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Photo courtesy of Walter Frenz

The Long Search for Alfred Rosenberg's Stolen Papers and Diaries

A Brief Memoir by David Irving

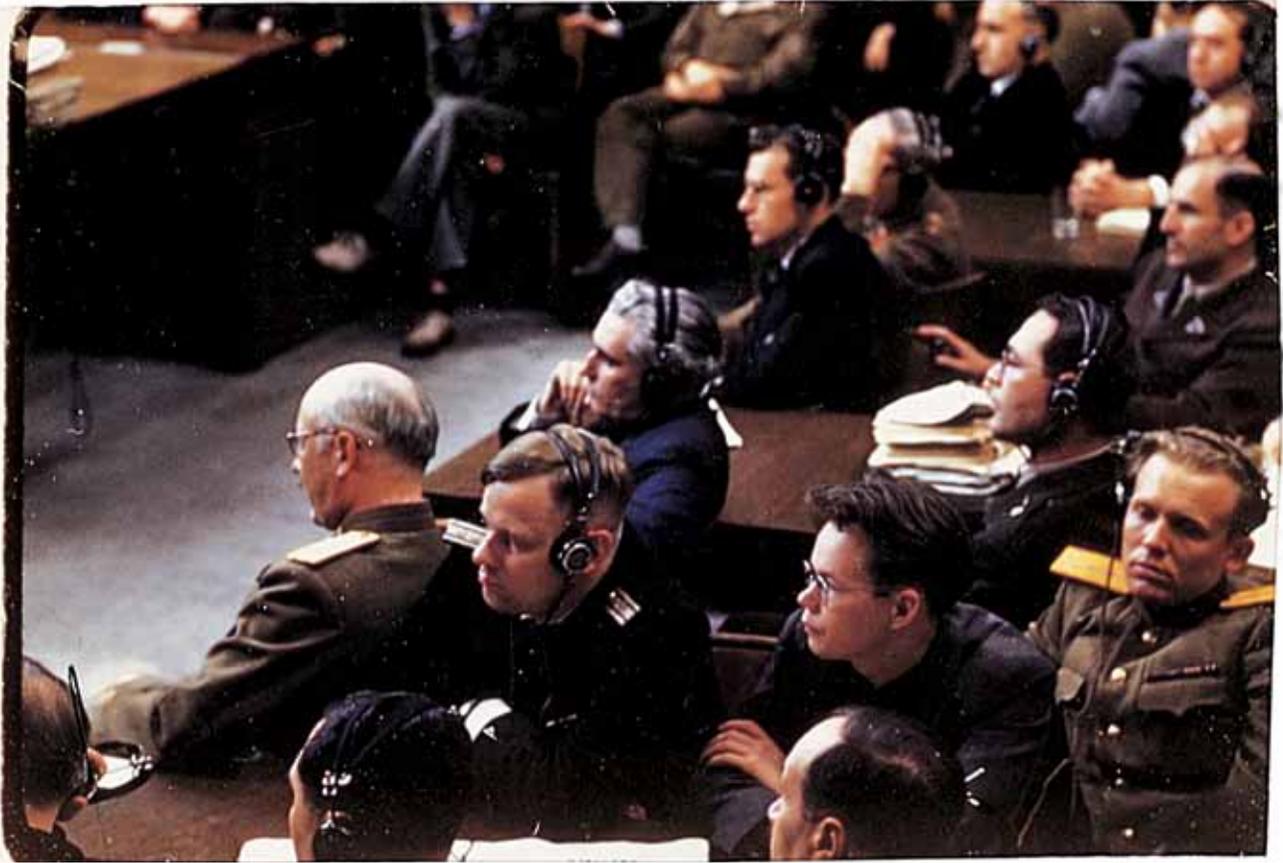
Eton, England, Tuesday, 24 December 2013

THE INTERNATIONAL CAMPAIGN FOR REAL HISTORY



*Meinem Adjutanten Werner Koeppen
mit herzl. Gruss A. Rosenberg
Weihnachten 1938.*

Hanged at Nuremberg. *Diarist Alfred Rosenberg, National Socialist intellectual and ideologue, Reich Minister for the Occupied Eastern Territories. A 1938 signed portrait for his chief aide Werner Koeppen, given to David Irving shortly before Koeppen's death.*



Kempner fled Germany under a cloud after Göring sacked him from the Prussian Ministry of the Interior in 1933. He returned in enemy uniform in 1945 and joined the International Military Tribunal at Nuremberg (far right above).

WE HAVE ALWAYS known that the German-born lawyer Robert M W Kempner, assistant prosecutor at the International Military Tribunal (IMT) in Nuremberg, was one of the less scrupulous attachments to the fine American prosecution team assembled by the Hon. Justice Robert H Jackson, U.S. Chief of Counsel at that event.

In my book *Nuremberg. The Last Battle*, first serialised in Germany by *Welt am Sonntag* in the 1960s, published by Heyne Taschenbuchverlag in Munich, I quoted Jackson's unembarrassed statement that he had not wanted people like Kempner anywhere near his trial team, lest people come to view the trial as an

act of Jewish revenge against the Germans. When Jackson was overruled, he kept aloof from Kempner and his crew.

