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The socialist revolutionary dilemma in emigration: Franz L. Neumann's passage toward and through the Office of Strategic Services

Gramer, Regina Ursula, M.A.
The University of Arizona, 1989
THE SOCIALIST REVOLUTIONARY DILEMMA IN EMIGRATION: 
FRANZ L. NEUMANN'S PASSAGE TOWARD AND THROUGH 
THE OFFICE OF STRATEGIC SERVICES 

by 
Regina Ursula Gramer 

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This thesis has been approved on the date shown below:

[Signature]

Hermann Rebel
Associate Professor of History

Date: [Date]
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This thesis is dedicated to my brother, Tobias Gramer.
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>5</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>6</td>
</tr>
<tr>
<td>1. REFORM AND REVOLUTION BETWEEN CAPITALISM AND SOCIALISM: NEUMANN'S SOCIAL, POLITICAL, AND INTELLECTUAL BACKGROUND DURING THE WEIMAR REPUBLIC</td>
<td>11</td>
</tr>
<tr>
<td>2. COUNTER-TRANSFERENTIAL INTRUSIONS INTO THE &quot;HAPPY SOLUTION:&quot; NEUMANN'S DOUBLE EMIGRATION</td>
<td>34</td>
</tr>
<tr>
<td>3. TRANSFERENCE UNDER THE COVER OF &quot;NEUTRALITY:&quot; NEUMANN AS RESEARCH ANALYST IN THE OFFICE OF STRATEGIC SERVICES</td>
<td>53</td>
</tr>
<tr>
<td>EPILOGUE</td>
<td>77</td>
</tr>
<tr>
<td>APPENDIX - RESEARCH AND ANALYSIS BRANCH</td>
<td></td>
</tr>
<tr>
<td>Organization Chart of Research and Analysis Branch</td>
<td>IN POCKET</td>
</tr>
<tr>
<td>Flow of Research and Analysis Intelligence Material.</td>
<td>IN POCKET</td>
</tr>
<tr>
<td>ENDNOTES</td>
<td>81</td>
</tr>
<tr>
<td>LIST OF REFERENCES</td>
<td>113</td>
</tr>
</tbody>
</table>
ABSTRACT

Both after World War I and during World War II Franz L. Neumann confronted the question of how to bring about a genuine democratization of Germany. In both instances he advocated an economic and social revolution in theory but in practice he acquiesced in the failure of the revolutionary forces. The inconsistencies in Neumann's theoretical works, his double emigration and his passage through the Office of Strategic Services witness the German-Jewish socialist's revolutionary dilemma and the cycle of repetition-displacement that both sustained and trapped him in his troubled position. The trademark of the OSS Research and Analysis Branch, which was to misrecognize a stylistic "neutrality" for an institutional one, suited Neumann's emigration tactic of fighting a political battle under the cover of scholarly discourse. At the same time, with that he accepted a neutralization of his "radical" agenda for post-war German de-nazification and re-democratization.
INTRODUCTION

The fascination and significance of studying intellectual emigration lies—insofar as it transcends the mere recording of émigré Schicksale (fates)—in exploring new ways to explain the interconnectedness between social structure and intellectual production. By looking closely at the disruptions and conflicts of emigration we can begin to understand the dynamics and mechanics of actual or displaced changes in intellectual labor and life-circumstances. Such an approach toward the study of emigration may also be useful in breaking the deadlock in the current debate on twentieth-century refugee scholars. Symptomatic in that respect has been the most recent Conference on "German-Speaking Refugee Historians in the United States 1933-1970s"\(^1\), which was preoccupied with issues of "loss" and "gain" (what German scholarship lost and American scholarship gained),\(^2\) i.e., with analytical categories that neither reflect the problematic dynamics of the "sea change"\(^3\) nor add anything new to the field of cross-cultural and emigration studies. Rather, we need a new perspective from which to analyze the social "costs" of these transitions, an angle of vision that will help us gain insight into the similarities and incompatibilities of these transatlantic academic, bureaucratic, and political
cultures and societies.

In order for us to benefit from such an approach, we first must understand how historical and personal contradictions are interrelated, then examine how these patterns of mutually influential contradictions change or repeat themselves under the varied social condition of the exile. A case in point is the personal and intellectual odyssey of Franz L. Neumann, an important German labor lawyer and political scientist who emigrated to the United States in the 1930s. Various Neumann scholars have been trying to analyze the contradictions in his writings from different systematic, political-scientific, and historical standpoints. But neither the liberal view (Hughes, Erd and Söllner)\textsuperscript{4}, nor the conservative view (Luthardt)\textsuperscript{5} adequately explains how the interconnections between Neumann's theoretical contradictions and personal experience reveal the various problematic historical contexts of the Weimar Republic, National Socialism, Office of Strategic Services (OSS), World War II-America, and post-war Germany. Nevertheless, by integrating Neumann's personal life into an analysis of his contradictory theoretical works, Söllner offers the most promising theoretical concept with which scholars can approach and analyze Neumann's passage toward and through the OSS.
In developing Söllner's approach, this study seeks to substantiate the thesis that some of the main theoretical concerns that marked Neumann's political and professional activities (the development of capitalism, the antipodes of capitalism and socialism, and the question of how to aid the democratization of a socialist Germany) habitually led him to opt for self-defeating solutions of institutional and legal change whenever he was confronted with contradictory historical situations. Because Neumann advocated radical economic and social change in theory, but could and did not act to bring about these revolutionary changes in practice, he was constantly caught in a transferential cycle which displaced the discrepancies in his own theory-practice nexus.

In order to understand Neumann's contradictions (as well as those of German history and especially of the German left), we have to call into question our own convenient and possibly unexamined ideological categories. The labels of communism or anti-communism have been and still are used in such a manner as to obscure the uneasy admission that Marxist "radicals" on the left were in fact not all that radical. To force Neumann's intellectual career and personal life into categories of capitalism and communism or liberal democracy and Marxism, in order to
dismiss or honor his radicality does not do justice to someone who identified himself as an anti-communist so that he could justify his reformist course, and who repeatedly displaced the knowledge that, within the German context, it was impossible to establish a genuine socialist democracy without a social revolution. By not acknowledging this transferential dilemma, mythologized appropriations of Neumann's career and theoretical writings tend to remain uncritical and obscure, and thus continue to reveal a fundamentally conflicted German left.

Almost as a side-effect, this approach also attempts to shatter the national and nationalistic position-taking that characterizes the German-American historical debate on the American occupation of Germany. Neumann's experience in the OSS shows that confronting the American intentions to de-nazify and re-democratize Germany with the German authoritarian forces that had obstructed these policy goals in the first place, does not explain the failure of thorough restructuring. Although there did in fact exist forces aiming at a reconstruction of a genuine democratic Germany, these forces lost out on both sides of the Atlantic. Moreover, pointing to the indigenous German anti-democratic forces opens up another debate which deals with the failed revolution of 1918/20 (an episode that is,
as we will see, crucial to Neumann's transferential dilemma), the anti-democratic elements of the Weimar Republic, and the Weimar Republic itself, which is so readily celebrated as the first genuine German exercise in democracy.
CHAPTER 1

REFORM AND REVOLUTION BETWEEN CAPITALISM AND SOCIALISM: NEUMANN'S SOCIAL, POLITICAL, AND INTELLECTUAL BACKGROUND DURING THE WEIMAR REPUBLIC

If Franz L. Neumann's life symbolizes the contradictions and compromises Germany encountered on her tangled way toward democracy, the belated and incomplete reception of Neumann's intellectual works indicates the traditional ideological categories of analysis that have concealed a better understanding of Neumann's dilemma and German history. Attempts to understand the theoretical contradictions of Neumann's works by placing them between Marxism and liberal democracy and by seeing a decisive point of transition in Neumann's emigration, as H. Stuart Hughes has done, fall short of actually explaining these contradictions. Even less helpful and far less reasonable are those approaches that grant only a superficial significance to the contradictions in Neumann's thoughts, then dismiss his analyses of German affairs during the 1930s and early 1940s as "theoretically and politically" wrong. Alfons Söllner has opened up a more promising avenue of research by studying Neumann's personal life in its multi-dimensional and often indirect and contradictory relationship to his theoretical works—to the theory-practice nexus, as Söllner called it. So far, however,
Söllner has not pushed his proposed approach to any firm conclusions. Filling that gap, if only partially, means giving Söllner's approach a new texture.

If the theory-practice nexus is not to take refuge in a vulgar determinism (specific ideas as direct and inevitable products of certain historical situations, and vice-versa), it has to account for the "unconscious and repressed aspects of experience which necessarily move in a different but not unrelated timescape from what is consciously acknowledged." Analytically, this approach is based on a psychologically and social-historically "divided self" that reveals itself to the analyst as projection, misrecognition, and "compulsively repeated transference and counter-transference." If one understands projection as placing the distortions of a divided self that cause fear into an outside world, then misrecognition becomes a form of re-placing a familiar projection in a new context, so that the self can function in a different environment. Projection and misrecognition may thus be perceived as elements of transference and counter-transference which--by breaking with (or "working through") the repeated dis-placing of the painful experiences of a divided self in a contradictory and changing social historical setting--can overcome the cycles
of conscious and unconscious constructions of a holistic self that (inevitably) have to suppress the divided self and, perhaps to a lesser extent, the conflicted outer world. Whereas projection and misrecognition can be seen as ways to maintain the functioning of the distorted and divided self, transference and counter-transference have the potential of breaching the compulsive cycles of repressed traumatic experiences (and thus allow for change).

Before we attempt to detect Neumann's cycles of transference and counter-transference, it is essential to comprehend the contextual circumstances and textual manifestations of his divided self. Neumann's lower middle-class background, which he displaced in his intermediate position as academic intellectual and labor lawyer, his German-Jewish identity between orthodox Jewry and assimilated (converted) Jews, and his political commitment to social-democratic reformism as a "compromise" between the order of capitalism and the revolutionary-anarchistic social disorder of socialism, serve as points of departure for Neumann's (counter-) transferential experience in the OSS.

Biographical accounts of Neumann's childhood and youth have remained very sketchy, partly because he himself
never spoke to anybody about this part of his life.\textsuperscript{15} Franz Leopold Neumann was born on May 23, 1900, into a German-Jewish family in Kattowitz, then a part of Upper Silesia bordering on Poland. His father was an artisan and a small trader, so that Neumann grew up in a lower middle-class milieu while attending elementary school in Kattowitz and secondary school in Königshütte. When he began to study law in Breslau in 1918, he was drawn into a bourgeois culture that alienated him more and more from his family's social background,\textsuperscript{16} especially from his German-Jewish identity.\textsuperscript{17} Jews in Germany did not simply replace their Jewishness by Germanness; both elements formed a sense of ethnic identity identical with neither culture but characterized by secularization, i.e., by the transformation of Jewish religious tenets into a secularized ethical value system and by the lack of a display of overt cultural elements.\textsuperscript{18} Neumann did not belong to the orthodox Jewry, but he nevertheless educated his children to observe certain Judaic traditions.\textsuperscript{19} This intermediate position in religious matters serves as evidence of his apparently untroubled, secularized German-Jewish identity. Thus, in the vita accompanying his dissertation, he demonstratively professed his Jewishness. Yet his later failure to explain whether he had defended
Hugo Sinzheimer, professor for labor law at the Frankfurt University in the 1920s, against physical attacks by nationalistic students for being a Social Democrat or a Jew, suggests that Neumann's German-Jewish identity was not always so placidly invoked. Troubled too was his evasiveness in social-political matters. His intellectual commitment to a (utopian) socialism, to which he was inclined due to his Jewishness, caused and demanded of him (and of other German-Jews in his position) a simultaneous denial and misrecognition of his Jewishness, for within socialism the "Jewish Question" became sublimated into and replaced by the broader quest for a classless society.

How this ethnically and theoretically induced displacement process manifested itself in Neumann's political actions and his retrospective assessments of them can be seen in his political experiences during the first years of the Weimar Republic. With a short interruption for military service, he studied law in Breslau, Leipzig, Rostock and Frankfurt from the spring of 1918 until 1923. He did his doctorate (thesis title: "Legal-philosophical Introduction to an Examination of the Relationship between State and Penalty") in the field of philosophy of law, with the neo-Kantian law philosopher Max Ernst Mayer as his main
advisor. During the November Revolution of 1918, Neumann joined a group of Socialist students and was active with the insurgent soldiers and workers in the streets of Leipzig.²⁵ Leo Löwenthal remembered that he founded, together with Neumann and Ernst Fraenkel, the Socialist student group at Frankfurt University in 1918/19.²⁶ But since it is well-known that Neumann studied in Leipzig from the fall of 1918 until the summer of 1919, when he transferred to Rostock and only after 1919 from there on to Frankfurt,²⁷ the date that Löwenthal gave for Neumann's political activities in Frankfurt can not be correct. Neumann's own account²⁸—a document which has been completely overlooked so far by Neumann scholars—indicates only his presence in Frankfurt from May 1920 on.

More importantly, however, in the same document Neumann recorded that he was a member of the Unabhänige Sozialdemokratische Partei (USPD, the Independent Social Democratic Party). Although his USPD membership and experiences have not figured in the scholarly literature about him, they are crucial for a transferential understanding of his later OSS experience. In his own words:

I joined the Independent Social Democratic Party in September 1918 at Leipsic [sic] and the Social Democratic Party in May 1920, that is immediately after the Kapputsch [sic], because
parts of the Independent Social Democratic Party, especially those under the control of Dr. Kurt Geyer, refused to support the government-sponsored general strike against Kapp. From then on, I have been connected with the Social Democratic Party in Frankfurt, O. M. and Berlin.\textsuperscript{29}

Neumann's recollection is important not just for what he tells us about his past, but for what he leaves out. While it may appear from this account that Neumann belonged to the more radical wing of the USPD which supported the Kapp Putsch and that he quit in disgust over its leadership's failure, some historical background information of the early Weimar Republic, however, reveals that he repressed crucial aspects of his experience in his own later account that belie this straightforward remembrance and show how and why he entered a personal-historical cycle of repetition and displacement. It is furthermore significant to note the timing (September 25, 1942) of his (mis-) remembrance, because it is a misrepresentation that allowed him to enter yet another episode of inner conflict-resolution as he joined the Research and Analysis Branch (R&A) of the OSS.

