

The Merten Case

On 26 September 1960 every newspaper in Athens received a copy of the 28 September issue of Der Spiegel, a weekly news magazine, mailed in Athens by persons as yet unknown. The issue contained a 3-page article, "IHR ONKLE CONSTANTINE", illustrated with -- among others -- pictures of Prime Minister Karamanlis and Minister of the Interior Makris.

The article was chiefly concerned with the current trial of Dr. Karl Marbach, who has been charged by Dr. Max Merten, a Berlin attorney and alleged war criminal, with perjury. Marbach and Merten both served as civil administrators in the Salonika area of northern Greece during the German occupation. Merten, who succeeded Marbach, was later tried in Greece for atrocities which he contends occurred during Marbach's administration. Marbach declined to help Merten at his trial, pleading lapse of memory, and Merten accordingly brought suit against him after his release from prison. Among other items which Merten submitted as proof of his own accurate memory was a photograph showing himself, his secretary Doxoula Leontidou, her fiance Demetrios Makris, and "her uncle Constantine" Karamanlis, on an outing. [This picture has not yet been made public, and existence is being hotly debated.] Merten testified that these three had been his informants, and that they had received a warehouse containing \$15,000 worth of silk, the confiscated property of a Jewish merchant.

During the German occupation of Greece there were a number of crimes and atrocities committed by the German Army, including the seizure and

execution of hostages, destruction of whole villages, and numerous actions against the Jewish Community. A report submitted in evidence by Merten gives an example. It is dated 3 November 1941, and was signed by Lt-General von Krenzki and Dr. Marbach:

"...The political situation has, as opposed to recent months, come to a head. Through the decisive commitment of troops the trouble was caught in the embryonic stage. Unusually harsh steps were taken, designed to have a shocking effect on the populace. Of the 488 execution which have taken place up to now, 442 took place during this reporting month. Ten people were hanged, three villages were burned to the ground because they served as support bases for guerrillas. This energetic ~~effect~~ ^{effort} has had the desired effect."

The most notorious anti-Jewish action took place on 11 June 1942, when 9000 Jews were herded into Freedom Square in Salonika to be registered, while being subjected to extreme physical abuse.

Mertens succeeded Marbach on 6 August 1942, and continued as civil administrator until early 1944, when he was removed from his post and sent back to Germany for court martial, allegedly because he placed Greek interests above those of the German Government. The court was never convened, thanks to the war's end.] Merten, as a former occupation official, was automatically arrested and held for over a year by the American authorities. The Greek Government was twice notified of his arrest, but declined to start deportation proceedings, saying that Merten had nothing to answer for in Greece.

Merten returned to his law practise. In late 1956 he approached Ypsilantis, the Greek consul in Berlin, to ask if he might safely go to Greece on behalf of a client. Ypsilantis queried Athens three times but received no answer. He therefore assumed that there was no bar,

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and so informed Merten. Merten also queried the West German Embassy in Athens, without result, and decided to go.

Merten did not know that the Governments of Greece and Germany had reached an agreement after the War that Germany would be responsible for investigation and prosecution of Germans accused of committing war crimes in Greece. At a later date, the Greek Government attempted to get additional war reparations from Germany, threatening to renew their own war crimes trials unless their demands were met. Germany refused. Four months later, on 26 April 1957, Merten visited the office of Mr. Toussis, the Greek Prosecutor for German War Crimes, and was promptly arrested. He remained in "administrative arrest" until January 1959. On 11 February he was tried on some twenty counts, including the murder or deportation of 46,000 Jews, the Freedom Square incident, and the murder of 680 Greek hostages. He was given no help by his own Government; the Bonn Foreign Ministry Office had reluctantly questioned Dr. Marbach, but would give Merten only his answers, which were vague and inconclusive. On 5 March, Merten was sentenced to 25 years.

Unknown to Merten, further negotiations had been in progress between the two governments during his imprisonment. In November 1958, Prime Minister Karamanlis went to Germany to negotiate a loan of 200 million DM. The Merten case, which was still sub judice, was thoroughly discussed. In early December negotiations were begun to return Merten to Germany, but they had not been completed at the time of the trial. In October 1959 a bill was introduced in the Greek Parliament which in effect remanded Merten to Germany. It was passed on the 23rd of October, with the proviso that Merten could not return to Greece. In November Merten was returned to Germany and set about the task of

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clearing himself. The West German Government was not helpful. In their opinion, Merten could return to his law practise and nothing else was needed. Angry and unsatisfied, Merten brought suit against Dr. Marbach, now President of the State Court of Accounts of Schleswig-Holstein. He is also pressing the German authorities for a hearing of the case still pending against him (I VU 37/57 - the German Criminal File number), believing that a finding of not guilty will enable him to demand restitution for what amounts to false arrest.

