

SONDERKOMMANDO IN CANADA:
CANADA'S FIRST WORLD WAR II WAR CRIMES TRIAL,
1951-56

Joseph Kary[†]

TABLE OF CONTENTS

INTRODUCTION.....	384
I. THE EUROPEAN CONTEXT: JEWISH HONOR COURTS.....	386
II. THE NEW YORK TRIAL OF KRIEGER V. MITTELMAN	387
III. ZIMET: A HISTORY	395
IV. THE TRIAL OF DAVID ZIMET	417
V. CONCLUSIONS	442
APPENDIX 1	446

[†] The author wishes to thank Jim Phillips and the University of Toronto Legal History Group, the attendees at the Spring 2021 annual conference of the Association for Canadian Jewish Studies, and Joseph Berkovits, Sarah Hamill, Michael Kary, Nitzza Perlman, Marlis Vos, and Silvie Zakuta, for helpful comments, encouragement and suggestions; Janice Rosen and H el ene Vall e, for generous archival research assistance; and Aaron Krishtalka, for his recollections and for translation of handwritten Yiddish correspondence.

“What happened to the Jewish police that allowed them to do this dirty work? Did their brains atrophy? Were their hearts removed from their chests and replaced with stones? It’s difficult – very difficult – to answer such questions. One thing, however, is certain: there is no reason to envy them!”

- Joseph Zelkowicz (1897 – 1944)¹

INTRODUCTION

In 1950, the terror of the Polish ghetto of Tarnów² came to live in Montreal. Soon after, he was put on trial for war crimes in a private court organized by the Canadian Jewish Congress (“CJC”), the first World War II war crimes trial ever held in Canada. One part of this Article provides an overview of David Zimet’s life: his years as a soldier in the Austrian and Polish armies, his activities as a Jewish police officer under Nazi orders, his time as a *sonderkommando* in the crematoriums of the Mauthausen concentration camp, his flight from prosecution by Simon Wiesenthal as a collaborator and war criminal through emigration to Canada, and his attempts to start a new life in Montreal. I then set out the six-year history of his trial before a legal panel appointed by the Canadian Jewish Congress, as the survivors of the Polish ghetto of Tarnów gathered support across three continents for his prosecution while he threatened to bring action against them for defamation and denounced them as communist troublemakers.

First, however, this paper sets out the context of this trial. I discuss the creation of Jewish honor courts in Europe that ruled on the actions of alleged Jewish collaborators in the years immediately after the war and review the process of an honor court held by the American Jewish Congress in New York in 1950, perhaps the only other court

¹ JOSEF ZELKOWICZ, *In Those Nightmarish Days*, in *IN THOSE NIGHTMARISH DAYS: THE GHETTO REPORTAGE OF PERETZ OPOCYNski AND JOSEF ZELKOWICZ* (David Suchoff trans., 2015); *excerpted as ‘The Heart of a Slaughterer’: The Jewish Police at Work*, in *WRITINGS IN WITNESS: A HOLOCAUST READER* 259, 261 (Eric J. Sundquist, ed., 2018).

² As he was characterized in each of the depositions of Hania Fertig, Zefia Gottlob, and Aspis Helena before the District Court in Tarnów. Alex Dworkin Canadian Jewish Archives, Canadian Jewish Congress records [hereinafter ADCJA CJC], Series DA.3.1, Zimet File 16, part 3, (June 17, 1953). The Archives have digitized their files concerning the trial of David Zimet, and all citations to the Zimet collection in this paper follow the naming conventions for the digital files. Citations to other collections in the ADCJA are to paper files. For designations of the various Zimet files and their digital equivalents, see Appendix A.

of its kind held on North American soil. This American decision was widely publicized and known to the members of the Canadian Jewish Congress' court. Quotes from the decision were read out as part of the submissions of Zimet's defence counsel in the Canadian proceedings, apparently to outbursts of anger and indignation from the survivors in the body of the courtroom.

Since the Second World War, there have been efforts to create "People's Tribunals" and truth commissions that hear and weigh evidence concerning war criminals whose actions fall outside the mandate of established state and international courts.³ Such courts can be mechanisms for dealing with perpetrators in what Primo Levi has described as "the grey zone," victims such as child soldiers who commit crimes against other victims for the sake of their own survival.⁴ The 1950s trial of David Zimet demonstrates both the strengths and weaknesses of such courts, the sources of their legitimacy, and how they can fail when that fragile legitimacy is lost.