The (re-)introduction of democracy and the question of a social revolution after World Wars I and II marked for Neumann the two major themes of both of Germany's immediate post-war situations. On what are now called the German
"peculiarities," Neumann stated rather apodictically in 1948:

There has never been a revolution in Germany . . . The Revolution of 1918 occurred in a vacuum; its aims had been accomplished before it got under way . . .

Democracy has always come to Germany as a consequence of military defeat, both in 1918 and in 1945, and its life span was exceedingly brief.30

The result of the November Revolution of 1918 was the replacement of the Second Reich's constitutional monarchy by a representative-parliamentary democracy. The new social-democratic leadership did not proceed with a restructuring of the civilian or military bureaucracies, nor with structural economic reforms of capitalism, and thus left the three principal pillars of the old order intact.31 The absence of a full-blown revolution can be explained not only by the traditionally moderate catalogue of demands and the nationalistic ethos32 of the mainstream Social Democratic Party (SPD), but also by its temporary alliance with the USPD, which then represented the "council movement" (Rätebewegung), of which Neumann was a part in 1918, and which gave the Social Democratic government "revolutionary" legitimacy. The USPD-SPD coalition had in turn helped to split and weaken the council movement, which advocated a constant and direct-democratic involvement, and an imperative mandate versus a representative-
parliamentary bureaucracy. The fact that by December 1918 the USPD had already left the SPD government may be seen as evidence of a deep split within the USPD.

From its establishment in April 1917 as an opposition faction against the war policy and annexation claims of the SPD, the USPD was divided between a moderate-centrist wing around Karl Kautsky and Hugo Haase and a revolutionary wing around the Spartacist group of Rosa Luxemburg and Karl Liebknecht. After the Spartacists had left the USPD by the end of 1918, the left wing of the USPD was represented by a group inclined toward the Communist Party led by Ernst Däumig, Richard Müller, Kurt Geyer and Walter Stoecker. It was this split that hindered the USPD from leading the mass mobilization of armed workers in the general strike against the Kapp Putsch of March 1920. This uprising against Kapp constituted the climax of the revolutionary-democratic working class movement, which in 1920 did not just strive to defend the parliamentary system of the Weimar Republic but attempted also to disarm the anti-democratic free corps and to purge the civilian and military bureaucracies.

Since Neumann would eventually cite the Kapp Putsch and Geyer's "anti-revolutionary" communism as the essential cause for his transition to the reformist SPD, it
is necessary to look more closely at those unmentioned and "repressed" aspects of his experience during the Kapp Putsch and the USPD's role in it. First, in his retrospective, Neumann repeated the popularly accepted notion that the general strike was sponsored by the government, when in fact it had been the social-democratic members of the government (and not the government as government *per se*) who had at first signed the strike call and who then publicly denied their support of the general strike the very same day and on several occasions thereafter. This almost simultaneous authorization and denial were significant in that they rendered the general strike, sponsored only by the labor unions and the SPD, illegal and thus justified its subsequent military suppression. That Neumann switched sides in May 1920, just after he had seen that the eight-point agreement between the trade unions and the preponderant social-democratic government from March 20—which would have meant the beginning of a social and economic revolution—were nothing more than paper promises by the government, reveals that Neumann did not intend to join the revolutionary forces, but the forces of orderly change and continuity interested in breaking the revolutionary impetus. This switch also supports the
conclusion that Neumann most likely was related to the moderate and anti-Bolshevik wing of the USPD around Karl Kautsky and to the moderate "revolutionaries" around Kurt Eisner.

A closer look at the USPD's and especially Geyer's role during and after the Kapp Putsch further confirms the thesis that Neumann's falsifying self-portrait as a converted anti-communist social reformer displaced the knowledge of the contradictions in his position, the implicit turning away from the still desired social revolution. Although the USPD acted rather hesitantly and issued its directives too late to produce concrete results, it called immediately for the general strike on March 13, the day that Kapp puttsched, and established a second strike committee in Berlin, besides the one of the SPD. So the USPD's radicals lost out not because they did not support the strike, as Neumann said, but because, along with the KPD (the Communist Party of Germany), they had intended to elect and organize factory delegates and to confer the leadership on them rather than on the party. This was even more true for Leipzig, the town in which Neumann met Geyer.

Geyer, a leader in the council movement of 1918/19 and a radical editor of the USPD organ Leipziger
Volkszeitung, was probably the most prominent but not the most powerful Independent Socialist in Leipzig. Geyer made clear the position of the revolutionary side of the USPD when he vehemently attacked the party's line of coalescing the council movement with parliamentarism. Nevertheless, even during the summer of 1919 when Geyer reached the zenith of his power, the party machine was still in the hands of the more moderate party members around Friedrich Seger and Richard Lipinski. During the Kapp Putsch, it was Lipinski who led the workers' fight against the Reichswehr and it was also Lipinski who, after the collapse of the Kapp regime, entered into a compromise agreement with the military to end the strike. For Neumann to argue that Geyer was against the general strike, when the latter actually agitated against the end of the strike and the joining of USPD and SPD, was a falsification of Geyer's position and reveals another aspect of Neumann's repressed experience, i.e., the fact that Geyer was against a party-led general strike from above, but not against one of factory delegates that would be organized from below.

The fact that Neumann left the USPD at a time of relative political strength under the leadership of the moderates, substantiates the thesis that he made a positive choice for social-democratic reformism, rather than one
against the USPD's communists around Geyer. For once, the USPD gained a landslide victory in the elections to the Reichstag in June of 1920. In Germany overall, it increased its share of votes from 7.6% in 1919 to 18% in 1920, and in the strongholds of the revolutionary working class movement such as in Leipzig, it reached up to 42.1% (as compared to 38.6% in 1919). While it is a fact that Geyer was interested in a coalition with the KPD, the split of the USPD and Geyer's joining the Communists only occurred in October 1920, five months after Neumann had become a member of the SPD. Communism's "failure" as the implicit (and fabricated) justification of Neumann's disappointment in the USPD and as a conscious reason to side with the (anti-communist) SPD, therefore stands for the repressed and "unconscious" knowledge that this step inevitably meant giving up the social revolution which had to be considered the precondition for a genuine democracy in Germany.

Neumann's subsequent theoretical works as well as his professional practice as a labor lawyer both reveal that his main concern during the Weimar Republic was how to reconcile capitalism and socialism, or how to improve the material equality of the working class within the framework of the Weimar Constitution and without a revolution. After
finishing his legal studies in Frankfurt, he became the personal assistant of Hugo Sinzheimer\textsuperscript{47} and completed his training as law clerk between 1923 and 1927. Sinzheimer, who was then the leading expert on labor law and who took part in the formulation of the second part of the Weimar Constitution for the regulation of principal questions of labor and economy, opted for the integration of the system of economic councils with the representative-parliamentarism of the Weimar state.\textsuperscript{48} Thus there is in Sinzheimer's theoretical compromise position an attempt to democratize the economy with the help of the councils, giving the economic order a relative autonomy from the political democratic order of the state, but essentially still subordinating it under capitalist state norms.\textsuperscript{49} It is here that Neumann found support, retrospectively, for his decision in 1920 to pursue a course of formal-institutional change and to compromise thereby the principal goals of material equality.

Torn between the understanding that socialism demanded a disruptive social revolution to achieve the materialist redistribution of economic power and the realization that the non-interventionist state doctrine of classical liberalism reinforced the structural-materialist inequality of capitalism, Neumann searched for a middle course.\textsuperscript{50} The
fact that he did indeed "reflect" the social costs or contradictions of his own middle position can be seen from his discussion of socialization. Contrasting the liberal-capitalist principles of formal equality with the socialist principles of materialist equality, Neumann argued for the social Rule of Law (Rechtsstaat) which was characterized by the recognition of private property, but would socialize the property owner's right to administer (Verwaltungsrecht) private property, an approach which, under the conditions of monopoly capitalism with its huge trusts administered by managers and functionaries, seemed to represent the most crucial means to acquire economic power. The insight, however, that Neumann still repressed by supporting formal-material rights for the working class (a category in which Verwaltungsrechte falls) is that, as the partner of the "masters," the working class becomes a partner in the exploitation (now self-exploitation) process. Neumann, unable to decide between capitalism and socialism, thus voted for the psychological internalization of the exploitation process which seemed to be the only solution apart from a real
revolution.

The collapse of the Weimar Republic offers further evidence that Neumann was not able to acknowledge consciously his internal divisions. Most telling is the statement in which he "rationalized" the fall of the Weimar Republic:

The German democracy committed suicide and at the same time was murdered.\(^{53}\)

The incompatibility of Neumann's aims of creating material equality without social revolution and of his subsequent reformist stand that played a role in the German left's failure to prevent the rise of National-Socialism, finds its expression of displacement in his notion of the democracy that "was murdered" without his detecting the perpetrators. His fellow émigrés and research associates at the Institute for Social Research in New York had no trouble making analytical decisions at this specific historical juncture. The writings of Otto Kirchheimer, another lawyer émigré active in the left wing of the social-democratic movement and an expert in political and legal problems of the Weimar Constitution,\(^{54}\) provide evidence that it was not inevitable to overlook the systematic destruction of the democratic state toward the end of the Weimar Republic.\(^{55}\) In contrast to Neumann, Kirchheimer saw and admitted clearly that a socialist
democracy and capitalism were incompatible and that the Weimar Republic constituted yet another bourgeois-capitalist order in which the materialistic preconditions for a socialist state were not given.  

When Luthardt argues, on the basis of Neumann's remark that the Weimar Constitution did not have a clear positive goal but simply a negative function of a defence against Bolshevism, that Neumann overrated the communist danger and did not see the Weimar compromise, Luthardt himself overlooks that this very statement was in fact a misrecognized acknowledgment of the Weimar compromise.

Neumann, who shared a law practice with another former Sinzheimer student, Ernst Fraenkel (who was then also a political scientist in Berlin), was appointed counsel to the Building Workers Union in 1927, elected a member of the Prussian Administrative Tribunal at Berlin in 1928, and took over the legal business of the Social Democratic Party as a member of its Executive Committee from June 1932 to May 1933, when he was forced to leave Germany. For Neumann, it was thus not, as Söllner maintains, "illusionary" but only logical to have followed through with his reformist course until the bitter end and not to have formulated a theory of the collapse of the Weimar state. His sense of an anti-Bolshevik Weimar Republic
displaced the knowledge that the material and social preconditions for the working class' maintenance of its (institutionally granted!) position against the capitalist forces were not present and could also not be defended by purely legalistic means.

Following these observations on Neumann's dilemma between capitalism and socialism, it is important to determine the extent to which his ethnic background influenced his intellectual and political contradictions. Perhaps because German-Jewish "outsiders" were predominantly socialized toward the left, leaning to pacifism and becoming politicized through their front experience in World War I, they were interested also in social peace. Moreover, the new and strong post-war wave of antisemitism tended to make them the scapegoats of the civil war. Whether this social argument can shed some light on Neumann's reformist stand remains a difficult problem for future investigation; for now, one can find cogent evidence that Neumann's intellectual stand was influenced by the ethnic-intellectual considerations of the German-Jewish neo-Kantian tradition.

Neo-Kantianism describes a German philosophical movement which began in the 1850s and 1860s, experienced its climax around the turn of the century, and disappeared
as a school around the outbreak of World War II. Neo-Kantians, such as Hermann Cohen and Paul Natorp from the Marburg School, set out to assign a new role to human consciousness, which was no longer based on a transcendental absolute, but on scientific reasoning and logic that would establish a new methodology for the humanistic disciplines. Neo-Kantianism further attempted to reintroduce the morality of Kant's categorical imperative into the political arena and to create a new (ethical) synthesis between liberalism and socialism that would transform economic-materialist determinism and revolutionary socialism into democratic socialism and social reformism.64

Neo-Kantianism also stood for yet another synthesis, that between Kantianism and Judaism. In minimizing the differences between Judaism and Christianity, and in secularizing the Ten Commandments as reasonable ethical commands, Kant helped the Jews in their struggle for emancipation and opened up the way for 19th-century Jewish philosophy of religion to orient itself toward Kantian systematic philosophy.65 Following this tradition, Cohen had defined social-humanitarianism—referring to Kant's premise that humans cannot be used as means alone, but represent an end in themselves—as the common element
between Judaism, Kantianism and Socialism. This threefold synthesis then gained political influence in the Social Democratic Party's revisionist wing headed by Eduard Bernstein, who agreed with Cohen that the capitalist system had to undergo a process of immanent reform in order to socialize step-by-step a society of proprietors by means of state laws. Although neo-Kantian ethical socialism never exerted a decisive impact on the policy course of the Social Democratic Party, its intellectual bearings, the "affinity between revisionism and Marburg neo-Kantianism which offered the possibility of a timely convergence of bourgeois reformism with the working-class movement," can be traced far into the 20th century.

Kurt Eisner, for instance, who together with Bernstein and Kautsky represented the moderate wing of the USPD, helped to transform the German revolutionary councils, modelled on the Bolshevik soviets, into supplementary institutions for a reformist parliamentarism. Being in the contradictory position of both advocating neo-Kantian ethical socialism and heading the "revolutionary" Bavarian council republic in the immediate aftermath of World War I kept Eisner from restructuring the anti-democratic order of the bureaucracy and the military, and hindered him in moving toward an overthrow of the capitalist system by
means of socialization. This detour over neo-Kantianism and its ethical synthesis of socialism and capitalism, a synthesis which was reached at the cost of neglecting economic and social considerations, allows for a better understanding of the context of Neumann's uneasy compromise (and, as will become clear later, also allows for the intellectual transatlantic connection). In contrast to Marx's dialectical theory of capital and labor, Cohen took the question about inequality within the capitalist system back to the unresolved ethical problems of the lack of the formal rule of law. By liberating the legal system from its ideological premises (the causal factors for inequality), Cohen hoped to transform a state of power into a state of ideal law. Cohen's legal-institutional concept of reforming capitalism parallels Neumann's endeavors to improve the legal position and formal-material situation of the working class. And although both arguments differ in an essential point (Cohen
assumes that a pure formal-legal reform would solve the inequalities of capitalism, whereas Neumann absolutely intended—at least eventually—to break the continuous cycle of materialist inequality in capitalism), Neumann's priority of securing equal formal-material rights for the working class first does in fact stand fully within the neo-Kantian tradition.