He was right to do so. Many witnesses complained later about Kempner's methods of suppressing unfavourable testimony. He secretly threatened Friedrich Gaus, Ribbentrop's legal expert, with being turned over to the Russians as a reprisal for having conjured forth the devastating evidence of the secret Nazi-Soviet Pact of 1939. Hermann Göring's defence witness Field Marshal Erhard Milch refused to change his testimony, despite Kempner's secret threat to have him indicted and put on trial too: "We can fabricate a case against any defendant we choose," bragged Kempner, whom Göring had expelled from the Ministry of the Interior in

A court document on Hitler and the Holocaust just vanished—and Robert Kempner’s hand was on it

the 1930s. Kempner had fled to the United States, and returned in U.S. Army uniform to Nuremberg in 1945.

His immediate German superior before the war, Dr Wilhelm Stuckart, boasted to fellow prisoners that he would be acquitted by the tribunal despite being targeted by Kempner, as he had safely hidden away an incriminating prewar document about Kempner as his life-insurance, and he was blackmailing him with its contents. Sure enough, Stuckart, who had attended the notorious Wannsee Conference, was released on grounds of ill-health when the trial ended.

The Germans have a saying, “He could not jump over his own shadow.” Robert Kempner could not forget his own Jewishness. At one stage he passed a note to Justice Jackson, during the cross examination of Milch, suggesting – “Why not ask him about his Jewish father? —R.M.W.K.” I found the note among Jackson’s papers, which his son allowed me to use.

At that time I was on good terms with the world-famous Institut für Zeitgeschichte, the Institute of Contemporary History in Munich. Its director Professor Helmuth Krausnick but-tonholed me in the institute’s lobby one day in 1971, saying: “Herr Irving, you are English. Help us! We keep hearing this word Holocaust being used now – what does it mean?”

His archives chief at the IfZ, Dr Anton Hoch, got on with me particularly well because of unique materials I had found and was donating to their archives, like the original manuscript by Hitler’s secretary Traudl Junge.

Dr Hoch, and the leading historian Dr Hans-Adolf Jacobsen, revealed to me pri-

vately that they and Krausnick had deduced that Kempner had stolen the private diaries of Reich Minister Alfred Rosenberg from the prosecution document room at the Nuremberg Palace of Justice. The evidence was strong. Kempner had quoted in a book a few new lines from the diaries, which were not in the edition published by Professor Hans-Günther Seraphim. Kempner had denied it when they questioned him.

This prompted me to begin my own hunt which eventually ran on for over forty-five years. It started in the late 1960s when I sent my then young research assistant Dr Elke Fröhlich to ask him, inter alia, what evidence I might have missed for Hitler’s involvement in the Final Solution (as said, the term “Holocaust” only later found currency). To Dr Fröhlich too Kempner roundly denied any knowledge of the missing Rosenberg Diary.

At that time he maintained a law office in Frankfurt, and I went to see him there. I was primarily concerned to find what had happened to the Schlegelberger Document, in which Franz Schlegelberger, the acting Minister of Justice, recorded in the spring of 1942, three months after the Wannsee Conference which made Kempner’s name in historiography, that Dr Lammers had just told him Hitler had “repeatedly” told him “he wanted any Final Solution postponed till after the war.”

That extraordinary, and very pertinent, one-page document had been present in the photostatted Justice Ministry file that passed across Kempner’s desk at the Nuremberg prosecution offices in 1947, because he signed off the Staff Evidence Analysis sheet (SEA) attached to the

Lawyer Warned of Holocaust Revision

by PAULINE JELINEK
Associated Press Writer

WASHINGTON (AP) – A former Nuremberg prosecutor warned the FBI in 1969 that he feared Holocaust revisionist author David Irving planned to tamper with transcripts or tapes of the Nazi war crimes trial in U.S. archives.

The British historian visited the National Archives numerous times. The agency's retired expert on World War II records said Tuesday he knows of no evidence that Irving mishandled records he examined.

A letter that the late Robert M.W. Kempner, who prosecuted Nazi war crimes suspects in the postwar Nuremberg trials, wrote to then-FBI Director J. Edgar Hoover was among documents released by the FBI and the National Archives and Records Administration.

Irving, who has outraged death camp survivors and most historians by questioning the scope of the Holocaust, lost a British libel suit in April. The judge branded him "an active Holocaust denier" and "anti-Semitic and racist."

Irving's office in England said Tuesday he was traveling in the United States and does not return phone calls. He also did not immediately answer an e-mail seeking comment.

In the March 1969 letter, released in a wide-ranging government declassification program, Kempner (right, in U.S. Army uniform, at Nuremberg trial) wrote that Irving had told him he planned to visit the Washington archives to research his contention that the official record of the Nuremberg trials was falsified.

Kempner said he was suspicious because of that accusation

and others Irving made during a conversation they had.