This paper parallels the sub-discipline of law sometimes called legal archaeology, which studies the social and cultural context of court decisions.⁵ Much of legal archaeology research examines the background of well-known appellate court precedents, giving new insight into established rules of law.⁶ Instead, I examine a case with no published decision, one that was a subject of heated controversy within a small community but largely unknown to the general public even in its own time. I use the case to examine the differing attitudes to the Holocaust among immigrant survivors and North American born Jews. I also examine their legal mechanisms for addressing the culpability and punishment of war-time Jewish collaborators, created at a time when official state law had no process to address crimes against humanity committed on foreign soil.

³ Christine Chinkin, *People's Tribunals: Legitimate or Rough Justice*, 24 WINDSOR Y.B. ACCESS JUST. 201 (2006).

⁴ Mark A. Drumbl, *Victims Who Victimise*, 4 LONDON REV. INT'L L. 217, 220, 245-46 (2016).

⁵ Debora L. Threedy, *Legal Archaeology: Excavating Cases, Reconstructing Context*, 880 TUL. L. REV. 1197 (2006); Julie Novkov, *Legal Archaeology*, 64 POL. RSCH. Q. 348 (2011); Paul Lombardo, *Legal Archaeology: Discovering the Stories Behind the Cases*, 36 J.L. MED. & ETHICS 589, 590 (2008).

⁶ See e.g., Debora L. Threedy, *United States v. Hatahley: A Legal Archaeology Case Study in Law and Racial Conflict*, 34 AM. INDIAN L. REV. 1 (2009); ANGELA FERNANDEZ, *PIERSON V. POST, THE HUNT FOR THE FOX: LAW AND PROFESSIONALIZATION IN AMERICAN LEGAL CULTURE* (2018); Angela Fernandez, *An Object Lesson in Speculation: Multiple Views of the Cathedral in "Leaf v. International Galleries"*, 58 U. TORONTO L.J. 481 (2008).

I. THE EUROPEAN CONTEXT: JEWISH HONOR COURTS

In the aftermath of the Second World War and the defeat of the Third Reich, people in occupied Europe exacted vengeance on the German occupiers and their collaborators.⁷ Thousands of people were killed by vigilante justice in France alone⁸ and many others were harassed and humiliated.⁹

Special state courts for the trial of collaborators were set up even before the defeat and occupation of Germany,¹⁰ and with final victory and the re-establishment of local government, vigilante justice abated. The formal process of war crimes trials, incomplete as it was, in large measure replaced ad hoc punishments.

Jews who were seen as having collaborated with the Germans – the functionaries and police officers of the ghettos' puppet Jewish governments, the overseers and block wardens of the concentration camps – were a special case, morally and politically. Collaboration for them had been not just a path to advantage and power, but a means of survival or at least of delaying death. Outside of the Soviet bloc, there was little official interest in placing Jews on trial for war crimes.

And yet there was a need for formal process among the accused who wanted to clear their name and among the survivors for whom the collaborators had been some of the most visible and hated faces of persecution. In the refugee camps and in the cities to which Jews returned after the war, honor courts were set up to hear and adjudicate accusations of collaboration.¹¹

These European honor courts had limited power to punish, but the sanctions they could impose seem to have been enough to cause people to atton to their jurisdiction. The survivors, not assimilated into the larger population around them and removed from the environments they knew before the war, sometimes literally isolated in camps,

⁷ See e.g., RICH COHEN, *THE AVENGERS: A JEWISH WAR STORY* 189-217 (2000); DINA PORAT, *NAKAM: THE HOLOCAUST SURVIVORS WHO SOUGHT FULL-SCALE REVENGE* (2022).

⁸ MICHAEL J. BAZYLER & FRANK M. TUERKHEIMER, *FORGOTTEN TRIALS OF THE HOLOCAUST* 56 (2014).

⁹ Antony Beevor, *An Ugly Carnival*, *THE GUARDIAN* (June 5, 2009, 7:01 PM EDT), <https://www.theguardian.com/lifeandstyle/2009/jun/05/women-victims-d-day-landings-second-world-war> [<https://perma.cc/S2G4-A27Z>].

¹⁰ See BAZYLER & TUERKHEIMER, *supra* note 8, at 56. In France, courts for the trial of collaborators were set up by an ordinance of November 18, 1944.