As set forth in his dissertation, in which he attempted to prove that to base natural law on neo-Kantianism (which is a contradiction in itself) would result in an ideologization of the law, Neumann rejected natural law theories and developed a neo-Kantian program for legal social change. With this program, Neumann took up the law philosophy of the "Southwest School" of neo-Kantianism represented by Emil Lask and Gustav Radbruch. In contrast to the Marburg School, the Southwest School maintained that laws were not normative-abstract but cultural-empirical constructs: it therefore developed a social theory of law in which laws do not take a reproductive but a productive value. Thus Neumann's reformist attempt to change the empirical-materialist base of society by means of formal-material and productive laws fits more convincingly into the neo-Kantian tradition than into the struggle of Marxism (or Communism) with liberal
democracy (although one might say that his position materialized under the conditions of these ideological categories).

Neumann's difficulty over his affiliation with neo-Kantianism left him with three equally problematic ways to go: he could follow the neo-Kantian course of freeing his thinking from the "confines of class ideology," or pursue his reformist course which required a repetitious, transferential working through of the problem of the inevitable social revolution, or break through his cycle of transference and go over to the radical socialists who were propagating revolutionary change from below.
While giving a public lecture on "The Social Sciences" in 1952, Neumann recapitulated his emigration experience and characterized his reintegration into American society as a "happy solution." He began the story about the significance of his emigration as a major change by claiming to have undergone a threefold transition: as human being, intellectual, and political scholar. Two conditions allowed for this "happy solution" in his double emigration (in May 1933 to Great Britain and in April 1936 to the United States): the openness of American society and the "clean break with Europe, and particularly with Germany." It is this second condition, the "clean break," which this chapter seeks to identify and to use as an angle to question the "happiness" of Neumann's forced emigration.

When the National-Socialists liquidated and dissolved the political parties and trade unions in May 1933, Neumann emigrated almost immediately. Neumann's internment by the National-Socialists in April 1933 for having publicly attacked the new emergency press law, and the fact that he belonged to the first group of oppositionaries that the
National-Socialists expatriated, show that he was forced to leave for political rather than ethnic reasons.\textsuperscript{84} The step of emigration, however, did not find Neumann unprepared; by 1932 he had already started to study English. While he was predisposed, on one hand, to take refuge in England due to his probable contacts with the English Labour Party and its leading intellectual, the LSE political scientist Harold Laski,\textsuperscript{85} he was also, on the other hand, planning his emigration as a voluntary and positive break with his political career.

To assume, as Rainer Erd did, that Neumann's choice of country of emigration was more politically motivated than that of the Frankfurt Institute of Social Research, which migrated over Switzerland directly to the United States,\textsuperscript{86} is inadequate, because it does not account for Neumann's political experience and the actual context of his decision at the end of the Weimar Republic. Neumann only became affiliated with the Frankfurt Institute for Social Research in 1936 when the latter helped him emigrate to the United States.\textsuperscript{87} It is therefore a mistake to assume retrospectively that his motives and decision were similar or even comparable to those of the Frankfurt Institute's members. Moreover, such a treatment of Neumann's emigration not only conceals his conscious break
with his political practice in the SPD and even with an active (underground) struggle against Nazi Germany, but also resists comparing his emigration to that of other leading Social Democrats.

In anticipation of the dissolution of the SPD and the arrests of its leaders by the National-Socialists, the Executive Committee of the SPD decided on 4 May 1933 to send six of its members into exile in order to allow for the survival of the party. Whereas four right-wing reformists and two left-leaning members of the Executive Committee left for Prague (the city which became the capital of the political exiles from Nazi Germany) to form the so-called "Sopade" (the Social-Democratic Party of Germany) as the main task force against the National-Socialist regime, Neumann headed for England, a country which due to severe immigration restrictions admitted very few emigrants and thus experienced no considerable political activities of exiles from Nazi Germany until the outbreak of World War II. Even though, according to his own statement, Neumann criticized the SPD for not establishing an underground organization and claimed that he was the one to suggest that the Executive Committee should leave Germany on May 9, 1933, Neumann's only logical option for an active struggle against the Nazi
regime would have been to join the Sopade or other anti-Nazi underground forces. Instead, he went to a country where his fellow socialist activists could not join him, even had they wanted to do so.

One may speculate that personal animosities might have contributed to Neumann's decision to emigrate to England, but the consequences of his political break are clear and symptomatic for Neumann's dilemma. Whereas in January 1934 the Sopade issued the most radical official manifesto in the history of the German Social Democratic movement—calling for the revolutionary overthrow of the Nazi regime and aiming at the expropriation of large landed estates, key industries and large banks, as well as at the purge of the judiciary, civil service, army, and police, while leaving the tactical question of the "dictatorship of the proletariat" obscured—Neumann contented himself with organizing a small and uninfluential London group of exiled Social Democrats and with writing some articles for the Zeitschrift für Sozialismus under the pseudonym of "Leopold Franz." At the same time he retreated into the ivory tower of the London School of Economics.

Given his legal-institutional reformist stand, and given the situation of Nazi Germany in 1933, in which any possibility for a legal or parliamentary opposition was
destroyed, Neumann's political break and his subsequent abstract and intellectual examination of the rise of National Socialism became for him the only possible solution to the only other existing alternative of the illegal (and for him illegitimate?) underground. By distancing himself from "world history," Neumann chose a twofold emigration. His geographic emigration corresponded with his political alienation from the SPD, a correspondence that allowed him to reflect indirectly upon his entanglement in the collapse of the Weimar Republic. In this respect, Neumann became his own (disguised and only partially conscious) analyst. At this point too he entered a cycle of repetition-displacement, for, with his emigration to England, he abandoned for the second time after 1920 the potential forces of revolutionary change. He also entered a cycle of counter-transference, because as his own analyst he was still caught in the same dilemma, i.e., his political alienation and his intellectual radicalization did not permit him to dismiss the implications of revolutionary change. Why Neumann could not solve his transferential problem through intellectual abstraction will become clear as we look more closely at his written works in British exile and at the influence Neumann's chief mentor at the London School of Economics
exerted upon him.

Neumann's second dissertation on "The Governance of the Rule of Law," written under the political scientist Harold Laski, serves as the first testing ground for the thesis that Neumann's intellectual "break" was more problematic than he and his biographers have suggested. It is certainly correct, as several Neumann scholars have emphasized, that his thinking radicalized and became more inclined toward Marxism during his post-graduate studies under Laski. Yet whether Neumann actually abandoned his reformist stand can best be tested by looking at how he dealt with the question of social change: did he think about new agents or means of change, and what was his position toward social revolution?

Starting from his earlier critique of neo-Kantian legal and state philosophy, Neumann presented in his second dissertation a far-reaching description of the development of the notions of state and law in bourgeois societies. He attempted to show the logical conflict in bourgeois notions of law, then seen as the contradiction between, on one hand, state sovereignty (presumed to be independent of the rivalries of antagonistic social classes) and, on the other, general legal norms of individual freedom (as established by the dominant social
class), a contradiction which would open up the way for a fascist dissolution of the state of law. Denying the existence of an absolutely sovereign state, Neumann claimed that the relative autonomy of the state could only be realized in an equilibrium between the antagonistic social classes. Given the economic inequalities of bourgeois societies, however, the formal legal norms of freedom would enhance inequality and induce the bourgeois classes to use the law as means of power against the working class.

Inspired by a Marxist-materialist analysis of society, Neumann then explained how, under the conditions of monopoly capitalism during the Weimar Republic and its functional change of bourgeois laws, the formal-institutional struggle of the disadvantaged working class and the labor unions had to fail. Thus, under the conditions of monopoly capitalism, he held that bourgeois notions of state and law which disregarded such inequality in their claims for formal-legal equality would eventually lead to fascism. Yet Neumann could not draw practical social-revolutionary conclusions from this apparently Marxist analysis. While his second dissertation reveals that he could now critique neo-Kantian social democratic reformism, his inability to draw the consequences of such analysis prevented a breaking through of his conflicted
and unresolved earlier anti-revolutionary experience. This failure suggests that Neumann's English period under Laski's influence was not so much a "materialistic decade"\textsuperscript{103}, but that, despite his efforts to break away, his experience remained fully within the neo-Kantian tradition.\textsuperscript{104}

Laski, whose position changed from being a proponent of pluralism in the 1910s and 1920s to being a proponent of Marxist socialism in the 1930s,\textsuperscript{105} taught Neumann a class-theoretical conception of the state, a reformism that was theoretically oriented toward Marxism, the thesis on the contradiction between law and power in bourgeois societies, and the great Western intellectual-historical coherences in general.\textsuperscript{106} At the same time and most important of all, Laski's position on revolutionary change was as ambivalent as Neumann's. When the latter remarked that fundamental changes of legal norms can only be expected under the condition that political and social forces would simultaneously fight for their implementation,\textsuperscript{107} he shifted from a rather exclusive emphasis on formal-legal reformism to one that integrated the material base. Nevertheless, at the same time, Neumann omitted and displaced any discussion of the initiative behind and the dynamic of this fundamental transformation in his ideas.
about social change.\textsuperscript{108}

Laski, on the other hand, while more outspoken about a revolutionary transition to socialism, paralleled Neumann's reformist stand during the 1920s by continuing to opt for legal and constitutional change toward socialism until the capitalist opposition would have to retreat to the use of violence. Although Laski was convinced that the capitalist class would not cooperate in the liquidation of its own private property privileges and that therefore violence would mark the transition to socialism, he tended to come back to his earlier pluralistic method of social change on the basis of consent.\textsuperscript{109} Within Laski's ambivalence, one can not only detect a superficial reading of Marx and the rejection of the latter's economic determinism,\textsuperscript{110} which was based exactly on the preclusion of "pluralistic consent," but also a concept of the master-slave relationship that was identical to Neumann's, one that Laski expressed as follows: "We must rather seek to persuade our master that our equality is their freedom."\textsuperscript{111} These illustrations of Laski's concept of social change indicate that Neumann's position on the agent and the means of change, as well as on the social revolution, was almost identical to Laski's. Therefore their intellectual relationship only inhibited Neumann's
breaking through his transferential cycle.

We have already seen how the neo-Kantian tradition contributed in part to Neumann's inability to break through his problem of revolutionary change, because it posed a dualism between formal-negative (based on abstract rationalism) and materialist-positivist (based on social reality) conceptions of law\textsuperscript{112} that Neumann could not finally overcome. Nevertheless, under the influence of Laski, Neumann did criticize neo-Kantian legal philosophy more vigorously than in his first dissertation. Whereas in 1923 Neumann concerned himself with immanent, intellectual-theoretical contradictions between neo-Kantianism and concepts of natural law, in 1936 he dismissed the ethical formal-rationalistic concepts of law of both the neo-Kantian Marburg (Rudolf Stammler) and Southwest Schools (Gustav Radbruch and Emil Lask) because they deduced positive and concrete legal norms by means of formal rationality.\textsuperscript{113} Since hereby Neumann also dismissed the ethical dimension of the neo-Kantian program for social change and claimed that legal philosophy had to be based on the materialistic-social conditions of the society,\textsuperscript{114} he reached his unresolved question of how the interplay of political-economic changes within society and productive-positive laws might bring about socialism. Neumann was not
able to overcome his dilemma of revolutionary change, because his shift toward a legal philosophy based on an eclectic reading of Marx's theory of society represented a somewhat radicalized continuation of Radbruch's and Lask's conception of law as a cultural and social phenomenon.\textsuperscript{115}

In other words, as long as Neumann remained within the neo-Kantian categories of the Southwest School and viewed law as representation and not as active formation of materialistic-societal conditions, he could neither pose concisely nor solve the question of which social forces would formulate legal norms and of how these norms would undergo substantial modifications. In this context Neumann's dismissal of the neo-Kantian ethical function of laws was especially grave.\textsuperscript{116} It deprived him of a tactical option of social change which his new concept of materialistic-social norms of law could not replace, for the materialist conditions under National-Socialism suppressed Neumann's agents of change, i.e., the Social Democratic Party and the labor union movement. Thus both Neumann's subsequent second emigration to the United States, which he interpreted retrospectively in 1952 \textsuperscript{117} as a consequence of his dawning recognition that the Hitler regime would not be overthrown from within, and his further academic orientation have to be considered within the
context of both the historical situation in Germany and Neumann's continuing entanglement in neo-Kantian categories.

Since Neumann's prospects for an academic career in Great Britain were not promising, on 15 April 1936 he became, through Laski's arrangement, a staff member of the Frankfurt Institute for Social Research, then affiliated with Columbia University in New York. He was first hired to fulfill certain legal-administrative functions of the Institute (some of which he had already taken over in 1935), but he hoped to be allowed to return to his academic work as soon as possible. Neumann stayed with the Institute until he joined the Office of Strategic Services (OSS) in 1942-43. A short sketch of the Institute's history and intellectual development will show that he never belonged to the core of the Frankfurt circle around Max Horkheimer and Theodor W. Adorno.

The Frankfurt Institute for Social Research was founded in 1923 under the sponsorship of the German-Jew Felix Weil (the son of a wealthy grain merchant who had studied together with the later members of the Frankfurt Circle) and undertook a new approach to the interdisciplinary studies of social phenomena. Its bearings were distinctively Marxist, yet at no point did it
belong to or support any political party. Under the direction of Carl Grünberg, a leading Austro-Marxist, the Institute primarily engaged in economic-historical studies of German fascism. In 1930 Horkheimer took over the direction of the Institute and led the Institute's work more toward a social philosophical focus with studies on anti-Semitism and on authoritarian personalities.120

The Frankfurt Institute vaguely defined itself as aiding the revolutionary transformation of German society by resolving the dialectics between theoretical and political practice. During the 1930s it thus came to face two major problems. First, the subject of its revolutionary hopes—the German working class—had failed to perform its projected proper role: it did not prevent the rise of National Socialism. Second and subsequently, the predominantly Jewish and Marxist Institute had to leave Nazi Germany, thus removing it from both its primary subject matter as well as from its theoretical and empirical intellectual audience. As a response to these changed historical circumstances, Horkheimer introduced what he called "Critical Theory" in 1937.121

Critical Theory laid the foundation for the Frankfurt School that found its way back to the Federal Republic after World War II. Horkheimer felt that only by
replacing the proletariat with the "subjects of critical activity" could Marxist theory continue to perform its critical role. Hence Critical Theory was in fact a "gesture," as Epstein defines it, a way of sanctioning the deviation from Marxist theory under the cover of dealing with "critical subjects," thus misrecognizing the conditions of the theory-practice nexus that had changed because of the rise of Fascism in Europe. Whereas Neumann had remained focused on the working class and suffered his own (and difficult) double displacement of intellectual and practical-revolutionary contradictions, the Frankfurt School modified its intellectual focus and displaced the historical conditions of the proletariat altogether. The different interpretations of Fascism that split the Frankfurt Institute attest to these problematic and conflicting developments.

