the German Press issued immediate notice of the outcome of the trial. But the Nazi leadership clearly indicated that they regarded the verdict as a bitter pill by issuing a brief announcement full of technicalities.⁴⁹

The judges in the Niemöller trial felt compelled to offer adequate justification for their decision, and thereby provide the best material for determining their motivation. As Niemöller was found guilty, some explanation of the nature of this guilt was due both the accused and other pastors in the "Confessing Church." They held that above all else, Niemöller, by reading names of apostates and speaking politically from the pulpit, had seriously endangered

⁴⁸Ibid., pp. 1-2.

⁴⁹Wilhelm Niemöller, Macht Geht Vor Recht, p. 84.

public peace. The judges admitted that he probably did not intend to create dangerous situations, but they pointed out that he always spoke to large crowds and it was only natural that many of his listeners would fail to heed his advice not to cause trouble. Furthermore, much of what he said was passed along by word of mouth, generating tense partisanship in people both for and against the Third Reich. Regardless of Pastor Niemöller's intent, his sermons had served as the fountain-head for considerable unrest.⁵⁰

Even though Niemöller had committed these illegal acts, the court felt that his personality and motives had to be considered before any degree of guilt could be assigned. After careful scrutiny of Niemöller's career, the judges came to the conclusion that he was basically a loyal German patriot who would never intentionally harm the welfare of the fatherland. Their first proof for this conclusion was the Pastor's brilliant naval career. Four paragraphs in the official verdict deal with his war record. They mention the large number of Allied ships his submarine had sunk, the ratings of his superior officers which always acknowledged his "excellent ability to serve," his refusal to turn over the U-boats in 1919, and the fact he had received the Iron Cross and other decorations for bravery in action.⁵¹ If bravery and service to the fatherland were marks of a true patriot in Nazi Germany, another was anti-Bolshevism. To justify their verdict, the judges recalled that Niemöller had taken command of a conservative defense force against the "Red Republic"

⁵⁰"Official Court Findings," p. 14.

⁵¹Ibid., p. 2.

which had been declared in 1920 in the wake of the abortive Kapp Putsch. In this capacity, he had played a major role in ridding the city of Münster of the "Bolshevik terror."⁵²

Finally the judges outlined Pastor Niemöller's political development to prove that, with the exception of the Church question, he had always been a good German citizen. They noted that he did not become involved politically while a naval officer on active duty. His first noticeable political act occurred on May 9, 1919, when he wrote a letter to the Naval Staff telling them that "he refused to serve as an officer 'in this or any other republican regime.'" When his brother, Wilhelm, became a member of the NSDAP in 1923, Martin seriously considered joining the movement. He did not do so because as a pastor he would have to care for people of different political opinions, and therefore believed that it would be better if he were not connected with a particular party. But the court noted that as early as 1924, Niemöller voted for the National Socialist candidate. By 1930 he was known in Dahlem as the "Nazi Pastor" because he allegedly paid special attention to party members. They concluded this segment of their explanation with the assertion that "he happily accepted the upheaval of 1933."⁵³ The man who had been accused of being a traitor emerged from his trial as a super patriot in the eyes of his judges!

But Niemöller was not yet a free man. After hearing the verdict, he returned to his cell, packed his belongings and waited

⁵²Ibid.

⁵³The New York Times, 3 March 1938, p. 1.

to be released. Several hours later he was removed forever from Old Moabit, but not in the manner he expected. That evening Pastor Niemöller was taken to Alexanderplatz prison by the secret police.⁵⁴ He eventually went to Sachsenhausen concentration camp, thence to Dachau where he remained until the last days of World War II. As Niemöller had been duly tried and released by the Sondergericht, there was only one authority for his re-arrest: the Führer himself. The Pastor had the somewhat dubious distinction of being Hitler's only "personal prisoner." The Nazi authorities had to provide an explanation for this unprecedented action. It seems that the Dahlem Pastor was imprisoned for his own protection! As the authorities pointed out, he had violated the gesundes Volksempfinden (sound folk feeling) of the German people, an act which would (or should) incur their wrath. It mattered not whether this wrath existed, only that it should have existed.⁵⁵ Undoubtedly, the real reason for the second arrest was to keep the embattled pastor from returning to Dahlem, where he would have been a more significant center of attention than ever.