¹¹ *JEWISH HONOR COURTS: REVENGE, RETRIBUTION AND RECONCILIATION IN EUROPE AND ISRAEL AFTER THE HOLOCAUST* 29-30 (Laura Jockusch & Gabriel N. Finder eds., 2015).

were often dependent on aid that was distributed through Jewish community organizations. In the immediate post-war period, before the creation of the state of Israel in 1948, Jewish emigration to Palestine under its British Mandate government was limited in number. The communal Jewish organizations had some degree of control over which displaced European Jews could go to Palestine as part of that quota, and over the provision of social services to the displaced refugees. A reputation as a collaborator could doom one's prospects for a life outside of the refugee camps. Those accused of collaboration wanted the courts to clear their name; and the honor courts had the power to impose sanctions that would, for example, prevent them from getting assistance to emigrate.¹²

In North America, an honor court had less authority; the survivors were introduced into a diverse Jewish world and a larger multi-ethnic community that had greater space for social mobility.¹³ In the new world, ostracism was a less potent sanction and the forms of aid that the organized Jewish community distributed were less crucial to their future. Despite this, there were two North American ad hoc honor court trials. The first of these was set up by the American Jewish Congress in New York to resolve the case of *Krieger v. Mittelman*.

II. THE NEW YORK TRIAL OF KRIEGER V. MITTELMAN

On the morning of Tuesday, June 20, 1950, a fishmonger named Benjamin Krieger looked out the window of his Brooklyn shop and saw a face that had haunted him since his time in the Mühldorf concentration camp.¹⁴ He went up to the man and questioned him. When

¹² On sanctions that could be imposed by the Honor Courts, see Katarzyna Person, *Jews Accusing Jews: Denunciations of Alleged Collaborators in Jewish Honor Courts*, in *JEWISH HONOR COURTS: REVENGE, RETRIBUTION AND RECONCILIATION IN EUROPE AND ISRAEL AFTER THE HOLOCAUST* 225, 229-30 (Laura Jokusch & Gabriel N. Finder eds., 2015); and Laura Jokusch, *Rehabilitating the Past: Jewish Honor Courts in Allied-Occupied Germany*, in *JEWISH HONOR COURTS: REVENGE, RETRIBUTION AND RECONCILIATION IN EUROPE AND ISRAEL AFTER THE HOLOCAUST* 49, 68-75 (Laura Jokusch & Gabriel N. Finder eds., 2015).

¹³ On increased social mobility and opportunity and decreased authority of community self-governance among Jewish immigrants, see IRVING HOWE, *WORLD OF OUR FATHERS* 119-47, 608-38 (1976); Lucy S. Dawidowicz, *On Equal Terms: Jewish Identity in America*, in *WHAT IS THE USE OF JEWISH HISTORY?* 205 (1992).

¹⁴ The account presented here of what happened that day and in the course of trial is taken from contemporary news sources: Loudon S. Wainwright, 'You Are The Man Who Killed My Brother': A Unique Jewish Trial Probes Back into Horrors of Concentration Camps to Judge the Charge that a Man was Murdered over a Plate of Soup, *LIFE*, Dec. 11, 1950, at 132; *A Man With A Narrow Face*, *TIME*, July 3,

the man acknowledged having been at Mühldorf, Krieger yelled at him that “You killed my brother!” and began punching him. The man ran down the street with Krieger chasing after him and then he ducked into a bookstore two blocks down.¹⁵ It is a testament to the passion that was stirred by memories of abusive *kapos* – camp jargon for privileged inmates who were given administrative or management duties over other prisoners – that a crowd began to gather, yelling at the man who had taken refuge inside the store. According to the account in *Time* magazine, they were yelling out “lynch him” and “let us have him.”¹⁶

The police were called and both men were taken to the station, where the other man gave his name as Majer Mittelman. Both were Jewish survivors of Mühldorf, a satellite concentration camp outside Dachau; both men lost a wife and children in the Holocaust.¹⁷ According to Krieger, Mittelman had been a *blockschreiber* in the camp, a low-level clerk charged with keeping an accounting of the distribution of food.¹⁸ Krieger maintained that the murder took place a few weeks before the camp was liberated when he and his brother Zalman were in line for their rations. When Zalman’s turn came, the *blockschreiber* told Zalman that he could not be given any soup because he already had his share.¹⁹ Zalman disagreed, and so the *blockschreiber* took Zalman’s metal tray or soup bowl and slammed it on Zalman’s head.²⁰ Krieger “saw his brother drop with blood flowing freely from his wound.”²¹ Krieger asked the *blockschreiber* why he hit his brother; the *blockschreiber* responded by hitting Krieger in the chest.²²

1950, at 13 [hereinafter *A Man with a Narrow Face*]; *Refugee in Brooklyn Assaults a, Passer-By as Murderer in Concentration Camp in '45*, N.Y. TIMES, June 21, 1950, at 19 [hereinafter *Refugee in Brooklyn*]; *3-Man Board Sits in 'Murder Trial': Ancient Jewish Custom in Hearing of Man Accused of Killing in DP Camp*, N.Y. TIMES, Oct. 11, 1950, at 21; from the decision of the American Jewish Congress Arbitration Tribunal, *In the Matter of the Charge of Benjamin Krieger v. Majer Mittelman* issued Nov. 28, 1950 (ADCJA CJC DA 3.1 File 3) [hereinafter *Krieger v. Mittelman*]; and from Joel Silverman, *Krieger v. Mittelman and Jewish Perceptions of the Refugee in the Early Cold War*, 55 JUDAISM 40 (2006).