The late 1930s and 1940s proved the crucial years in the formation of the Frankfurt School. It was during these years that the inner circle around Horkheimer began to focus on cultural and philosophical studies, which would preserve the "truths of theory" against a political practice that had been changed structurally because of the rise of Fascism in Europe. In doing so, Horkheimer
referred to Friedrich Pollock, who had characterized Fascism as a form of "state capitalism," an approach that overcame the problems of monopoly capitalism by breaking with it and by establishing the state's hegemonic role over the economy. For Pollock the class struggle ceased to exist in Fascism when the proletariat as the universal class was subsumed into the bourgeois camp. It is this interpretation of National Socialism that Neumann attempted to disprove in his great analysis entitled Behemoth, a book that remains one of the most important studies on this subject.

The origin of this book, i.e., the concrete decision to write it, remains obscure. What seems certain is that his duties as lawyer for the Frankfurt Institute during the second half of the 1930s proved unsatisfying and that he commenced work on the project as a way to return to academic work within the Institute. In Behemoth, Neumann characterized the National Socialist economy as "Totalitarian Monopoly Capitalism," but unlike Pollock, he pointed to the continuity of monopoly capitalism during the Weimar Republic and the Third Reich. He demonstrated that democratic rules and the labor movement would endanger a fully monopolized economic system and concluded that a totalitarian political power had to stabilize and fortify a
monopolistic system.¹³³ For Neumann, this characteristic feature of National Socialism led to a disguised but nevertheless deepened class antagonism.¹³⁴ This aspect is important in that it allowed Neumann to keep the labor movement in mind both as subject of and audience for his theoretical and political concerns.

Neumann did not make the vulgar Marxist claim that big business interests would completely dominate the Nazi party and the State. He showed, however, that, with regard to the imperialist expansion which eventually led to World War II, industry and party had identical aims. German industry and the Nazi Party engaged in a mutually profitable partnership: the Nazi party helped industry to suppress the labor movement and to provide the mass basis for imperialism while industry gave its economic power to the totalitarian regime.¹³⁵ Thereby, National Socialism created a new ruling class, one that owned the means of production and of violence.¹³⁶

Neumann strove for an overall structural explanation of German society under National Socialism by formulating a concept of Totalitarian Monopoly Capitalism. Neumann distinguished among four groups which, for him, formed the ruling class: big industry, the party, the bureaucracy, and the armed forces. Each group was sovereign and
authoritarian at the same time, bound together by their allied interests in domestic oppression and foreign expansion. In Neumann's vision, each ruling group acquired independently its particular hegemonic role, which was based on the monopolistic structure of the German economy.

While Neumann's Behemoth is in large part a Marxist-oriented analysis of National Socialism, it also reveals significant and symptomatic breaks in Neumann's theoretical endeavors. Neumann's theory of the Nazi state contains an unresolved contradiction in its analysis of elites. Although Söllner talks about Neumann's "combined class- and elite theory," we have to recognize that this is an elite theory that avoids class analysis. Neumann's analysis shared a position (which he cited in Behemoth) that had been worked out in the American context by Adolf A. Berle and Gardiner C. Means. Berle and Means had made the point that one can control large trusts and corporations with relatively small but strategically placed sums of capital. Thus it was possible to control the economy without "possessing" the means of production. This managerial notion of the economy allowed them to contemplate an administrative revolution that would not change the social relations of production. What they
called the "managerial revolution" paralleled Neumann's own earlier position that social change was possible by reforming the administration of property without changing the property relations themselves. That it is exactly this compromise between class- and elite analysis that is significant for Neumann's OSS service—in which he reworked his inner transferential dilemma once more—will become clear in the following chapter. Here it is not so important to suggest that Neumann's positive reception of Berle and Means might have contributed to his acceptability to the OSS; rather it is more significant to see that it is Neumann's own inner contradiction that first made it possible for him to consider service in the OSS, then contributed to his contradictory position in R&A, and finally became exploited in the neutralizing of his "radical" R&A reports.

On the basis of these considerations, we can understand why Neumann's partially Marxist analysis of National Socialism would conflict with Pollock's and with the general orientation of the Institute for Social Research. Moreover, it is only by focusing on Neumann's historically conditioned but personally unique inner contradictions that we come to understand why he took yet another positive step with his second emigration, which led
to his joining the OSS. The common assumptions that Neumann joined R&A purely out of financial reasons\textsuperscript{147} or to contribute to the American war effort\textsuperscript{148} are misleading reductions. Although both factors certainly contributed to Neumann's decision, they divert attention away from the far more interesting and important existence of a real theory-practice nexus.\textsuperscript{149}
CHAPTER 3
TRANSFERENCE UNDER THE COVER OF "NEUTRALITY:"
NEUMANN AS RESEARCH ANALYST IN THE
OFFICE OF STRATEGIC SERVICES

Based on the conviction that the knowledge or the ignorance of other nations and their war-time intentions bears heavily upon the formulation and execution of national policy, General William J. Donovan, the energetic founding father of the OSS, fervently supported the idea that in an age of total warfare, states should have total intelligence services at their disposal.\textsuperscript{150} Watched with suspicion by the State, War and Treasury Departments, themselves directly involved in the conduct of World War II and relying on their own specialized intelligence branches, Donovan built for the first time in American history an intelligence agency that was centralized and independent from other government agencies.\textsuperscript{151} President Franklin D. Roosevelt, who supported Donovan's concept of interrelating "strategy and information,"\textsuperscript{152} issued the order to establish the office of Coordinator of Information (COI) on July 11, 1941, and provided Donovan with unvouchered funds out of his own "Emergency Fund."\textsuperscript{153} In order to fulfill the function of collecting and analyzing strategic information, Donovan created the Research and Analysis Branch (R&A), which physically, administratively,
and budgetarily formed a special unit of the Library of Congress under the librarian Archibald MacLeish, but was financed by and exclusively served the COI.\textsuperscript{154}

After one year of heated bureaucratic struggles over the authority of various propaganda and psychological warfare activities, the president issued the executive order of 13 June 1942 that established the Office of Strategic Services as the successor to the COI (excluding its foreign information gathering activities, which were transferred to the Office of War Information, concentrating the government's foreign and domestic propaganda operations).\textsuperscript{155} Under the jurisdiction of the Joint Chiefs of Staff (JCS) the OSS was the first organized venture of the United States in the fields of espionage, propaganda, subversion and related activities. It was charged with "the planning, development, coordination, and execution of the military program for psychological warfare."\textsuperscript{156} R&A, which had been transferred in whole from the COI, became responsible for "the collection, compilation and analysis of such political, psychological, sociological and economic information and its preparation in such form as may be required for military operations."\textsuperscript{157}

The fact that R&A was actually formed prior to other secret intelligence and covert operation branches of the
OSS attests to the central role that Donovan ascribed to scholars within the broader context of foreign policy planning. Donovan's concept of a scholarly organization that would make policy suggestions to the president, however, was never fully realized because the OSS first had to prove to the established agencies in Washington the value of strategic intelligence and psychological warfare coming from an independent agency. Consequently, serving two masters, R&A confronted a twofold and even contradictory task—as the final clearing house of strategic intelligence reports and as author of policy-recommending guides. Using the information that the operational branches of the OSS gathered, R&A prepared interpretive policy-recommending reports for the Joint Chiefs of Staff and for General Donovan to submit directly to President Franklin D. Roosevelt.

In addition, as part of its "encyclopedic" function, R&A also issued factual reports of military-strategic importance that made an immediate contribution to the American war effort. One example of R&A's military-strategic significance was its pioneering work in air-target selection and analysis. R&A not only helped shape American air warfare, it also contributed to the post-war development of the methodology of aerial targeting.
problems. R&A also broke new ground in defining and emphasizing the (new) function of psychological warfare, as indicated in a memorandum from William L. Langer, director of R&A, to Donovan:

> The term psychological warfare is frequently used in loose and confusing ways. It should, I think, be clearly distinguished from general propaganda . . .

Psychological warfare . . . should be thought of as a weapon to be used in actual operations -- it is decidedly one phase, and a very important phase, of modern war. Its sole purpose is to affect the attitude and influence the morale of one's opponent and in like manner to develop and strengthen groups that might possibly serve as allies.

The main characteristic of psychological warfare as distinguished from propaganda—something that Langer did not mention, but that was part of the general understanding of the term—was the use of all moral, political, economic and physical means in order to destroy the enemy. This distinction was, however, crucial for justifying the existence of R&A and its social-science research reports on aspects of the material and moral conditions of enemy countries during World War II.

To carry out his agency's extensive mandate, Langer, who took over direction of R&A in October 1942, drastically reorganized the branch by abolishing its ineffective distinction between regional and functional groups and by replacing the Psychological Division by the Political
Subdivisions.165 During its most prolific period from early 1943 until September 1945, R&A was organized in regional blocks (or divisions) that integrated the disciplines of its various experts in the political, geographic and economic subdivisions (for organizational charts, see appendix).166 Langer's institutional reorganization of R&A effected the (contested) transition from a dispersed, accidental and inductive method of intelligence analysis to a comprehensive and deductive evaluation of intelligence directed toward and working under the premise of the United States' long-term strategic primary goals during and after World War II.167

The attempted fusion of R&A's encyclopedic and analytic functions in the processing of strategic intelligence168 led to the leading premise of producing "neutral" reports as the trademark of the OSS. Representative of this constant quest for "neutrality" are the suggestions of Arthur Schlesinger, Jr., Chief Political Reports Officer in the Secret Intelligence Steering Division within the R&A Outpost in Germany in 1945,169 for the improvement of finished reports:

In the writing of reports, one is expected to turn out thoroughly objective and neutral intelligence. There should be no personal pronouns, no wisecracks, no slang or cliches, and care should be taken about the use of color words such as "reactionary", "progressive", 
"left or right", etc. . . . There should be no recommendation of policy or no personal criticism of policy. It is essential to distinguish between reporting and analysis. 170

The fusion of "neutral" fact gathering and of "neutral" policy recommendation was, however, not just of scholarly (or even of political-scholarly) and epistemological importance, as Barry Katz has suggested, 171 but can only be fully appreciated by including a sense of the decidedly "un-neutral" political and institutional conflicts within the OSS (as they manifested the troubled position of the OSS among and in conflict with the other government agencies in Washington) concerning the analysis and meaning of its internal intelligence production.

The trade mark of R&A certainly consisted in assembling a team of international as well as interdisciplinary scholars. Nevertheless, to overemphasize the university atmosphere within R&A runs the danger of ignoring OSS' "un-neutrality" as covered up by the scholars' striving for "objectivity," in other words, of ignoring the structural-organizational manifestations of its knowledge-power nexus. Although knowledge and power belong to two distinct analytical categories, in the political context the assumption continues to be held that knowledge directly translates into power. 172 Yet, in order for scholarly knowledge to exert power through and within
political institutions, knowledge itself has to undergo a transformation determined by the content of the knowledge itself and, more importantly, by the structure of the respective institution. By neglecting the transformational process of knowledge, which took place in R&A under the conditions of OSS' fight for bureaucratic survival and under the military-strategic primacy of United States foreign policy, interpretations such as Katz's come close to confusing Leopold Ranke's (increasingly questionable) historicist notion of objectivity with R&A's report writing "grounded in some objective criterion such as stated war aims" (emphasis added). Stated war aims were certainly more "objective" than the assumptions that the various scholars carried about with them, but to elevate these war aims in the analytical context to a position of absolute objectivity omits their ideological and bureaucratic conditions of formation and implementation. With this ascription any analysis of the OSS can not disentangle the misrecognition of scholarly practice within Washington's policy-making context. At the same time, it is noteworthy that it was exactly this misrecognition (justified by the sentiment of aiding the American war effort) that allowed most academic scholars to function within the political context. The OSS analysts
misrecognized the **stylistic** "neutrality" of their R&A reports,\(^1\) ostensibly grounded in R&A's monopoly of information and organizational independence from its customers, the other government agencies, as an **institutional** "neutrality" which constituted the foundation for their claim to serve the different government agencies in Washington. They tended to displace the knowledge that the OSS, in order to survive bureaucratically, had to concentrate on military-strategic studies and thus had to subordinate itself to the military (and "un-neutral") primacy of the War Department.\(^2\)

It is exactly at this juncture of "neutrality" that we come to understand why Neumann joined the OSS as a research analyst. The OSS trademark of working under a cover of "neutrality" corresponded with Neumann's emigration goals of being politically active without having to cope with the consequences that await a *homo politicus*. Neumann's desire to fight a political battle under the cover of scholarly discourse (a further aspect of his transferential dilemma) coincided with the principles that guided R&A practice, i.e., the employment of scholars to serve the political-bureaucratic fights among the various government agencies in Washington under the cover of seemingly academic debates. What further complicates the matter at this
specific juncture, is the fact that, however contradictory his ideas, Neumann had his own conception of how World War II might lead to the end of the Nazi regime by an internal overthrow of Hitler. Moreover, his own agenda for post-war German reconstruction stood in opposition to the United States' official foreign policy goals. We can argue, therefore, that there was in the OSS "space" for "radical" left-wing émigrés, but that this space served a distinct purpose. In order to demonstrate its neutrality, the OSS could exploit the image of employing "radical" left-wing scholars of the likes of Neumann, because his inner contradictions made him a target for neutralization, for his "radicality" could be cancelled under the cover of OSS' "neutrality."