⁵⁴The New York Times, 3 March 1938, p. 1.

⁵⁵Ebenstein, The Nazi State, p. 74.

CHAPTER V

THE EFFECTS AND IMPORTANCE OF THE NIEMÖLLER CASE

The arrest of Pastor Niemöller marked the pinnacle of the religious struggle in Germany. Otto Dibelius, himself a leading figure in the Church, felt that with Niemöller's arrest "the government's entire power [was] pitted against the Confessional Church."¹ The fact that the secret police had definite orders not to arrest the pastor except by special order from the Führer attests to the importance of the case. Hitler had allowed Niemöller to continue his attacks against the Nazi movement, probably hoping that the pastor's attraction would wane with the passage of time. Only after the Chancellor reached the point where he felt further opposition would be more dangerous than any reaction to the arrest of the pastor did he give his permission for the arrest. Likewise, the state leaders probably thought that the evidence against Niemöller was such that the Sondergericht could do nothing but give him a severe sentence. The Führer was totally unsuccessful if he hoped to remove Niemöller from a position of influence in the "Confessing Church" by his incarceration. It is a fact that during Niemöller's eight years in various prisons, he received constant

¹The New York Times, 12 July 1937, p. 7.

inquiries from his associates, seeking advice of all kinds.²

The trial of Pastor Niemöller must also be considered important because with one exception it was the only case during the Nazi period in which a court dared to spoil the propaganda effects planned by the party.³ The three judges who risked their lives by giving Niemöller a token sentence had proven poor servants of the Reich. In retaliation the Ministry of Justice blocked any future promotions for them.⁴ Counselor Hahn was deeply impressed with the array of party dignitaries who attended the trial. He remarked that he had never performed his duty before such a group, not even in cases tried by the Supreme Court. "This is proof enough to me," said Hahn, "that here we are asked to answer some very important questions."⁵ The most important question answered was, "What chance for justice does a leader in the 'Confessing Church' have before a German Court of law under Hitler?" The answer was apparent. The trial revealed that pastors could expect fair treatment from the courts but that the untouchable power of the Führer would invalidate their decisions. The state must remain unassailable and unapproachable from any source.

Another significant aspect of the trial was the reaction it created in other countries. In England and the United States, the press indicated that people were appalled by the subsequent re-arrest of Niemöller. Vigorous efforts by the German foreign office to win

²Wilhelm Niemöller, Macht Geht Vor Recht, pp. 33-34.

³Ebenstein, The Nazi State, p. 90.

⁴Schmidt, Pastor Niemöller, p. 115.

⁵Wilhelm Niemöller, Macht Geht Vor Recht, pp. 55-56.

support for the Hitler regime in other lands were significantly undermined by this fiasco. Typical of public opinion in both the United States and Great Britain, an editorial in the Manchester Guardian asserted that "Germany, eager to win the good opinions of the world, should know that they are not easily purchased while men like Dr. Niemöller are in a concentration camp."⁶

As might be expected, the most vehement protest against the imprisonment of the Dahlem pastor came from the various religious communities of the world. Numerous expressions of sympathy for Niemöller were offered in February and March, 1938. The Spring Session of the Church of England was opened by this statement of the Archbishop of York: "Let us remember in silent prayer the trial of Martin Niemöller."⁷ On February 10 the General Secretary of the Greater New York Federation of Churches mailed postcards to six hundred clergymen, asking them to urge their parishioners to pray continually for the beleaguered German pastor.⁸ The most noteworthy reaction in the religious world was a telegram sent by five famous leaders of various Christian Churches, meeting in London. This message was a vigorous protest against the prolonged imprisonment of their fellow Christian leader. Included among the signatories were the Archbishop of Thyateira (Greek Orthodox), the President of the Protestant Federation of France, and a department

⁶ The Manchester Guardian, 11 March 1938, p. 183.

⁷ The New York Times, 8 Feb. 1938, p. 2.

⁸ Ibid., 12 Feb. 1938, p. 2.

chairman of the Federal Council of Churches (U.S.A.).⁹ As these objections were made they were usually publicized in newspapers and periodicals, effectively increasing public sympathy for Niemöller.