"I am sure if he shows up at the National Archives (probably a Mr. Wolfe is in charge of the division concerned) someone will be able (to) watch in the proper way what this 'scholar' is doing," Kempner wrote Hoover.

"Maybe this research is only a pretext for some other activities," he wrote.

"Mr. Wolfe" is Robert Wolfe, for decades the archives expert on World War II records. The now-retired Wolfe told The Associated Press on Tuesday that he does not recall that the letter resulted in special security for Irving visits.

"They may have contacted us to alert us, but I knew who he was anyway," said Wolfe. "And we watch everybody."

Wolfe said Irving visited the archives many times, adding that "he's a good researcher – his bias is what throws him off." He said Irving usually was treated as other researchers were; that is, he was given access to public materials.

"But Irving's reputation went with him – though I've seen worse deniers than him," said Wolfe. "He was treated with the same regime as others, perhaps a touch more alertness."

Irving, who has written some 30 books, disputes that millions of Jews were systematically slaughtered in gas chambers at Nazi concentration camps. He argues that it would have been logistically impossible and claims more people died in Allied bombing raids than in concentration camps.

He also has tried to cast doubt on other pieces of evidence from the Holocaust, including the diary of Anne Frank, and contends that Adolf Hitler knew nothing about the plan to eliminate the Jews until 1943.

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On the Net: National Archives and Record

Administration: <http://www.nara.gov>

AP-NY-11-14-00 1655EST

file; the SEA listing was the first clue I had that such a powerful document had existed, and it triggered a separate and ultimately successful search by me for the Schlegelberger Document. This one page had vanished however from the short (five-page) court file of negative photostatic copies (4025-PS) by the time Kempner presented the file as an exhibit at the trials.

In the light of later events, the conclusion

seems compelling: that he ripped the one-page photostatic copy up, as it was hardly helpful to the prosecution.

We had a cordial discussion, but I got no satisfactory answer from him on that issue either.

ROBERT KEMPNER was born in 1899, and died in 1993. He obviously suspected even



German-born Dr Robert M W Kempner, U.S. prosecutor at Nuremberg, 1945–47

then that I was a dangerous opponent, and not easily fobbed off. Seven years after his death, the National Archives released from FBI files an unusual letter he had written to the federal agency back in March 1969, shortly after my visit to him, in which he might seem to display a latent fear that I was going to uncover the tampering with and faking of Nuremberg trial records on the prosecution's behalf; the letter might even have been an attempt to pre-empt any closer scrutiny by me of the trial records in

the National Archives to that end.

The New York newspaper *Newsday* published the Associated Press story in November 2000.

ROBERT WOLFE, head of a captured documents section at the U.S. National Archives, was always a good and respected friend of mine.

I saw the story too late to correct it before publication, but I filed a detailed reply:

David Irving replies to Associated Press story, “Lawyer Warned of Holocaust Revisionism”

Tuesday, November 14, 2000

HERE is what I know, in random sequence. I shall limit my remarks in view of the fact that Kempner is now dead and unable to respond. Dr Robert M W Kempner (top right, at Nuremberg war crimes trial) was an official of the Prussian Ministry of the Interior, and being Jewish deeply opposed to the rise of the Nazis in Berlin. After they came to power he fled abroad in 1933, returning to Germany in U.S. Army uniform in 1945. He became an assistant prosecutor at the Nuremberg trials, and a chief prosecutor in the subsequent proceedings.

U.S. Chief of Counsel Justice Robert H Jackson (one of my heroes) refused to give him a leading position, as he said (Columbia University Oral Interviews) he did not want a high Jewish “revenge” profile in the prosecution team. Members of Jackson’s team had a low opinion of Kempner’s ability, and I quoted 1945/46 documents stating their such remarks about him in my two books on the Nuremberg trials, “*Die letzte Schlacht*” (published as a newspaper series in German national newspaper *Welt am Sonntag*, then as a book by Heyne Verlag, Munich); and “*Nuremberg: The Last Battle*”, which I published under my own imprint Focal Point in London in 1997. The latter book you can download free at my

website at <http://www.fpp.co.uk/books/Nuremberg>. It has a colour photo of Kempner in court (*right*).

I crossed swords with Kempner on several occasions and for a variety of reasons, but I am still surprised to see that he tried to set the FBI onto me. Not a nice thing to do to an historian! (Incidentally: I admired J Edgar Hoover greatly as a figure in history, have worked in his papers at the Roosevelt Library, have used FBI research files for my upcoming biography of Churchill, etc; and in general I regard the FBI as the “good guys”, and any time they want to they are at liberty to come and burrow through all my files. A knock on the door will suffice.)

As said, I crossed swords with Kempner on several occasions.

The first occasion was in about 1967 when I was researching the biography of Field Marshal Erhard Milch, Göring’s deputy, which was published by Little Brown Inc. in 1967 (?) as “*The Rise and Fall of the Luftwaffe*.” Milch gave me his unpublished diaries, and I found in them matters about Kempner, about which I approached him. One was the allegation that Kempner had been blackmailed by a fellow Prussian ministry official, State Secretary Wilhelm Stuckart, by then (1947) on trial for his life at Nuremberg; Stuckart told Milch (diary) that he had done so successfully, and was satisfied that he would get acquitted. He had some kind of political dirt on Kempner, a document



which he was threatening to release.