When Neumann was appointed to the Central European Section (CES) of R&A in early 1943 and soon thereafter became research director of that section, he was a well-known quantity to Langer and to Walter L. Dorn, who was Chief of CES (until late 1943 when Eugene N. Anderson took over its direction). In his attempt to secure professional advice and support for the foreign research tasks of the CES in the Coordinator's Office, it was not surprising that Dorn would turn toward the Institute for Social Research, an affiliate of Columbia University, where Dorn had taught
history before joining Donovan's Office of Coordinator of Information.\textsuperscript{179} When in September 1941 Dorn asked Neumann for a bibliography on National Socialism, the latter responded eagerly, in part because he requested in return Donovan's endorsement of the Institute's research project on "Cultural Aspects of National Socialism" in order to increase the chances for funding from the New York Foundation. While the Institute's project failed to secure funding, the contacts between Dorn and Neumann became, nevertheless, more substantial.

After having read part of Neumann's forthcoming \textit{Behemoth}, which he characterized as "sober, penetrating, logically unassailable and superbly compact,"\textsuperscript{180} Dorn asked Neumann to compile a list of German experts on Germany. In reply, Neumann sent an extended list of German exiles including intellectuals such as Max Horkheimer, Theodor W. Adorno and Bertolt Brecht, without saying that these three would certainly not be inclined to serve the United States government.\textsuperscript{181} Neumann, on the other hand, who was notoriously on the search for funding,\textsuperscript{182} proposed to Dorn on 30 October 1941 a six-months "Who is Who" project together with an exact budget estimation:

\begin{quote}
I have now finished my book and am thinking about what I could do now. The following idea occured to me. Much of the material that I have collected for my book has not been utilized.
\end{quote}
That applies especially to biographies of about 150 business leaders in Germany. I wonder whether this material can not be utilized by the federal government. I told you already that, for a long time, I cherished the idea of compiling a German Who is Who which shall comprise not merely the well known political figures but the wire pullers in the ministerial bureaucracy, the armed forces and the business organizations.183

It is unclear at this point whether Neumann's project proposal had any bearing on R&A's establishment of the Biographical Records Section.184 But his expertise, the research methods he applied for Behemoth which were based on analyses of the major German economic journals available in the United States (a research method that corresponded to R&A procedures), and his well-established contacts with Dorn, Langer and Anderson, made Neumann an ideal candidate for R&A.

Performing the bureaucratic and intellectual tasks of the research director in CES meant that Neumann was in the relatively powerful position of influencing the avenues of research and setting the tone of many R&A reports. That he occupied a high position and received respect is signified in his comparatively high pay. Appointed at a P-6 level, Neumann earned $5600 per annum, the second highest position and salary beneath Dorn, who as a P-7 director of CES received $7500 per annum.185 From 18 April 1945 on, when Neumann in the absence of Schorske became Acting Chief of
CES, he was promoted to a P-7 position at $7,175 per annum. From 15 July 1945 on, the day on which Neumann was slated to go to London and Paris, and from there on to Germany in order to function as chief analyst in fulfilling R&A's shared responsibility for the preparation of international war crimes prosecution, he remained at a P-7 level for $6500 per annum.186

The time span from 1943 to early 1945, during which CES primarily issued reports for the Civil Affairs Division of the War Department, which was preparing for the military occupation and government of Germany, was most significant in that it offered Neumann—at least potentially—the best opportunity for influencing R&A's reporting and with that its impact on United States foreign policy planning. Through his expertise in German government, administration and law, Neumann seemed especially well equipped to guide R&A's research into matters of civil affairs in post-war Germany.187 On the other hand, as will become clear in the following treatment of Neumann's identity and role within R&A, his "highly individualistic and incurably academic" position built up his conflicted reputation as a (although not the only) "primadonna"188 who had to be closely supervised.

Neumann attempted to modify R&A's official policy line
of "neutrality,\textsuperscript{189} which did not allow for any critique of official United States' policy and assigned to R&A reporting the function of simply serving to implement the official plans, (only) if the data would fit the latter. As the final clearing (and censoring) house of R&A, the Projects Committee had set strict guidelines on how to issue "neutral" reports:

If the writer is describing effects of American actions or policies that are clearly unfavorable to American interests, he should avoid either the statement or the implication that those actions or policies were unwise.\textsuperscript{190}

In discussing American policies . . . , it may well be impossible to recommend a particular policy without thereby implying that the present policy is unwise. Every effort however should be made to avoid any direct statement to that effect or any unnecessary reflection on the present policy.\textsuperscript{191}

Although officially "it was not the job of R&A to check up on the success or failure of Military Government,\textsuperscript{192} Neumann understood his own position in moral terms as that of serving as a "policy maker's conscience"\textsuperscript{193} when he needed to justify his "un-neutral" claim and attempt to change policy decisions:

I do, of course, not have the illusion that research determines policies . . . Policies are determined by traditions, broad conceptions, prejudices, hatreds, sympathies or simply inertia. Research cannot and never will be a substitute for a determined political will. But research can provide the framework within which the policy maker makes his plan; it can supplement and correct decision and may even
induce the policy maker to abandon it.\textsuperscript{194} Yet as the following treatment of his interoffice statements and of some of the R&A reports that were supervised or executed by him reveal, Neumann's conscientious and critical research role was troubled by being trapped in his own transferential cycle, which, despite his increasing radicalization, he still could not break through.

A closer look at Neumann's position displays the twofold dimension of his contradictions as seen against a temporal-historical divide and an inherent-textual axis.\textsuperscript{195} When on 13 October 1944 the Allied troops attacked the first major German city Aachen, it became clear that Nazi Germany would fight to the bitter end, which meant that Germany would be completely destroyed by the time of its surrender and that the American Military Government would have to confront a new and unexpected situation of total disorder.\textsuperscript{196} With the beginning of the American military occupation of Germany, Neumann shifted his position concerning the aims and functions of the American Military Government considerably. Rather than relying on an internal uprising he moved toward stressing the positive function of the Military Government. As will become clear in a moment, this shift made the contradictions in
Neumann's position more complicated and more salient. Having finally to abandon his (illusionary) hope for an internal overthrow of Hitler, he also had to give up his wartime R&A focus on anticipating the pattern of the German collapse, an approach which had been geared toward a genuine German solution to the problem of Hitler and had allowed only a minimal role for the occupying forces.

During 1943 Neumann was mostly concerned with psychological warfare issues related to the identification of genuine German anti-Nazi forces, the anticipation of their political position at the end of the war, and their potential usefulness as allies for the American Military Government. R&A Report No. 1658, for instance, entitled "German Morale At The End Of 1943" (14 December 1943, executed by Neumann), undertook to explain why, despite the absence of any obvious attempt to overthrow Hitler, there still existed a democratic potential within Germany and that, once the Allied armies had removed the Nazi controls, the working classes would represent the most promising actor toward a democratic Germany. This explanation is significant not only because it allows us to understand how Neumann rationalized his disillusionment over the absent overthrow, but also because it shows his leading position in setting the tone and guiding the
research within CES during the last years of the war.

Neumann's analysis—that given the existing and functioning totalitarian patterns of control, bad economic conditions and bad morale would not translate into uprisings—became one of the main theses that served CES as a guide for the evaluation of current intelligence. While on the one hand Neumann's characterization of the totalitarian Nazi state seemed to be acceptable because it supported one of the main justifications of the United States in fighting the war against Hitler, the consequences that he drew from his assessment were, on the other, less popular. Opposing the notion that it might be desirable to forestall revolutionary movements in postwar Germany, Neumann claimed in May of 1943:

I cannot accept this point of view. A revolutionary movement aiming at the eradication of Nazism may be highly desirable. The policy of an army of occupation should be neither to encourage nor to prevent such a revolutionary movement.

Neumann's unspecified concept of a postwar revolution against Nazism is problematic for two reasons. First, the question of how the removal of the primary causes for a revolution (i.e., the totalitarian Nazi state controls) through military defeat would aid the revolutionizing of the German democratic forces remains obscure and reveals Neumann's continuous transference dilemma. For his
projected "revolution" was to be initiated from above and outside, as the impetus for radical social and economic change was obviously lacking. At the same time, the negative and "neutral" role that he assigned to the Military Government was based on the assumption that there existed in fact a strong democratic and even revolutionary movement in Germany. This problematic assumption reveals again Neumann's inner conflict. On the one hand, he had implied the futility of a prospective internal overthrow of the Nazi regime with his emigration to the United States in 1936; on the other, he kept up his hope for a democratic revolution in Germany, a hope which was at the same time illusionary and yet also crucially "real" for allowing him to be "politically" active.

By looking at some of the Civil Affairs Guides that Neumann either wrote himself or helped to issue, we can discern how his concept of a "neutral" Military Government fit the mold of the official R&A policy line (which he, in part, helped to define). The dominant question which reappeared with some variation in most reports that R&A issued for the Civil Affairs Division of the War Department dealt with the problem of how to combine the War Department's goal of an orderly and peaceful transition from the defeated Nazi state to a democratic Germany under
the auspices of the Military Government, with a thorough de-Nazification that would produce legal, political, social and economic disorder. The first R&A report in the series of the Civil Affairs Guides, assigned to Neumann and Marcuse and entitled "Policy Toward Revival Of Old Parties And Establishment Of New Parties In Germany," analyzed this problem as follows:

... the security of the occupying forces requires the immediate restoration of law and order, but the establishment of law and order is conditioned upon the elimination of Nazism, which can be accomplished only through the indigenous political opposition in Germany itself.

Attempting to diminish the possibly counter-productive effects of the Military Government on de-Nazification, this report echoed the plea for a cooperation between the Military Government as a force of order and the German democratic opposition as a potential force of disorder. Integrating the indigenous de-nazifying forces from below into the military-occupation framework of introducing legal and institutional changes from above led to symptomatic and crucial compromises for the vigor of the de-Nazification effort. Although the argument that politically reliable civil servants (such as members of the anti-Nazi resistance) should have precedence over politically unreliable administrative experts appears to have been favored throughout various reports, signifying tolerance
for a rather disorganized, yet better de-nazified German re-construction, the order that did finally emerge was reached at the cost of keeping in office several groups of compromised Germans, such as "older" men within the Criminal Police who did not have a "great interest in politics," policemen who had joined the SS after 1936 when they were coerced to join, or Nazi Germans who simply served in technical functions.206

Most significantly, this "compromise" represented a parallel to and "repetition" of Neumann's Weimar dilemma. While Neumann's neo-Kantian reformist stand was characterized by an attempt to bring about material changes through formal-institutional means, his OSS de-Nazification synthesis proposed a similar solution in that it tended to institutionalize de-Nazification and to turn the (at least potentially) radical antiNazis into administrative reformers under the aegis of American Military government—and just as the purely institutional solution to social change proved practically self-contradictory in Weimar, so it did in post-war Germany.

Neumann's compromise position becomes even more obvious by looking at his contradictory stand on German cartels and on property controls. Exemplary in this context are the comments on Neumann's guide "German Cartels
and Cartel-Like Organizations" made by Major Robert Gorman from the School of Military Government:

It is admitted that monopolistic practices furthered by the cartels as instruments are undesirable . . . but to break up the practices 'would involve profound changes in the entire structure of individual and corporate property in Germany.' That is like saying we should accept an armistice proposal from Germany because to obtain unconditional surrender may be difficult. After all, this war is waged against militarism and its progenitor, Naziism. Once it is admitted that the cartels have furthered the Nazi case, then their abolition should follow as a matter of course, no matter what the cost.207

By taking an uncompromising stand on the economic and social revolution, Major Gorman uncovered and expressed the inner contradictions in Neumann's position. Neumann wanted to keep the Nazi laws that allowed for unlimited expropriation, yet he officially presented expropriation and decartellization only as means to restore a denazified order, an order that by virtue of its imposition from above and outside (i.e., through a "neutral" Military Government) was to function as pure precedent to a democratic order which--if genuine--could only be established by the Germans themselves through far-reaching and revolutionary property-rights changes.208

It is at this juncture that we gain a further understanding of the reasons why Neumann was not able to break through his transferential dilemma, for his inner
contradictions paralleled the outer bureaucratic conflicts in Washington. In part, Neumann's defensive stand concerning the negative functions of the Military Government followed from the fierce bureaucratic struggles fought in Washington over the policy line of the Civil Affairs Guides. The Foreign Economic Administration (FEA), for instance, which together with R&A prepared the Military Government Guides for Germany, placed in a first class skirmish a censored version of an original R&A report on the "Elimination of Fundamental Nazi Political Laws in Germany" among the official Military Government Guides. In a vigorous critique of FEA's version, Neumann pointed out that FEA was simply concerned about eradicating Nazi laws and ideology, but not about destroying the economic and social pillars of the Nazi system. Only after losing the FEA battle did he become slightly less ambiguous by suggesting that Military Government play a potentially revolutionary role in instigating far-reaching property changes.