The reaction of the German people to Niemöller's ordeal is more difficult to assess. Evidence shows that he had wide public support, at least until his second arrest. On August 9, 1937, the first date set for the trial, his parishioners met at the church in Dahlem, but the secret police did not let them hold their proposed prayer meeting. In defiance they held a protest parade, "the first demonstration of opposition seen in Germany since the Nazis had consolidated their powers."¹⁰ In the months that passed between Niemöller's first arrest and the end of his trial, several sporadic disturbances occurred throughout Germany, but their effect on the government's policy toward the pastor was negligible. Despite this, his sympathizers never gave up the hope that he would be vindicated. Likewise, others who were not necessarily concerned about Niemöller personally, hoped that his trial would prove that German citizens could still expect fair treatment by the courts of law. This feeling of optimism persisted through the trial, as indicated by the headlines of one German newspaper: "There Are Still Judges in Berlin."¹¹ There were still judges, but there was also the Führer!

⁹ "World's Christian Leaders Appeal for Niemöller," The Christian Century, LV (March 23, 1938), p. 355.

¹⁰ Harold E. Fey, "The German Church Says No!," The Christian Century, LIV (Sept. 1, 1937), pp. 1067-1068.

¹¹ Wilhelm Niemöller, Macht Geht Vor Recht, p. 83.

An important factor which probably influenced the decision of the three judges was the impressive array of character witnesses who spoke for the pastor. All of these witnesses emphasized Niemöller's desire to serve the fatherland, and references to his old Prussian concepts of "honor and duty" were commonplace. Dr. Ferdinand Sauerbuch, an eminent surgeon said that he wished "there could be more pastors in the Evangelical Church with such character and attitude."¹² Among the witnesses were several general grade Army officers, admirals, and important representatives from the various Ministries of the state. Perhaps the most surprising character witness was Frau Olga Rigele, a sister of Hermann Göring.¹³

Against such dignitaries, the prosecution could muster only three witnesses, none worthy of note. They included a candidate for the office of Criminal Assistant in the District Attorney's Office, a criminal officer, and a Gestapo leader from Bielefeld. Their names are not available but it is known that they were all members of the Nazi party or sympathizers with the movement. To make matters worse, they could not prove that they had actually seen Niemöller violate any law; with the exception of the decree concerning apostates.¹⁴

Above all, Pastor Niemöller's trial must be viewed as an honest attempt by the court to obtain real justice for the accused. Existing literature on the trial fails to emphasize this point. Too often Niemöller is pictured as a martyr, while the guilt is often subtly

¹²Ibid., p. 44.

¹³Ibid., p. 42.

¹⁴Ibid., p. 40.

placed on the shoulders of the judges. In a strictly legal sense, Niemöller was guilty and the judges could not have been more lenient. Some time after the collapse of the Third Reich, Niemöller held that his trial was ". . . absolutely unobjectionably conducted. . . ."15 Perhaps a statement made by Pastor Niemöller in the seventy-second year of his life, best illustrates the fact that the judges could have done no more to vindicate him: ". . . the difficulty," he declared, "was what is political? . . . They believed me that it was a Church affair, but to say what was political, that was not for a court, that is not left to the Church, but that is left to the state. When the state claims it is political, then we have to leave it to him [sic]."16 Even Pastor Martin Niemöller, one of the most articulate German opponents to the Hitler regime, accepted the totalitarian philosophy of National Socialism.

¹⁵ Ibid., pp. 83-84.

¹⁶ Martin Niemöller, personal interview with the author, Tulsa, Oklahoma, 27 March 1963.

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"Cause of Arrest."

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"Official Court Findings."

This document was also sent to me by Wilhelm Niemöller and is a copy of the verdict of Sondergericht II in the Niemöller trial. It also contains the judges' reasons for rendering their decision.

"Sentences Concerning the Aryan Question in the Church."

This is the last of the documents I received directly from Wilhelm Niemöller. It contains Martin Niemöller's opinions of the German Christian proposal to introduce the "Aryan Paragraph" into the Evangelical Church. It is signed by Martin Niemöller.

ORAL INTERVIEW

Niemöller, Martin, personal interview, Tulsa, Oklahoma, 27 March 1963, with the author.

On this date, Pastor Niemöller granted me a short personal interview. During the interview he helped me clarify certain points which I could not have done otherwise. Among other things he gave me his own evaluation of the objectivity of the judges. More important he directed me to the documents which his brother possesses.

VITA

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