A look at the newspaper role in this case is indicated at this point. Der Spiegel had printed the story of Merten's arrest in its issue of 22 May 1957, calling the affair an offshoot of the power struggle between Germany and Greece. In 1958 Merten's partner, Dr. Posser, approached Der Spiegel with the story of Merten's attempts to procure evidence for his forthcoming trial, but the editors refused, saying that to print such an article at this time might prejudice his case. Nothing more was heard until Merten brought suit against Marbach in the Kiel State Court, at which time the Hamburg Echo, an SPD paper, began a running account of the trial. Spiegel noticed the statement in Echo concerning Merten's wartime association with Prime Minister Karamanlis et al, and decided that this was the kind of sensational story they could use. Accordingly they prepared the article and submitted it to the Greek consulate in Hamburg for comment. After waiting thirteen days for some reaction, they decided to print.

The first official reaction to Der Spiegel's article in Greece was panic. The Prime Minister saw this as the opening gun of an opposition campaign to bring down the government. Under-Minister of Press Triantafyllides called in all foreign correspondents and did

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his best to kill the story. Karamanlis held a conference with the more influential Greek newspaper editors in an attempt to lessen the impact of story by establishing a common Greek front against German slanders, but without success. He then sent a friendly newspaperman, Vassos Vassiliou, to Germany with instructions to gather all the information he could for immediate transmittal to Athens, in order to give the pro-government press an edge over the opposition. He also sent General Natsinas, chief of Greek Central Intelligence, to discuss the case with his intelligence counterpart in West Germany and procure, if possible, any evidence which would show that Merten was the tool of (1) the Communists, (2) the opposition parties in Greece, or (3) the Israelis.

It is quite possible that the immediate reaction in Athens was caused by the backgrounds of several people close to Karamanlis, rather than by any implication of the Prime Minister himself. The following is a summary of the relevant background material of those immediately involved:

Dimitrios MAKRIS:

b 1910, Monastir, Yugoslavia

LLB, Athens University.

Minister of Interior since 1956

Makris is Karamanlis' party boss, in charge of ERE organization and enlightenment, and author of the 1958-59 election laws. He has been totally ineffective as a minister, without a program and with only minor positive accomplishments.

In 1944 Makris was defense attorney at the war-crimes trials of the Bulgarian-Macedonian members of the terrorist Okrana. He is alleged to have conspired with the prosecutor of Salonika Appellate Court for the disappearance of proofs, alteration of depositions, or guaranteed light sentences for a small fee. (The prosecutor was later ousted for unethical conduct.) Makris was also defendant for various Communists of EAM/ELAS in the Special Court of Traitors. He is alleged to have allowed Savvas Papaemmanouil, director of the Social Security Institute, to escape from Greece after embezzling its funds. Finally, with respect to Merten, he is believed to

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have collaborated as an informant during the occupation, taking his fee in confiscated Jewish property. [The accuracy of the foregoing charges would be difficult to prove in many cases.]

Socially, Makris is known as an inveterate gambler and ladies' man. In Salonika he was a member of a card-playing club, the Patrakakos, which moved to Athens after he became Minister. There are indications that he may be a partner. On New Year's Eve he is reported to have lost 120,000 dr (about \$4,000) at the home of Panos Athanasiades, editor of Naftemporiki.

Eudoxia MAKRIS, nee Lentidou
Merten's secretary and mistress

Eudoxia is the daughter of a pre-war Liberal Deputy from Salonika. Merten alleges that she was one of his informants during the occupation, and that he paid her, her Fiance (Makris), and Karamanlis by turning over to them a warehouse containing \$15,000 worth of silk confiscated from a Jewish merchant. It is rumored that Merten concealed a much larger quantity of loot in the Megalo Karabournou area, and that he was actually trying to pick it up when he was arrested in 1957. [No proofs.]