Lo and behold, when the time came and all around him were being sentenced to death, Stuckart, who was one of those who actually attended the infamous Wannsee Conference of January 20, 1942, was sentenced to “time served on account of his poor health”!

He walked out of the Nuremberg jailhouse that same day. I asked Kempner – by the 1960s a successful Frankfurt attorney – about the Milch diary entry, and he could not, or would not, respond substantively to my queries. Milch lost no love over Kempner, who passed a note across the courtroom to Jackson during Milch’s cross examination during the Nuremberg trial, March 1946, saying, “Ask him if it is true he had a Jewish father.” Milch père was indeed Jewish, but that is another story). That note is in Robert H Jackson’s official files at the National Archives in Pennsylvania Avenue.

Next item, which is closer to your question.

Milch’s 1946 diary also alleged that the published transcripts of the Nuremberg trials, the famous 46 printed blue volumes, did not match the actual things said in court. “Yes” became “No,” and answers by Milch that embarrassed the prosecutors (he referred to Britain’s violation of Norway’s neutrality in 1940), and to the bombing of Dresden, were quite simply chopped out of the transcript.

This was a serious allegation, as historians have relied heavily on those transcripts. I therefore went to Washington in 1967 or 1968 and listened for two or three days to the wire recordings of the trials and compared them to the printed and the mimeographed transcripts. I still have in London reel-to-reel copy-tapes of the principal days. I was as-

tounded to see that there were indeed serious divergences, and from that time I never made use of those transcripts.

I refer to this in my Nuremberg volume.

Two more reasons for Kempner to have his knife into me: Dr Hans-Adolf Jacobsen of the Institut für Zeitgeschichte in Munich (now dead) told me there were good grounds to believe that Kempner, while at Nuremberg in 1946/1947, had stolen the handwritten diaries of Hitler’s chief ideologue Alfred Rosenberg, most of which are now missing. Kempner quoted some previously unpublished extracts of them in a book he wrote, which seems to substantiate this claim.

Furthermore, I believed that Kempner, at the same time (1946/1947), caused to vanish from photocopies of Reich Ministry of Justice files held at the Nuremberg courthouse the copy of the famous Schlegelberger Document – for which, see my website, <http://www.fpp.co.uk/Himmler/Schlegelberger/index.html>.

This 1942 document states that Hitler has “repeatedly stated that he wants the Final Solution of the Jewish problem postponed until the war is over.”

You will understand why Kempner, a U.S. prosecutor at Nuremberg, thought such an item might be unhelpful for the prosecution, and I tackled him on the document’s strange disappearance. He himself initialled the [SEA] list in which the copy figured in Nuremberg 1945. After that the copy vanished! (The original [document] is now in the German government archives. It was the negative photocopy that vanished from the Nuremberg file, and only the other pages of that file survived). Kempner clearly did not like my line of questioning.

Enter the local salvage collector, Walt Martin

KEMPNER had died in 1993. He had willed his papers to the new U.S. Holocaust Memorial Museum, and their archivist Dr Alfred Mayer had paid an evidently all-too cursory visit to the late attorney's chaotic household to review and take what they had inherited. On June 27, 2001 I received an unexpected phone call on my voicemail from a stranger, an American salvage dealer living in Lexington Street in the Philadelphia suburb of Eddystone: he had found Alfred Rosenberg's papers in Kempner's abandoned villa.

I TOO HAVE ALWAYS kept a detailed diary, for personal as much as legal reasons:

June 27, 2001 (Wednesday)

London (England)

Off to Ascot to see Prince Fahd with Michele Lady Renouf. ... During the day there had been two calls from a Mr Martin at 610 872 1249, saying "I have the papers you are looking for."

I tried phoning back, but there was no answer. At 11:20 PM he phoned until 11:56 p.m. He said he had found my name and phone number from the Internet [see <http://www.fpp.co.uk/History/General/Kempner1.html>] tracking down Dr Robert M W Kempner.

He and his brother run a waste business, cleaning out old people's homes and selling the antiques. He is an antique dealer on a small scale. A firm had subcontracted the job of cleaning out the Robert Kempner home at Lansdowne in Pennsylvania, five miles from where he lives, after it had first been cleaned out by the Holocaust Museum's Dr Henry Mayer; together with Kempner's two sons the USHMM had been left the initial rights to its contents.

The USHMM had done a very shoddy job. Martin and his brother had two days ago found in the boxes documents — he estimates 300,000 pages — in fifteen boxes, including 647 pages of Rosenberg Diary "in five sections," from 1939-1945. From my questioning he seemed unsure where the number came from. He has dispersed all these papers widely in different locations for security reasons.