In addition to the bureaucratic conflicts, Neumann's former concept of a "neutral" function for the Military Government became problematic toward the end of the war, because, under the condition of a "neutral" occupation policy, the absence of a vigorous and indigenous democratic
movement would favor the continuity of Nazism.\textsuperscript{213} This realization led Neumann to a rather drastic step. On 31 October 1944 he announced the withdrawal of his paper on "How To Weaken Germany:"	extsuperscript{214}

One cannot make anymore the settlement of the German problem dependent on developments \textit{inside} of Germany. Germans cannot crystallize politically if they do not know their fate . . . one cannot go into Germany with a policy of promoting democratic forces while one ultimately wants to partition or de-industrialize Germany.\textsuperscript{215}

Consequentially, Neumann redefined the role of Military Government and opted for a positive function for the American occupation forces. This seems to confirm again his compromised position in that at this point it was completely up to the Allies how thorough de-Nazification would be. At the same time, Neumann's position radicalized somewhat, as his 11 December 1944 letter to Donovan revealed:

\ldots I disagree with F. [Fraenkel] and others (Carl Friedrich) that the major problem of the occupation powers is the restoration of the rule of law. This view derives from Fraenkel's view that the basis of the Nazi law is a "fraudulently created state of siege." I disagree with this. The state of siege is still law; the Nazi legal system is, however, mere arbitrariness. I, therefore, do not believe that the abrogation of the Nazi state of siege solves any problem. It is, to me, rather the fulfillment of certain basic social and political changes that counts. These should be, if possible, made within the rule of law, but if impossible in this way, without regard to it.\textsuperscript{216}
Based on the (conservative) assumption, drawn from *Behemoth*, that the Nazi state was a state of lawlessness, Neumann argued that a de-nazification of Germany could not be effective if it limited itself to abrogating those laws that bore Nazi ideology. He argued against his former law partner Ernst Fraenkel, who in the service of the Foreign Economic Administration seemed to follow a softer position on de-nazification, one that would leave the economic and social structure intact. Neumann's refutation of the idea that a formal restoration of the law would end the "fraudulently created state of siege" allow us to detect his identity in R&A, for this standpoint ran against official R&A and US foreign policy lines. Contrary to the goals of the War Department and the military, he chose to favor a thorough de-nazification over an orderly transition. For Neumann it was more important to "purge" all public positions in the bureaucracy, the military and the economy, and to replace the Nazi personnel by anti-Nazi forces (members of the underground, Socialists, Communists, old liberals, etc.), even if they did not have the administrative knowledge. So, for once, it was also a choice of bringing about material changes, rather than merely such formal-institutional changes as abrogating some Nazi laws.
Advocating that the Military Government use laws of the Nazi state of lawlessness (such as the ones that would allow for far-reaching property changes and expropriations) is, however, a contradiction in itself. Although Neumann dismissed the "lawlessness" of the Nazi state in order to justify political, social and economic changes for post-war Germany, he granted some Nazi laws the status of being "real laws," i.e., those laws that would help a material change. Thus he came back to his Weimar position, that material change can also be aided by the application of (Nazi or non-Nazi) law. Yet, his position of advocating revolutionary social and economic change outside the law remained inconsistent.
EPILOGUE

Neumann's early and tragic death in August 1954 abruptly ended his intellectual reorientation and his endeavors to develop a political theory of power after World War II. Yet from his unfinished, fragmented and contradictory theoretical works, we can draw at least some preliminary conclusions as to the direction in which he was moving. In contrast and critique to his Weimar position that had supported legal-institutional reforms as the means to change the material position of the working class, Neumann claimed in his last writings that the reformist Social Democrats were wrong in perceiving all political relationships as legal ones. Whereas this statement suggests at first sight a radicalization of Neumann's thinking, a closer look reveals a continuity (although modified) and climax of his transferential-revolutionary dilemma. For, by stressing the primacy of politics over economics and drawing a social-psychological theory of domination through fear, he departed even more from his already inconsistent materialistic Marxist theory of society. The emphasis on political power as being a quantitatively different but otherwise common and primary mode of domination for both democracy and dictatorship follows logically out of Neumann's thought from the 1920s.
to the 1940s. He attempted to bring about social change by reforming the administration of property (the "political" rule) without changing the actual property relations, and advocated a "political" "managerial revolution" (the compromised class- and elite analysis in the Behemoth) without changing the social relations of production.

Neumann's turn toward the social psychology of fear may furthermore be interpreted as continuous with his Weimar reformism, which implicitly opted for the psychological internalization of the exploitation process (the "master-slave partnership") as the only realistic alternative to a social and economic revolution. Since his economic explanation of the Nazi Behemoth with its deepened class struggle seemed to be disproven because the internal revolutionary overthrow of Hitler did not materialize historically, it is understandable that Neumann, utterly frustrated, would search for a psychological explanation of the German failure to overthrow Hitler from within. Sent back to Europe to report on a Congress of the French Socialist Party in the summer of 1945, Neumann stated:

The Socialist Party Congress depressed me more than anything I saw. Leon Blum's speech was masterly and quite certainly impressive for the moral integrity of the man. But it did not give any direction to the policy of the Party. The remaining delegates . . . betrayed the usual picture of a continental Social Democratic Party: very nice people, very well meaning, but utterly
lacking in militancy and the realization that normal parliamentary measures are not likely to achieve the aim for which they allegedly stand. I see no future for the Socialist Party . . . I believe that we have underestimated the following psychological phenomena: Most of the workers do not care about democracy and civil rights. They are either concerned with the betterment of their material conditions or with a radical change in society which would finally eliminate the threat to their security and break the power of the ruling group.\textsuperscript{223}

Having lost faith in his agent of change (the working class itself as well as the leading European Social Democrats) and being highly critical of German reconstruction,\textsuperscript{224} Neumann increasingly disassociated himself from the German left. Likewise, the German Socialists and labor movement had no room for iconoclasts such as Neumann.

Although Neumann found a fairly respected place in American academia,\textsuperscript{225} he also remained an outsider on this side of the Atlantic in that he did not fit into the ideological tradition that evolved out of the OSS and that exerted a most distinct impact on post-war American scholarship. The legacy of OSS' "neutrality" was kept alive and fostered by the unemotional, liberal, nonideological, positivistic, and amoralistic consensus historians, who were, as intellectuals, inclined to enter government service because they "recognize[d] certain fundamental values as beyond dispute."\textsuperscript{226} Neumann, whose alliance with OSS' "neutrality" had been tactical and not
ideological, launched himself, on the other hand, into a scholarly examination of repressive state control rather than "liberating" himself by means of consensus.
ENDNOTES


2. Vernon Lidtke (The Johns Hopkins University) and Wolfgang Mommsen (University of Düsseldorf) especially drew attention to the issue of "loss" and "gain" (Ibid., 5-6). For a critique of the conference's approach in general, see Volker Berghahn's comments (Ibid., 18).


6. Cf. Ludolf Herbst, ed., Westdeutschland 1945-1955: Unterwerfung, Kontrolle, Integration, Schriftenreihe der Vierteljahrshefte für Zeitgeschichte, Sondernummer (München: R. Oldenbourg Verlag, 1986). In supporting the argument that one has to look at the combination of the
American policy of occupation and the German authoritarian traditions in order to account for the "failed" German revolution from below, Herbst took an important step in overcoming the nationalistic-position-taking. Herbst, however, stresses a transatlantic "consensus" at the cost of disregarding the genuine revolutionary forces that, in fact, did exist on both sides of the Atlantic (ibid., 21).

7. Hughes, Sea Change, 100-119. See also Hughes in Erd, Reform und Resignation, 24.


For a critique of Söllner's and Erd's approach see Luthardt, "Kontinuität und Wandel," 334-35, 371-72. Luthardt attacks the scholarly integrity of Söllner and Erd by claiming that they impose moralistic, wishful thinking on Neumann's Marxist works, such as the Behemoth, an approach which allows them to ignore and displace the dark sides of the German social-democratic and labor movements. This attack is unfortunate because it brings a fledgling and promising debate back to a level of traditional ideological arguments. One can counter Luthardt's reproaches by analyzing how his underlying intent is to prove any Marxist analysis wrong.


14. Rebel, "Oikos," 8-11, here 8. At first, Rebel refers to Dominick LaCapra's modified psychoanalytical use of transference as a repetition-displacement of the past into the present as it necessarily bears on the future, a repetition with variation or change which causes fear of possession by the past and of loss of control over both it and oneself (Dominick LaCapra, History and Criticism (Ithaca: Cornell University Press, 1985), 72-73). In a second step, he explains the yet more important struggle of the analyst with transference and counter-transference, a struggle to overcome and change the repetitious traumatic experience by realizing the counter-productivity of the narcissistic answer to transference, i.e., the attempt to totally integrate the self.


17. This is not to say that Neumann's ethnic identity is more (or for that matter less) important and instrumental in explaining his divided self. Up until this time, we simply lack the information on his class identification to proceed with a meaningful interpretation (other than just to state that he displaced his lower middle-class background).

18. Marion Berghahn, German-Jewish Refugees in England: The Ambiguities of Assimilation (London: Macmillan Press, 1984), 45. To conclude from the lack of overt cultural elements of the German-Jewish identity that "one has to focus on mental structures, i.e. on perceptions, rather than content" leads to a deadlock in Berghahn's otherwise promising departure. Irving Louis Horowitz has been able to exemplify one manifestation of an integrated German-Jewish identity in his article on the emigration of German social scientists. He showed that the German intellectual migration was for the most part a German-Jewish migration and (what is rather clear-cut) that the latter was almost exclusively directed toward the Western capitalist democracies. See Irving Louis Horowitz, "Between the Charybdis of Capitalism and the Scylla of


22. The political career patterns of Jewish Socialists reveal another manifestation of the "content" of the German-Jewish identity which certainly did not restrict itself to simple perceptions of an ethical socialism.


24. Another reason for Neumann's vascillation between professing and abstaining from his Jewish identity might have been the quarrels within the Jewish community. The bourgeois Jews refuted a connection between Jewry and Socialism and claimed that revolutionary and socialist Jews who were hostile to the state would cease to be Jews. See Knüttler, Juden und deutsche Linke, 65. Cf. Martin Jay, "Anti-Semitism and the Weimar Left," in idem, Permanent Exiles: Essays on the Intellectual Migration From Germany To America (New York: Columbia Press, 1985), 79-89.


29. Ibid., 1.


32. When on 4 August 1914 the Social Democratic Reichstag delegation voted for the German war credits, it abandoned the anti-war platform of the international working-class movement. The SPD's officially nationalistic stand during World War I brought about the final institutional division of the party's opposing wings, the trade-unionist reformists on one side and the socialist, working-class, mass-oriented revolutionaries on the other. See Carl E. Schorske, *German Social Democracy 1905-1917: The Development of the Great Schism* (Cambridge: Harvard University Press, 1955), 285-324.


35. Threatened by disbandment, right-wing Free Corps marched into Berlin and called out a new government headed by the staunch nationalist Wolfgang Kapp in March 1920. President Ebert and most members of the cabinet and National Assembly fled to Weimar and then on to Stuttgart. Since the Reichswehr was not willing to defend the republic, the labor unions called out the general strike, which proved to be so effective that the regime of Kapp collapsed after four days. See Berghahn, *Modern Germany*, 75-78.


41. Ibid., 320-32, 344.


44. Eliasberg, *Ruhrkrieg*, 250, 253-54.


46. The idea that Neumann might have changed parties out of disappointment with the USPD's hesitant policy course in 1920, is—at least logically argued—false, because the more militant forces were concentrated further to the left—whether dogmatic or not—and not further to the right, with the majority socialists. Cf. Alfred Sohn-Rethel and Karl August Wittfogel in Matthias Greffrath, ed., *Die Zerstörung einer Zukunft: Gespräche mit emigrierten Sozialwissenschaftlern* (Frankfurt/New York:
Campus Verlag, 1989), 218, 270-71.

47. Röder, Strauss, Biographisches Handbuch, 705.


50. Neumann, "Die soziale Bedeutung der Grundrechte in der Weimarer Verfassung," (1930), and idem, "Der Niedergang der deutschen Demokratie," (1933), both in idem, Wirtschaft, Staat, Demokratie, 77, 110.


53. Ibid., 119.


58. Söllner, Geschichte und Herrschaft, 87.


60. Söllner, Neumann zur Einführung, 9.


63. Robert J. Brym has argued that "the high rate of Jewish involvement with the left had little to do with any cultural affinity" (Intellectuals and Politics, Controversies in Sociology, vol. 9 (London: George Allen & Unwin, 1980), 64); his reasoning assumes a simple assimilation of Jews, but overlooks the phenomenon of the German-Jewish identity as discussed by M. Berghahn. Furthermore, the "structural" causes for the Jewish activities on the left Brym gave—that anti-Semitism prevented most Jewish intellectuals' entrance into ruling circles or prestigious official careers linked to the ruling circles—do not wholly apply to Neumann, who by 1932 had entered the ruling circles of the SPD and would have had bright prospects for his legal career.


69. Wille, *Back to Kant*, 176.

70. Morgan, *Socialist Left*, 52, 201, 217.


76. Söllner in Erd, *Reform und Resignation*, 64.


80. Note the symptomatic inconsistency in Neumann's lecture: at first, Neumann addressed the "political scholars" who in their emigration faced the triple fate of transition as displaced human being with property and family, as displaced scholar, and as displaced homo politicus. A little later on, talking about his own double emigration, he put his threefold transition into the quoted categories of a human being, an intellectual and a political scholar. By dropping the category of the homo politicus, he implicitly acknowledged his break with his political activities in the SPD and with the (underground) activities of the exile organization of the SPD, the Sopade (which will be illustrated in this chapter). Ibid., 13, 18.

81. In explaining the smoothness of his own transition, Neumann summarized Hans Speier's argument: "Emigration is eased if the intellectual emigrant can transfer his social base; that is, if the social environment to which he moves has similarities basic to that he has to leave." (Hans Speier, "The Social Conditions of the Intellectual Exile," in idem, Social Order and the Risks of War (New York: George W. Stewart, Publisher, 1952), 86-94. Although Neumann at first founded his argument of the smooth transition upon the similarity of the European and the American social environment, he failed to explain these similarities. At the same time he expanded on the different intellectual and ideological traditions on both sides of the Atlantic and provided thereby a further hint of the uneasy and repressed aspects of his intellectual continuity in this transition.

82. Ibid., 17-18. We may note further that the categories of the "clean break" do not directly correspond to those of the threefold transition. For his own emigration history, Neumann noted that he had to make a "psychological, social, and economic" break (Ibid., 17). He talked about neither a political nor an intellectual break. These inconsistencies reveal again the repressed aspects of his experience: the displaced political break, which transformed the labor lawyer and the USPD-SPD activist into a "political scholar," as well as the displaced continuity of his reformism.

83. Ella Müller in Erd, Reform und Resignation, 56-57.


86. Erd in idem, *Reform und Resignation*, 63.


89. These were Otto Wels, Hans Vogel, Sigmund Crummeinerl and Friedrich Stampfer. See Lewis J. Edinger, *German Exile Politics: The Social Democratic Executive Committee in the Nazi Era* (Berkeley: University of California Press, 1956), 38-40.

90. These were Paul Hertz and Erich Ollenhauer. See ibid., 41-42.


93. Neumann, German Social Democracy, RG 226, Entry 100, INT-13GE-312, 4-5.

94. For instance, his erstwhile "opponent" from the USPD, Kurt Geyer, who from 1921 to 1924 was one of the few Communists in the Reichstag, returned to the SPD and became one of the leading figures in the Prague Sopade soon after his emigration. See Edinger, German Exile Politics, 104-6, 116-17, 134, 149, 294-95 n. 34.

95. Edinger, German Exile Politics, 116-17.

96. Carsten in Hirschfeld, Exil in Großbritannien, 146.


98. Helge Pross reported that Neumann left Ernst Fraenkel in May 1933 with the words: "I have had enough world history." ("Mein Bedarf an Weltgeschichte ist gedeckt.") See Helge Pross, "Einleitung," 11.