As might have been expected, Makris intervened with the Thessalonika prosecutor when Merten was arrested in 1957, and later with Minister of Justice Papaconstantinou, since Merten's trial would necessarily involve Eudoxia. He also tried to have the case tried in camera, and may have had a part in Merten's extradition to Germany.

Eudoxia is most vulnerable of the Greeks involved, since she testified that "she spoke to Merten only twice" during the occupation. Merten will probably be able to produce documentary evidence that she was his secretary.

George THEMELIS
b 1896, Salonika

Military Cadet School 1918; Superior War College and other military schools in France; transferred to Air Force as a Major 1932; retired voluntarily 1935 following the Liberal Party coup. Returned Air Force, Salonika command, 1940 as a Lt Col on staff of the Air Defense Command. Nomarch of Edessa, 1941-43, resigning after Germans executed his brother-in-law, a ranking member of ELAS. Worked for resistance in Macedonia and Middle East. Retired voluntarily after Liberation as a Major General. Elected Deputy from Salonika on Kanellopoulos' National Union Ticket, broke with K and became an independent. Elected as a Liberal, 1949. Air Force 1949-50 as a Major General to fulfill pension requirements. 1956-58, Deputy from Salonika on Karamanlis' ERE ticket. Appointed Minister of Defense 1958.

With the arrival of the Germans in Salonika, Themelis was appointed Nomarch of Edessa. He is said to have performed various services for them, among which were orders to the people of his Nome not to fight against the Germans. He is also reported to

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have selected hostages who were forced to ride the German trains to ensure their safe passage, and to have taken bribes to include his bribers' business rivals and personal enemies on his list.

Andreas TOUSIS
b 1903, Thesprotikon, Prevezo.
Deputy Prosecutor of the Supreme Court
Law student at Athens, Paris, Rome and Munich

As the official who first arrested Merten, Tousis is naturally in the line of fire. There are allegations that he toured West Germany with a list of German war criminals, and that in the course of this tour he connived with Dr. Kander of the West German government to quash proceedings against an undetermined number of them.

At the present time the situation is roughly as follows: Merten is planning to sue Mrs. Makris for slander and perjury. Makris and Themelis are both planning to bring suit against Merten. The recess committee of the Greek Parliament is working on an amendment to the special law under which Merten was deported, so as to permit him to return. Since Makris is suing in Salonika and Themelis in Athens, no action can begin until this is accomplished.

Prime Minister Karamanlis is maintaining a dignified public silence.

The government press, after a period of uncertain sparring, has taken the position that Merten has confused Minister Dimitrios Makris with a lawyer named Nikolaos Makris. The latter is said to have been a Gestapo agent in Northern Greece during the occupation. Daskalopoulos, the present chief of Gendarmerie in Salonika, has gone on record to this effect and states that he has Nikolaos Makris SD identification card. Efforts are being made to secure further details, but since Nikolaos Makris conveniently perished in an air raid in 1945, further developments are unlikely.

The principal opposition paper at the moment is Athinaiiki, whose director, Mr. Baklatsis, is bringing suit against Merten in Germany on behalf of "the people of Greece", proposing to bring some fifteen Greek and West German officials to testify on behalf of Greece. The EDA paper, Avghi, is trumpeting routine charges of corruption and collusion. Its correspondent in Germany is keeping close watch on the Hamburg Echo for evidence that it is being pressured by the West German government to play down the Merten affair.

The alleged photograph of Karamanlis, Makris, Mrs. Makris, and Merten has not yet appeared. Merten insists that one copy is in Athens and another in Salonika, either of which he can produce at the proper time.

Prime Minister Karamanlis is calling a session of Parliament and

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has agreed that the Merten case is the first order of business. He will ask for a vote of confidence, which automatically limits debate to five days. Unless there are startling developments he should have no trouble in securing the required 151 votes.

Merten's suit against Marbach continues in Germany, but with the exception of the Hamburg Echo and Der Spiegel there has been no press coverage and the West German government has made no official comment. Privately, it appears that the Merten case has been an embarrassment from the beginning, since it could have involved a number of high officials, and there is every indication that both governments are anxious to let the matter die. Aside from the mysterious mailing of the Spiegel in Athens, there is no evidence that this attack on the Greek Government was engineered, or that either the Communists or the opposition in Greece or Germany has been able to use it effectively as a cause celebre. All the evidence points to Merten's desire for revenge and rehabilitation as the catalyst which precipitated the entire affair.

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