There are a lot of spy pictures of documents (what does that mean?) and all Kempner's notes, and evidently many Nuremberg documents too, as he read out to me some that were headed e.g. 891-PS and 1927-PS (I warned him that those are virtually worthless, being in plentiful copies in other public archives); he also enthused about "records of telephone conversations of Hitler," but from the description they sounded as if they are the well-known American translations of the Führer conferences (Lagebesprechungen).

There are also around 100 original letters that J Edgar Hoover wrote to Kempner 1943 onwards. I gathered that the pages are type-script; but there are original documents too signed by Keitel, Mussert, and others (Martin professes to know no German). For \$1,500 Martin had bought the legal right to clean out the premises. When they arrived there they found filing cabinets, paintings including a \$35,000 German painting which the USHMM museum had overlooked, \$100,000 of valuable oriental rugs, a priceless library of books (the bookcase alone had since fetched \$2,000), and bundles of papers in boxes with lids, stacked on the sun porch, "right where they said they were."

Martin and his brother had found that the museum officials had overlooked the meat of

the Kempner collection. (The boxes had evidently merely had the lid lifted and then closed again. The bundles had quite obviously not been disturbed. Beneath some of the bundles were found collections of old coins, U.S. and other, which would not have been left if the bundles had been taken out.)

Martin said that he had talked to Henry Mayer already, who was very interested; and when he said how much did he want for them, Martin had said off the top of his head “three million,” and Henry Mayer had said ‘that could be arranged.’ (I warned that this might be just a ploy, as (a) the papers are not worth that, and (b) Henry Mayer would probably try to assert a legal title to the documents, notwithstanding that the Holocaust Museum had sold-on the clean-out rights to subcontractors after they gave up the search.)

I said that in my view these papers, if they were originals, belonged in either a U.S. university archive, or one of the German government archives, and he agrees.

He prefers to sell them to such an institution, rather than for a fortune to a body which may conceal them, as he put it. He would be happy to give me first look at them, he added.

Ho-ho.

Mayer had totally missed the many footlockers of valuable historic documents stored on the patio. Legally, they now formed part of the unwanted residue, a residue which Martin paid \$1,500 to salvage.

I was excited by the discovery: I saw it as the reward for my own Internet notoriety, the indirect product of an ongoing high-horsepower smear-campaign by my opponents.

On June 29, two days after Martin’s first call, I wrote to Dr Wilhelm Lenz, a chief archivist at the German Federal Archives in Berlin, advising them that there was a good chance that we had found the Rosenberg Diaries.

He asked me to keep closely in touch; he emailed that evening:

Der Inhalt Ihres Schreibens klingt sensationell. Für das Bundesarchiv sind natürlich die Rosenberg-Tagebücher der wichtigste Teil. Wenn Sie feststellen könnten, ob es sich dabei tatsächlich um die Original-Tagebücher handelt, wäre das sehr interessant. Bevor man von hier aus weitere Schritte plant, müsste diese Frage zweifelsfrei geklärt sein.

Ich hoffe, von Ihnen weitere Informationen in dieser Angelegenheit zu erhalten. Natürlich wäre ich auch bereit, mit dem Antiquitätenhändler direkt in Kontakt zu treten.

My reply:

Ich werde den Mann [Walter Martin] weiter verhören; auch die Uni Boston ist (über mich) an der Sammlung interessiert. Hauptsache ist, die Sachen scheinen schon gerettet zu sein, werde also nicht verschrottet. Wir haben ja immer vermutet, daß der Kempner die Sachen enteignet hatte. Ich halte Sie auf dem Laufenden auf alle Fälle.

At 11:25 p.m. Walt Martin phoned from Pennsylvania; willing and eager to leave things in my hands. Says his brother had found a book labelled “Rosenberg letters” in handwriting with pages torn out. He will fax half a dozen pages to me to evaluate. I said once he has done so I will decide whether to make a flying visit to him. Bed after that, around 11:30 p.m.

July 1, 2001 (Sunday)

Der betr. Herr (er heißt Walter Martin) hat mir indessen einige Blätter durchgefaxt. Noch keine Tagebuchblätter Rosenbergs; er sagt mir, die vorhandenen Seiten sind aus den Jahren 1939-1941 und weiter bis 1945. 1939 bis 1941 ist ja bekannt und schon von Hans Günter Sera-

phim vor etlichen Jahren veröffentlicht worden. Martin sagte mir heute am Telefon, sämtliche PS-Dokumente (aus dem IMT) sind von lfd. Nummern 1 bis 941 einschl. vorhanden; auch eine Akte Fall Grün. Ich habe ihm aufgeklärt, letztere ist im original im Nationalarchiv Washington, habe ich ja vor Jahren auf Mikrofilm verfilmen lassen. Martin scheint nicht besonders intelligent zu sein (ist Müllhändler). Interessant in dem, was er bisher durchgefaxt hat: das ganze schriftlich geführte Kriegstagebuch OKW WiRüAmt Arbeitsstab Oldenburg (d.h. Barbarossa) 24.2.-23.6.1941. Akten aus dem Amt Ausl./Abwehr. Denkschriften Rosenbergs. Ich schicke Ihnen morgen früh die durchgefaxten Seiten als Fotokopien, können Sie behalten.