100. Neumann, Herrschaft des Gesetzes, 19.


In the light of Neumann's further emigration to the United States, it would be interesting to research how much of Laski's own experience in the United States was passed on to Neumann. Laski spent the years between 1914 and 1920 in the United States as both a student and teacher at Harvard University; he decided to return to England because his public support for the Boston police strike in October 1919 aroused resentment from his Harvard colleagues. In Kingsley's view, the Boston police strike incident made Laski class-conscious and brought about his move toward Marxism. Martin Kingsley, Harold Laski (1893-1950): A Biographical Memoir (New York: The Viking Press, 1953), 28-37, 40; Granville Eastwood, Harold Laski (London: Mowbrays, 1977), 16-19.

106. Söllner in Erd, Reform und Resignation, 64.


108. Cf. Neumann's article "Zur marxistischen Staatstheorie" from 1935 (in idem, Wirtschaft, Staat, Demokratie, 134-43), in which he reviewed, without reflecting on the consequences for his own position, Laski's The State in Theory and Practice (London, 1935), which put forward the thesis that a capitalist state could only be overthrown by a group of professional revolutionaries. This review is another example of Neumann's symptomatic displacement of his revolutionary dilemma.


111. Ibid., 139.


116. Neumann's position led to conflicting statements, as revealed in his article "Typen des Naturrechts" from 1940 (in Neumann, *Wirtschaft, Staat, Demokratie*, 223-54). Söllner noted that Neumann dealt here with the ethical potential in separating it from the materialistic-societal conditions (Söllner in Erd, *Reform und Resignation*, 69). Neumann's ethical abstraction supports the argument of his entanglement in the neo-Kantian tradition.


123. Dubiel introduced the term of "gesture" for Critical Theory, but did not employ its analytical force as Epstein has. Dubiel in Löwenthal, Mitmachen wollte ich nie, 81.


126. A symptomatic example of this process is Löwenthal's statement that it were not the proponents of the Critical Theory who had left the praxis, but the praxis that had left the intellectuals of the Frankfurt Institute. Löwenthal, Mitmachen wollte ich nie, 77-78.


132. Neumann, Behemoth, 261.

133. Ibid., 289-290, 358-61.

134. Ibid., 367. Neumann wrote Behemoth for the American public. That Neumann used the term "class antagonism" instead of "class struggle" confirms that he attempted to camouflage somewhat his Marxist bearings.

135. Ibid., 185, 202, 361.
136. This equation of economic and political means of control serves as a first indication of the transformation of Neumann's theoretical concept. After World War II, Neumann came to support (at least partially) the primacy of politics and modified his claim for the primacy of economics. Cf. Söllner, Geschichte und Herrschaft, 208-13.


138. Radkau pointed out that Neumann's characterization of the Nazi regime as the Behemoth, a "state" of chaos, was essentially a conservative one, for, it drew upon an idealist notion of the state and excluded the Marxist notion of the state as pure means of the hegemonic classes. See Joachim Radkau, Die deutsche Emigration in den USA: Ihr Einfluß auf die amerikanische Europapolitik 1933-1945, Studien zur modernen Geschichte, vol. 2 (Düsseldorf: Bertelsmann Universitätsverlag, 1971), 227-28.

139. Söllner, Geschichte und Herrschaft, 149.

140. Neumann, Herrschaft des Gesetzes, 334; idem, Behemoth, 234-35.

141. Söllner maintains that Neumann argued against the proponents of a "managerial revolution" who claim that capitalism will come to an end (in Geschichte und Herrschaft, 156-57).


144. Means was a leading member of the Industrial Section of the Advisory Committee of the National Resources Committee under the Chairman Harold L. Ickes, Secretary of the Interior. See The Structure of the American Economy: A Report prepared by the Industrial Section under the direction of Gardiner C. Means (June 1939, repr. New York: Augustus M. Kelly, 1966). Gardiner and Means were professors at Columbia University.
145. Cl. Söllner, Archäologie der Demokratie, vol. 1, 91-94. Söllner emphasized that the contradictions in Neumann's position were rather created from outside by the institutional setting of the OSS within the United States foreign policy apparatus.


147. Erd, Re却m和 Resignation, 10.


149. Söllner, Geschichte und Herrschaft, 202-3; Coser, 95.


152. Troy, Donovan and CIA, 59.

153. Ibid., 77, 243; Smith, Shadow Warriors, 69.

154. Smith, Shadow Warriors, 69; Troy, Donovan and CIA, 84-85.

155. Troy, Donovan and CIA, 427, 435; Smith, Shadow Warriors, 95-141. Note that on p. 141 Smith gives a false date for the creation of the OSS (11 July 1942, instead of 13 June 1942).

156. Office of Strategic Services, General Order No. 9, issued Jan. 3, 1943, RG 226, Entry 146, Box 66, Folder No. 920: OSS General, 1.
157. Ibid., 7.


159. Smith, Shadow Warriors, 361.

160. To consider R&A's participation in the Civil Affairs preparations of the United States government for the post-war occupation of Germany, we need to remember that Neumann distinguished between the Civil Affairs Handbooks, which gave simply the "real facts" and the policy-recommending Civil Affairs Guides, which (in the case of the Civil Affairs preparations) represented the judgment of several government agencies (thus the guides often did not represent the OSS line). See letter from Neumann to Langer, Critical Comments made by X-2 on Certain Civil Affairs Guides Prepared by the Central Europe Section, R&A, 10 October 1944, RG 226, Entry 38, Box 6, Folder: "Civil Affairs, Miscellaneous Correspondence," 1.


163. Memorandum from Langer to Donovan on Psychological Warfare from July 1, 1942, RG 226, Entry 146, Box 114, Folder No. 1591: "OSS Supporting Committee For Psychological Warfare," 1-2.

164. Corson, Armies of Ignorance, 200-201; Troy, Donovan and CIA, 204-6.

166. There exist numerous documents on the history of R&A and its achievements (compiled during or shortly after the war) that give insight into R&A's organizational, political, personal and research conflicts. Especially interesting among the ones consulted for this thesis are: History of the Research and Analysis Branch in the Office of Strategic Services June 1941 --- September 1944, RG 226, Entry 99, Box 76, Folder: "Washington, R&A Branch Histories;" William L. Langer, The Research and Analysis Branch, 1 March 1947, RG 226, Entry 146, Box 48, Folder No. 666: "Wash.-Hist.-OP-5, R&A;" Eugene N. Anderson, History of the Central European Section during the Incumbency of Eugene N. Anderson as Chief, 17 February 1945, RG 226, Entry 37, Box 2, Folder: "CES;" The R&A Accomplishment, RG 226, Entry 37, Box 5, Folder: "R&A History, Experiences, etc.;" Accomplishments of the R&A Branch, RG 226, Entry 99, Box 104, Folder: "Presentation Files;" Achievements of the Research and Analysis Branch during the Past Year, 23 April 1945, RG 226, Entry 1, Box 12, Folder: "Achievements of R&A;" Achievements of Europe-Africa Division, Washington, April 1944 -- April 1945, RG 226, Entry 37, Box 5, Folder: "R&A History, Experiences, etc.;" Sherman Kent to Major Murray on Contributions in the field of Social Sciences made by the Research and Analysis Branch, OSS, to U.S. Strategic Intelligence, 15 September 1945, RG 226, Entry 37, Box 5, Folder: "R&A History, Experiences, etc."


169. Office of Strategic Services Mission for Germany, Branch Order No. 2, Organization of R&A/Germany, 22 June 1945, RG 226, Entry 1, Box 16, Folder: "Germany."

170. Arthur Schlesinger, Notes of remarks made by Mr. Schlesinger, 26 June 1945, RG 226, Entry 1, Box 16, Folder: "Germany."

The bourgeois power-knowledge equation had been formulated in Germany by the Social Democrat Wilhelm Liebknecht, who in 1872 launched his popular slogan "Knowledge Is Power-Power Is Knowledge" aiming at the education of the working class, which was then seen as a means in the struggle for material equality (Wilhelm Liebknecht, Wissen Ist Macht - Macht Ist Wissen und andere bildungspolitisch-pädagogische Äußerungen, selected, introduced and commented by Hans Brumme (Berlin: Volk und Wissen Volkseigener Verlag, 1968), 58-94). Whereas the Social Democrats sought to gain power by acquiring knowledge through education, the scholars in the intelligence community who had such an education, sought to exert power by applying knowledge. Thus, serving rather opposite purposes, the peculiar tradition of knowledge-power equation made its way (through Donovan) into the scholarly world of secret intelligence (Robin W. Winks, cloak and gown (New York: William Morrow and Co., 1987), 474; Smith, Shadow Warriors, 361).

It would exceed the scope of this thesis to deal in detail with the host of documents that take up R&A's struggle for recognition. However, there is the following exemplary group of documents for understanding one of the essential bottlenecks of R&A's reporting service and for revealing R&A's problems in securing information from other intelligence agencies such as the Military Intelligence Service, the Office of Naval Intelligence and the Office of War Information (as well as the War and State Departments): Memorandum of Donovan for the Secretary, Joint Chiefs of Staff on Exchange of Information between MID [Military Intelligence Division], ONI [Office of Naval Intelligence] and OSS, [January 1944], RG 226, Entry 146, Box 66, Folder No. 917: "Wash.-IS-OP-17, JCS;" Minutes of the Executive Committee from 28 February 1945, RG 226, Entry 1, Box 7, Folder: "Executive Committee Minutes and Agenda;" Langer to Harold C. Deutsch and Sherman Kent, Suggested Draft for Agreement between OWI [Office of War Information] and R&A Branch of OSS, 5 April 1943, RG 226, Entry 37, Box 7, Folder: "OWI, Psychological Warfare Activities;" Memorandum of James A. Montgomery, Jr., OWI -- Conference with Mr. Doob, 15 July 1943, RG 226, Entry 146, Box 66, Folder No. 921: "O.W.I.;" Memorandum of Brig. Gen. John Magruder to Langer, et al., Exchange of Intelligence with the State Department, 12 February 1944, RG 226, Entry, 146, Box 61, Folder No. 831: "Reading File 1944;" E. R. Stettinius, Jr. [The Undersecretary of State] to Donovan, November 25, 1944, RG 226, Entry 146, Box 61, Folder No.
839: "State Department;" Harley A. Notter [Chief of Division of Political Studies of State Department] to Langer, 19 October 1943, and Donovan's reply from 22 November 1943, both in RG 226, Entry 145, Box 4, Folder No. 41: "R&A Director's Office, CAD;" Kent to Langer, Problems for discussion with State Department designates, 22 September 1945, RG 226, Entry 37, Box 5, Folder: "R&A History, Experiences, etc.;" War Department, Military Intelligence Service, Tentative List of Military Information Desired by MIS, 15 December 1944, RG 226, Entry 37, Box 6, Folder: "War Department Correspondence;" Brig. Gen. John Magruder's Memorandum for Donovan, Activities of the Intelligence Service, 24 February 1944, RG 226, Entry 146, Box 61, Folder No. 831: "Reading File 1944, No. 2;" Richard Hartshorne to The Projects Committee, The Securing of Intelligence Reports from ONI, 25 July 1944, RG 226, Entry 146, Box 66, Folder No. 910: "R&A Projects Committee;" Lt. Sidney Alexander [Acting Chief, E-A Division] to Hartshorne, Justification for Program, 20 April 1945, RG 226, Entry 37, Box 5, Folder: R&A History, Experiences, etc.;" Dorn to Langer, On the President's use in his Navy Day speech of October 27, 1941, of the program for the Nazi German Church as reported in Mr. Stewart's dispatch of October 15, 1941, October 1941, RG 226, Entry 146, Box 133, Folder No. 1927: "Miscellaneous Memoranda to Colonel Donovan."

174. Rudolf Vierhaus, "Ranke und die Anfänge der deutschen Geschichtswissenschaft," in Bernd Faulenbach, ed., Geschichtswissenschaft in Deutschland: Traditionelle Positionen und gegenwärtige Aufgaben (München: Verlag C.H. Beck, 1974), 16-34. Vierhaus pointed out that Ranke's understanding of his own times was limited in that his thinking kept him from appreciating the deep political confrontations within his own society and from realizing that the state was not "objective" and "neutral."


177. During 1943 and 1944 the Central European Section of R&A primarily issued reports for the Civil Affairs Division of the War Department preparing for the military occupation and government of Germany and participated in the preparation for the "Handbook for Military Government in Germany" and the "Civil Affairs Handbook." Both guides

178. So far, it is not known when exactly Neumann joined the OSS. Without giving a source for his assumptions, Söllner stated at first that Neumann joined the OSS in 1942 (in his *Neumann zur Einführung*, 15 and later he gave the year 1943 (Archäologie der Demokratie, 7). Similarly, Gert Schäfer stated without verification that Kirchheimer, Gurland, Marcuse and Neumann entered the State Department and the OSS in 1942 (idem, "Franz L. Neumann - biographische Skizze," in Recht, Demokratie und Kapitalismus, 213). Jay maintained, based on interviews with Marcuse and Lowenthal, that Neumann joined the Board of Economic Warfare as its chief consultant in 1942 and the OSS soon thereafter (idem, Dialectical Imagination, 168, 331 n. 115). Katz came to the conclusion that Neumann joined the OSS in the spring of 1943, based on various (unspecified) documents in RG 226, Entry 146, Box 143, as well as on a memorandum from Colonel G. Edward Buxton to James P. Baxter, 3d (and not vice-versa, assuming that the usual order of addressing was maintained), Possible Employment of Fritz [sic] Neumann, June 11, 1942, RG 225, Entry 146, Box 148, Folder: "Central European Section," in which Buxton declared his reservations against "the employment of enemy aliens." From my own reading of the OSS archival records, I can support that Neumann was appointed by March of 1943 to the CES, which follows from Kent's letter to Charles P. Muller in the Immigration and Naturalization Service from 10 March 1943, in which he asked to speed up the naturalization of Neumann ("Dr. Franz L. Neumann has been appointed to a position of considerable responsibility on the staff of this office." See RG 226, Entry 38, Box 3, Folder: "Reading File March 1943"). Anderson gave the same time period: Eugene N. Anderson, History of the Central European Section during the Incumbency of Eugene N. Anderson as Chief, 17 February 1945, RG 226, Entry 37, Box 2, Folder: "CES," 1. On 30 July and 4 August of 1942, Langer recommended in two letters to Archibald MacLeish the appointment of Neumann in the CES of the Division of Special Information of the Library of Congress, RG 226, Entry 146, Box 148, Folder No. 2253: "CES." In comparison to Herbert Marcuse, who according to Anderson joined CES together with Neumann, but only received his application form by March 1943 (letter
from Kent to Marcuse, 10 March 1943, RG 226, Entry 38, Box 3, Folder: "Reading File March 1943"), it might be possible that Neumann had already joined the OSS in 1942.