Wegen der ebenfalls angeblich vorhandenen Tagebücher lasse ich selbstverständlich nicht locker, werde u.U. in 1-2 Wochen mal selber rüberfliegen, zu sehen, was da ist.

July 2, 2001 (Monday):

Vielen Dank für Ihre Mitteilungen vom vergangenen Freitag und Sonntag. Die Fax-Kopien habe ich noch nicht gesehen.

Wegen der Rosenberg-Tagebücher stellt sich die Frage, ob der Antiquitätenhändler tatsächlich Kopien von Originalen unterscheiden kann.

I reply:

Eben, aus der Veröffentlichung von Hans-Günter Seraphim [Das politische Tagebuch Alfred Rosenbergs aus den Jahren 1934/1935 und 1939/1940. Göttingen: Musterschmidt, 1956] dürfte aber ersichtlich sein, was schon bekannt ist und was nicht. Er rief mich heute (Montag) wieder an, ich stellte die Sache auf eine etwas längere Bank, werde ihn etwa mitte August aufsuchen. Inzwischen muß er Seiten der Tagebücher heraussuchen. Eins steht fest: es

ist vieles an Originalunterlagen aus der Kriegszeit dabei.

8:40-46 pm Walt Martin phones again, says, "I screwed up with what I sent, I have now pages marked in handwriting 1934 or 1939 – the date is illegible – they are handwritten photocopies, and they go right up to 1945.

Pages 1 to 693 of a document identified as [Nuremberg document] PS-1749.

Page 363-383 starts handwriting "das Problem..." then it skips a few, then it goes to p.614, then pages 614-693, and the copies end on "19.8.45".

He then changes the subject, do I know a man called McCoy, a coffee smuggler; Kempner spent a lot of time in 1952 trying to get charges against McCoy quashed because he was really an agent.

It is difficult trying to nail Martin down, but I say to send me a few handwritten pages from 1944 and 1945, and then we [are] maybe in business.

The above is incoherent, but that is how the conversation was... It does seem however that they have 693 pages of something in handwriting by Rosenberg going from 1934 or 1939 to August 1945.

I copy the above to the Bundesarchiv and ask them to check the content of PS-1749.

July 3, 2001 (Tuesday)

The Bundesarchiv reports:

Im Bundesarchiv (All. Proz.) befindet sich nur 1 Seite unter der angegebenen PS-Nummer. Das Staatsarchiv Nürnberg verfügt über eine komplette Kopie (Negativ, d.h. weiße Schrift auf schwarzem Grund) des Original-Tagebuchs, das aus handschriftlichen und maschinenschriftlichen Teilen besteht.

Der Gesamtumfang (25 Teile) besteht aus 1082 Seiten. In einer Findbuchübersicht ist der

Umfang der Teile I–VII mit 693 Seiten angegeben, was später aber gestrichen zu sein scheint. Diese Auskunft stammt von einem Kollegen aus dem Staatsarchiv Nürnberg.

AFTER several further exchanges of information with Martin, I went to Pennsylvania and spent a day raking through these papers

September 18, 2001

[I send] this email to Bente: "I am in Philadelphia, Pennsylvania ... for the next two nights as well. I am going to see the gentleman who has the Rosenberg papers today."

Phoned Walt Martin and arranged to visit him at 10:15 a.m., . . . and at 11 a.m. I started reading his boxes of Robert M W Kempner papers, and dictating notes on them until 5:20 p.m. without a break.

They are in shocking disarray, stuffed willy-nilly into boxes, crates, and folders, but there is some good stuff among them, diluted by 90 percent duplicated Nuremberg files, photoprints from U.S. and Foreign Ministry (Loesch!) microfilms, etc.

No trace of the missing Rosenberg Diaries.

This email at 6:18 pm to the Bundesarchiv: *"Ich bin in Pennsylvanien und war heute bei dem Altpapiersammler, und hier ist mein Fundbericht: Gesamtumfang des von ihm erworbenen Nachlasses des U.S. Neben- bzw. Hauptanklägers beim IMT-Prozess Dr Robert M W Kempner etwa 1 cbm, bunt zusammengewürfelt und auch-gewürfeltes. Von den fehlenden Rosenberg-Tagebuchseiten kein Spur. Ich habe ein langes Verzeichnis etwa sieben Stunden lang diktiert. Dabei war manches aus der Vorkriegszeit (u.a. Prozess des Kaisers gegen Eugen Mendel wegen Verunglimpfung); geklautes Originalgut aus dem Nachlaß Rosenberg war ein Leitzordner mit etwa 500 Blatt (Behandlung der Ostvölker 1941-3,*

Ukraine, Vermerk über Besprechung beim Führer im September 1941, u.a.) und einige Einzeldokumente (Durchschriften).