179. The Neumann-Dorn correspondence between 4 September 1941 and 30 October 1941 is contained in RG 226, Entry 146, Box 147, Folder No. 2195: "Institute for Social Research, CES 1941," and in Folder No. 2185: "Personnel-Applicants, CES 1941." See also Neumann's letter to Langer from 3 October 1941, and Langer's letter to James R. Murphy from 10 October 1941, both in RG 226, Entry 146, Box 133, Folder No. 1927: "Miscellaneous Memoranda to Colonel Donovan."

180. Dorn to Neumann, 4 October 1941, RG 226, Entry 146, Box 147, Folder No. 2195: "Institute for Social Research, CES 1941."

181. Brecht was equally critical of both circles of the Frankfurt Institute, the one around Adorno and Horkheimer that distanced itself from exile society as much as possible, and the one around Neumann and Marcuse that served the United States government. See James K. Lyon, Bertolt Brecht in America (Princeton: Princeton University Press, 1980), 259.

182. A conduct that was understandable, since the Institute had warned Neumann repeatedly that there would be no further funding available for him. He got the first warning in September 1939 that he was supposed to leave the Institute by October 1940; the second one of January 1942 said he was to leave by October 1942. See correspondence between Neumann and Horkheimer, published in Erd, Reform und Resignation, 133-43.

183. Neumann to Dorn, 30 October 1941, RG 226, Entry 146, Box 147, Folder No. 2195: "Institute for Social Research, CES 1941."

184. Biographical Records was a section of the Central Information Division, directed by R. Deston. See organization chart in the Appendix.

185. In comparison to the other émigrés serving in CES, Neumann also did extremely well: Marcuse had been appointed at a P-5 level for $4600 per annum, Kirchheimer at P-4 for $3800, Henry M. Paechter at P-3 for $3200. See RG 226, Entry 145, Box 4, Folder: "R&A Branch, Statement of
Personnel and Space, November 8, 1943."

186. Neumann performed the twofold function of first examining the available documents overseas and determining whether they were appropriate for R&A's tasks in the war crimes prosecution, and, second, of exploring the possibility of building up a staff from local sources. See Kent, Schorske and Neumann to Langer, Aide-Memoire on R&A War Crimes Commitments in ETO [European Theater of Operations], 11 June 1945, and Neumann to Lt. George Demos, Acting Chief, PACS [Personal Allotment Control Section], 13 June 1945, both in RG 226, Entry 37, Box 6, Folder: "War Crimes Progress;" Letter of Chandler Morse and Harold Deutsch to Neumann, 14 June 1945, RG 226, Entry 1, Box 16, Folder: "Germany."


189. Besides the documents quoted in this passage the following are most revealing: The problem of objectivity in R&A reporting, n.d., RG 226, Entry 37, Box 5, Folder: "Projects Committee Correspondence;" Langer, Clearance, Preparation, And Processing Of R&A Reports, Branch Order No. 32, issued 26 August 1943, RG 226, Entry 146, Box 66, Folder: "R&A Projects Committee;" The Need For Intelligence Guidance In Psychological Warfare Research, 13 August 1943, RG 226, Entry 37, Box 7, Folder: "R&A Psychological Warfare Functions;" Hartshorne to The Chief's Committee, Problems involved in Policy Papers, 28 November 1944, RG 226, Entry 1, Box 7, Folder: "Director's Office Committee."

190. R&A No. 2157, Guide To Preparation Of Political Reports, prepared by the Projects Committee of R&A, 5 May 1944, RG 226, Entry 1, Box 9, Folder: "Projects Committee, Political Reports," 4.

192. Memorandum by Chandler Morse to Lt. John Wilson, Notes on Conversation between General Donovan, Col. Forgan, Mr. Morse on 8 April 1945, 9 April 1945, RG 226, Entry 1, Box 7, Folder: "Executive Committee Minutes and Agenda," 2.


194. Ibid.

195. All these considerations must include, eventually, a third dimension, the complicated background of the debate on the United States' post-war foreign policy planning toward Germany. Yet this undertaking would far exceed the scope of this thesis. Still the best and most comprehensive account on this topic appears to be Paul Y. Hammond's, "Directives for the Occupation of Germany: The Washington Controversy," in Harold Stein, ed., American Civil-Military Decisions: A Book of Case Studies (Birmingham: University of Alabama Press, 1963), 311-464.


197. Two letters by Neumann to Donald McKay, Foreign Propaganda in Axis Europe, and Anti-bolshevik propaganda, both 5 March 1943, RG 226, Entry, 146, Box 148, Folder No. 2225: "Propaganda to Germany." R&A Report No. 1033 "The Free German Manifesto And The German People" from 6 August 1943, executed by Neumann according to Sherman Kent, Chief of the Europe-Africa Division (Interoffice Memo by Kent to Anderson, The Free Germany Manifesto and the German People, 13 August 1943, RG 226, Entry 37, Box 2, Folder: "CES") urged the United States to ally themselves with the genuinely anti-Nazi opposition in Germany and praised the SPD as the only great party that had been fully committed to defend the Weimar Republic and thus would represent a first-rate democratic ally. For R&A Report No. 1033 see Microfilm. University of Arizona Library. Office of Strategic Services/State Department Intelligence and Research Reports. Germany and Its Occupied Territories During World War II (in the future referred to as OSS/G),
R&A Report No. 1547 "German Social Stratification" from 26 November 1943 (OSS/G, reel 11, No. 23, November 26, 1943, 15), supervised by Marcuse (RG 226, Entry 60, Box 1, Folder: "CES"), was clearly based on Neumann's elite theory as put forward in Behemoth and served the strategic purpose of sorting out Nazis from anti-Nazis and of determining which democratic German groups might be most likely to collaborate. Furthermore, this report warned against the traditional gesture of "neutrality" as displayed by the German ministerial bureaucracy.

198.OSS/G, reel 11, No. 28, December 14, 1943; Letter by Neumann to Sinclair W. Armstrong, 17 January 1944, RG 226, Entry 146, Box 84, Folder No. 1236, 3.

199.OSS/G, reel 11, No. 28, December 14, 1943, 3, 6-7.


201.Interoffice Memo by Neumann to Conyers Read, Remarks to the memorandum prepared by Professor James K. Pollock for the Joint Chiefs of Staff, 10 May 1943, RG 226, Entry 1, Box 1, Folder: "JCS," 3.

202.For the pride and despair of R&A's Civil Affairs work, see letter by Henry L. Stimson [Secretary of War] to Donovan, 12 September 1945, RG 226, Entry 37, Box 6, Folder: "War Department Correspondence;" letter by J. W. Hilldring [Major General, Director Civil Affairs Division] to Donovan, 9 January 1944, RG 226, Entry 37, Box 1, Folder: "Civil Affairs Division;" letter by Holborn to Morse, 4 September 1944, RG 226, Entry 146, Box 83, Folder No. 1202.

Kent emphasized: "In general it may be said that there is little evidence that our civil affairs guides, undertaken at the request of General Hilldring, were extensively used in the policy recommendation parts of this document [Civil Affairs Handbook for Germany (G-5/SHAEF)]." Kent's statement, made in his letter to Langer from 17 July 1944, was based on Neumann's evaluation in his letter to Kent from 14 July 1944, both in RG 226, Entry 38, Box 6, Folder: "Civil Affairs Miscellaneous."

203.Letter by Anderson to Morgan, 12 June 1943, RG 226, Entry 146, Box 89, Folder No. 1335: "Letters from CES;" letter by Anderson to Langer, 3 October 1943, RG 226,
Entry 42, Box 1, Folder: "Monthly Work in Progress Reports, September-December 1943;" letter by Neumann to Morse, 3 August 1944, RG 226, Entry 146, Box 84, Folder No. 1236, 2-3.


205. National Archives Microfilm Publication M1221, Intelligence Reports, 1941-1961, R&A Report No. 1655.1, 3. This report was assigned to Neumann and Marcuse (RG 226, Entry 146, Box 92, Folder No. 1371: "EAD Outpost letters No. 1").

206. National Archives Microfilm Publication M1221, Intelligence Reports, 1941-1961, R&A Reports No. 1655.2, "Civil Affairs Guide for Germany, The Police" (supervised and executed by Neumann, Herz and Stewart; RG 226, Entry 60, Box 1, Folder: "CES;" Letter by Neumann to Stewart, 11 May 1944, RG 226, Entry 146, Box 84, Folder No. 1236; RG 226, Entry 146, Box 92, Folder No. 1371: "EAD Outpost letters No. 1"), 1655.12, "Military Government and General Principles of Administration" (supervised by Neumann; RG 226, Entry 146, Box 92, Folder No. 1371: "EAD Outpost letters No. 1;" RG 226, Entry 60, Box 1, Folder: "CES"), 1655.14, "Adaption of the Administrative Machinery on the Regional Level" (supervised and in its execution assisted by Neumann; RG 226, Entry 60, Box 1, Folder: "CES"), 1655.15, "Adaption of the Administration on the Local Level" (supervised by and partially assigned to Neumann; RG 226, Entry 60, Box 1, Folder: "CES;" RG 226, Entry 146, Box 92, Folder No. 1371: "EAD Outpost letters No. 1").


208. National Archives Microfilm Publication M1221, Intelligence Reports 1941-1961, R&A Report No. 1655.9, "German Property Relations and Military Government" (supervised by and partially assigned to Neumann; RG 226, Entry 60, Box 1, Folder: "CES;" RG 226, Entry 146, Box 92, Folder No. 1371: "EAD Outpost letters No. 1"); Letter by Neumann to Brinton, 30 March 1944, RG 226, Entry 146, Box

210. Foreign Economic Administration and Office of Strategic Services, Military Government Guides For Germany, October 1944, RG 225, Entry 39, Box 2, Folder: "Miscellaneous, request memos," 1-7. Out of 71 listed reports, OSS provided 35 alone and 11 together with the Foreign Economic Administration, and the latter provided 23 reports alone. Most guides on ownership and control of property came from the Foreign Economic Administration (which functioned as counter-balance to Neumann's R&A line) and R&A issued most guides on the elimination of Nazi political, cultural and quasi-governmental institutions.


Entry 146, Box 84, Folder No. 1236; Tactical Lessons of the German Guide Campaign (n.d.), RG 226, Entry 38, Box 6, Folder: "Civil Affairs Miscellaneous."

213. Not to formally abolish the Nazi Party, given the German historical context of 1945, would mean to aid Nazism. If one does not discount this complicated text-context relationship, then it is not peculiar that "Herbert Marcuse, notorious in his later incarnation as chief theoretician of the New Left, ... drafted the order that formally abolished the Nazi Party" (Barry M. Katz, "The Criticism of Arms: The Frankfurt School Goes to War," *Journal of Modern History* 59 (September 1987): 448.

Most illuminating in this regard specifically and for the problems related to a technical and "neutral" concept of military administration generally is a group of documents that deals with the Prisoner of War (P/W) camps. A critical insider report stressed that Nazi activities in the P/W camps could only develop because the American military administration of these camps had failed to realize that it was not just fighting a military but also an ideological enemy. Granting, however, that fighting Nazism was not just a technical and military task would have meant abandoning the concept of "neutral" administration aimed at a smooth and orderly transition toward establishing a democratic Germany. See Lieutenant Burkhardt, Some Notes on the Administration of P/W Cages outside the USA, 7 September 1944, and letter by Hartshorne to Langer, 30 October 1944, both in RG 226, Entry 1, Box 24, Folder: "R&A Reports prepared for Donovan."

214. Various drafts of Neumann's paper can be found in RG 226, Entry 37, Box 1, Folder: "Treatment of Germany."

215. Letter by Neumann to Morse on Neumann's paper "How to Weaken Germany," 31 October 1944, RG 226, Entry 146, Box 84, Folder No. 1236. See also letter by Neumann to Morse, 18 October 1944, RG 226, Entry 146, Box 84, Folder No. 1236.

216. Letter by Neumann to Donovan on Ernst Fraenkel's "Military Occupation and the Rule of Law," 11 December 1944, RG 226, Entry 37, Box 4, Folder: Donovan, General William J., Director, OSS."

217. If de-nazification is the final test of Neumann's intellectual-political odyssey, then he seemed to have radicalized. In May 1945, Neumann argued for a group
indictment of the SS, SD, and Combat SS for which he earned the reproach not to concern himself with matters of policy that were not his business. Behind these apparent technical questions of how to dissolve the Nazi institutions stood the opposing interpretations of fascism as a distinct economic and social versus an ideological phenomenon, controversial in their calling for the indictment of certain Nazi institutions versus Nazi individuals. See letter by Neumann to Donovan, The Combat SS and War Crimes Trial, 21 May 1945, and memorandum by Auchincloss to Donovan, 6 June 1945, both in RG 226, Entry 146, Box 37, Folder: "SS"; Letter by Neumann to Langer, Hartshorne, Robinson, James and Holborn, Discussion with James Riddleberger, 22 May 1945, RG 226, Entry 37, Box 2, Folder: "CES."

218. See Friedrich Pollock's funeral oration and letter to Neumann's wife from September 4 and 5, 1954, in Erd, Reform und Resignation, 22-23.


221. Söllner, in Sozialforschung als Kritik, 286-96.


223. Letter by Franz Neumann for Schorske and Burkhardt, 20 August 1945, RG 226, Entry 81, Box 3, Folder: "Fj5," 2-3. See also letter by Neumann for Deutsch and Eitner, 16 February 1945, RG 226, Entry 146, Box 84, Folder No. 1236.

224. Neumann stated in 1947: "It is difficult to educate; it is more difficult to re-educate; it is well-nigh impossible to re-educate a foreign nation. To attempt to re-educate Germans by military government action is to attempt the impossible." See Franz L. Neumann, "Re-Educating the Germans. The Dilemma of Reconstruction,"

225. Erd, Reform und Resignation, 185-236.

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Source: National Archives. Modern Military Branch. RG 226, Entry 146, Box 80, Folder No. 1117: "Branch Orders."