Aus dem OKW waren vorhanden zwei wesentliche Originalstücke – Kriegstagebuch Sonderstab Oldenburg Jan-Juni 1941, Vorbereitungen für Barbarossa, handschriftlich geführt; und eine Akte des Generalmajors Hansgeorg Thomas vom WiRüStab zum gleichen Thema, beide sehr wichtig ("present location: unknown", heisst es im Special Evidence Analysis sheet über diese Aktenstücke). Der Rest des Papiers ist umfangmässig m.E. zu 90 Prozent Mist (Fotokopien aus dem IMT-Bestand, Vervielfältigungen aus gleicher Quelle) und nicht uninteressanter Privatbriefwechsel (Handschriften) mit Familie, Freunden, Bekannten.

"Meine Empfehlung: Der Hauptbestand des Nachlasses wurde m.W. schon dem Holocaustmuseum in Washington testamentarisch vermacht. Die meisten Sachen gehören schon deshalb nämlich im Interesse der Vollständigkeit dorthin, das Bundesarchiv dürfte dann aber imstande sein, beim Holocaustmuseum auf seine Interessen als Rechtsinhaber der OKW- bzw. Ostministeriumunterlagen zu pochen um auf diese Weisen wenigstens an Kopien zu heranzukommen. Mir werden demnächst Kopien des Kriegstagebuchs Oldenburg geschickt."

I POSTED a full account of what I had found on my website to help other researchers, in a file: *Index to documents relating to Dr Robert Kempner*, at <http://www.fpp.co.uk/Germany/Kempner/index.html>.

Dr Lenz was subsequently instructed by the German Ministry of the Interior to have no further contact whatsoever with me.

This raised eyebrows elsewhere because by its statute the Bundesarchiv is beholden to do all it can to secure the restitution of German historic documents.

UGLY AND UNSEEN wheels had begun to move.

On November 13, 2001, Bente told me: “A Mr Martin called and said that the FBI came and seized all the German documents!”

The unfortunate Mr Martin was left empty-handed.

Saturday, December 1, 2001

Two nights ago I phoned Walt Martin in Philadelphia, as I had heard rumors that he had had problems with the Kempner collection since I visited him.

He has sent me copies of the main items, including the long missing, handwritten 1941 war diary of the Nazi High Command's Sonderstab Oldenburg (*see previous page*).

I had in the meantime written to various universities in Germany and the USA about this priceless collection, the residue of the collection of wartime Nazi documents which he had rescued from a dumpster outside the late Robert M W Kempner's home.

I had concluded after discussion that it should properly go eventually to the U.S. Holocaust Memorial Museum (USHMM) archives with the rest of the Kempner papers.

The USHMM officials who had scavenged through the Kempner home last year, in line with his testament, had overlooked these papers; the papers had legally been acquired by Martin, an antique-dealer, who makes a living from purchasing the secondary rights to clean out people's homes, and sorting the wheat from the chaff.

The USHMM had also visited him before I saw and inventoried these fifteen footlockers full of files, in the person of a Dr Mayer, and there had been talk between them of paying Martin around two million dollars for his his-

toric windfall.

That was the figure mentioned – Mayer had said, “I don't see any problem there,” – but I had warned Martin that this figure was unrealistic, particularly as the Alfred Rosenberg Diaries are seemingly still missing.

Soon after my visit in mid September, says Martin, a few weeks ago, he was visited again by a top Jewish archive official from the U.S. Holocaust museum, and they agreed, after inspecting what he had, on a handshake, to pay him a purchase price of 150,000 dollars.

For a few days he heard no more but then, so Martin confirms on the phone to me, last week the story took an unexpected turn.

He was visited by an agent from the Philadelphia FBI – a gentleman whom he in fact knew.

The agent declared the whole collection confiscated, and removed it from his home.

He seems to have been in cohorts with the USHMM, because the announced intention now was to turn these files – although they are still legally Martin's property – over to the U.S. Holocaust Museum for no reward whatever.

Martin seems to be made of sterner stuff, and he has forced a hearing before a federal judge next month, to confirm that he is legally entitled to the papers, having purchased them after the USHMM missed out.

He has wisely made several copies of his purchase receipt, in case it “goes missing”.

Phoning Martin, I fully expect him to curse the Jews for their underhand ways and wiles, but he does not.

He seems confident that in the long run he will win, though he reflects that now he is being forced to pay for expensive lawyers – the kind of cash which his opponents of course can afford much more easily than he.

I know the feeling.

January 17, 2002 (Thursday)

This email goes to the Bundesarchiv:

Was die Rosenberg Akten aus dem Kempner-Nachlass in Philadelphia angeht, so habe ich das wichtigste Aktenstück (handschriftl. KTB Sonderstab Oldenburg) kopieren lassen, es ist in meinem Besitz.

Das Holocaust-Museum hat sehr unehrlich gehandelt: nachdem es dem Händler einen festen Betrag dafür angeboten hat, wie er mir

sagte, tauchte plötzlich das FBI auf und beschlagnahmte die ganze Sammlung! Darüber wird jetzt wohl vor den Gerichten verhandelt werden.

WALT MARTIN spent a fortune fighting his claim in the U.S. law courts. In 2003 the judge handed down, perhaps fittingly, a “Judgment of Solomon,” awarding half the documents to him and half to the USHMM – with the museum being given the first pick.

Bucks County Courier Times, August 1999

Nuremberg lawyer's lost papers recovered

PHILADELPHIA (AP) — Letters and records detailing 60 years of Holocaust history including behind-the-scenes notes about the Nuremberg trials have been recovered and given to the U.S. Holocaust Memorial Museum.

Nearly 150,000 pages of personal and work-related archives disappeared from the suburban Philadelphia house of Nuremberg trials prosecutor Robert M. W. Kempner after he died six years ago.

The documents were found this summer in a private home in upstate New York. Police said a religious studies professor-turned-publisher convinced Kempner's long-time secretary to turn the papers over to him – disobeying Kempner's will that the papers go to his two sons and to the museum.

Holocaust experts expect the papers to offer invaluable insight because Kempner's life intertwined so closely with the downfall of the Nazi regime:

“He is probably not very well known to the general public, but among scholars he is a major figure in Holocaust history” said chief archivist Henry Mayer of the Holocaust museum in Washington, D.C.

Delaware County police said the situation began

in mid-1998, when publisher Herbert Richardson gained power of attorney for Margot Lipton, who was Kempner's legal secretary for more than 40 years. Richardson encouraged Lipton, now 85, to move into an assisted living home and allow him to move the half-century of files into a private home neighboring Richardson's academic publishing company near Niagara Falls.

Efforts to reach Richardson on Friday were unsuccessful; the phone at his office rang busy for most of the day Lipton could not be reached for comment; she has refused to be interviewed by police.

“He said his intentions were to memorialize and eulogize the memory of Robert Kempner,” Lansdowne Det. Bob O'Donnell said. Richardson never said, though, what he intended to do with the papers, O'Donnell said. Kempner specified in his will that his papers and letters be given to his two sons – Lucien who lives in Unterhaching, Germany, and Adrien, who has since died – and that the papers he preserved at the Holocaust museum.

Local police were called in July [1999] when officials from the Holocaust museum arrived to take custody of the documents and could not find most of them. Inventory taken in 1997 found documents stored in the basement, the study, several other rooms and the sunporch.

TEN MORE YEARS passed quite needlessly before the actual Rosenberg Diary was found. Its hiding place had been under police noses ever since 1999 and perhaps earlier.

Probably our own Internet file helped.

Early in August 1999, an enterprising journalist of a local Pennsylvania newspaper, the *Bucks County Courier Times*, had published a newspaper account of what seems to have been the final stage of the Diary's concealed passage through the North-Eastern United States; it was the concluding account of one of the most important crimes against Real History.

Kempner's former legal secretary of forty years, the Jewess Margot Lipton, had filched the Diary, this priceless historical bauble, from the estate of the elderly, and now deceased Jewish attorney, and passed it for whatever reason to a new manfriend, the upstate New York professor and writer Herbert Richardson.

Like a burglar who finds himself the proud if unexpected owner of a Van Gogh, Richardson found there was nothing he could legally do to realise the Diary's actual value. It was "hot". Unknown, unused, and inaccessible, the Diary would remain in his possession until 2013.

This disregarded news item revealing that had lurked in the provincial media since August 1999 – unnoticed until we posted it on our website.

WE PUT THIS story as a transcript on the Internet. The original *Bucks County Courier Times* is apparently not otherwise

available online. (Germans using Google will find that `google.de` is banned from listing items their search engine finds on my websites, by foolish Berlin government decree.)

The press has ignored this 1999 newspaper item in the current (late 2013) noise surrounding the "discovery" of the Rosenberg Diary, and it has suppressed too the ignoble role played by the American attorney who first stole it in Germany – a former German lawyer who, motivated perhaps by greed as much as guilt, contrived to suppress its availability for justified historical research since then.

FOURTEEN YEARS would pass even then, after 1999, before officials of the FBI and the Homeland Security Investigations division of ICE, the U.S. Immigration and Customs Enforcement, dramatically raided the Richardson home in upstate New York and, amidst much publicity, retrieved the stolen diary.

Six more months passed before the U.S. Holocaust Museum received it and in December 2013 published page by page the expert transcription which we offer here today.

We due so with humble recognition and acknowledgment of all rights both real and alleged claimed by the Museum in this document. (The museum is in fact properly generous in allowing access to its unique collections.)

From that first face to face meeting with Robert M.W. Kempner, the Thief of Frankfurt, in 1967 until today, forty-six years have passed. It has been a long inquiry.

Relevant further contacts:

Walt Martin, the deprived Philadelphia salvage collector: martin1015@comcast.net

Margot Lipton: an attorney named as her temporary guardian in Niagara County Court is Diane Tiveron: dtiveron@hoganandwillig.com.

We are indebted to Bjorn Hanssen for providing the unaltered continuous Diary transcript we post at <http://www.fpp.co.uk/Rosenberg/Alfred-Rosenberg-Diary.pdf> (0.8MB)