¹⁵ *Refugee in Brooklyn*, *supra* note 14.

¹⁶ *Id.*

¹⁷ Wainwright, *supra* note 14, at 132, 138.

¹⁸ *Id.* at 134.

¹⁹ *Id.* at 134.

²⁰ *Id.* at 136.

²¹ ADCJA CJC DA.3.1 Zimet File 3, (Nov. 28, 1950) (*Krieger v. Mittelman*) at 2.

²² *Id.*

The brother was taken to the camp hospital the next morning after roll call. A few days later, Krieger was told his brother was dead.²³ It is not known whether Zalman died from the injury or whether it was decided in the hospital that he could no longer be of use as a worker and was sent to Dachau to be killed.

The New York police released both the accuser and accused. There was no jurisdiction to lay charges over crimes that had taken place on another continent, and Mittelman did not wish to lay charges over Krieger's assault against him.²⁴ Mittelman called an attorney the same day, who told him to keep the matter quiet in order to avoid publicity that could hurt his livelihood.²⁵ Mittelman lived in a small town in Pennsylvania where he worked as a *schochet*, or religious slaughterer, and led synagogue services.²⁶ However, when the matter was first reported in *The New York Times*, the article gave his home address as being in Queens;²⁷ barring journalistic error, he had most likely deliberately given an out-of-date or wrong address in order to preserve some of his privacy.

If so, it was a vain hope; the story was reported in the major New York newspapers, written up in *Time* magazine, and syndicated around the world. The *Time* story and other articles about the case were distributed through the wire services and appeared across the United States and internationally.²⁸ Readers in Australia opened up their newspapers to headlines of "Vengeance" and "Had He Found His Brother's Killer?"²⁹

The incident occurred at a time when Jewish organizations were lobbying to bring more of the refugees still living in European displaced persons camps to America, a goal that was met with significant opposition.³⁰ Stories of a Jewish war criminal entering as a refugee painted the Jewish survivors as undesirables.

²³ *Id.*

²⁴ Wainwright, *supra* note 14, at 133.

²⁵ *Id.* at 134.

²⁶ *Id.* at 133.

²⁷ *Refugee in Brooklyn*, *supra* note 14.

²⁸ In Canada, the syndicated New York Times article appeared as *Council Clears Jew on Charge Of Killing Nazi Camp Comrade*, GLOBE AND MAIL (Toronto), Dec. 1, 1950, at 10.

²⁹ The syndicated Time magazine article appeared as *Vengeance*, SUNDAY MAIL (Brisbane, Queensl.), July 9, 1950, at 14; and *Had He Found His Brother's Killer?*, DAILY TEL. (Sydney, N.S.W.), July 9, 1950, at 41.

³⁰ LEONARD DINNERSTEIN, AMERICA AND THE SURVIVORS OF THE HOLOCAUST (1982).

In order to quell the bad publicity,³¹ among other reasons, the American Jewish Congress (“AJC”) offered to hold an honor court similar to the ones in Europe. Krieger was resistant, trying to instead get justice and immigration officials to become involved, but finally, he agreed to the arbitration.³²

The AJC set up a panel of one lawyer and two rabbis, each side represented by pro bono lawyers who volunteered to act.³³ The panel has sometimes been identified as a religious or rabbinical court,³⁴ but this would be an inaccurate description: it did not rule according to Jewish law and was chaired by the lawyer rather than either of the rabbis.³⁵

The hearings were held over three days, and they were open to the press with simultaneous translation between Yiddish and English.³⁶ Survivors of the Mühldorf camp were called as witnesses for both sides, with many concentration camp survivors in the audience; there were frequent “emotional outbursts” from the audience.³⁷

There were no survivors among the judges and none who had first-hand experience of the war. The one exception, Emanuel Rackman, a modern Orthodox rabbi, served as a chaplain in the Air Force during the war and as a military aide to the European Theater commander’s special adviser on Jewish affairs; he saw the aftermath of the Holocaust in service in Germany.³⁸ However, he retired from the panel after the first day’s session and took no part in the decision. Of the other judges, Leo Pfeffer, a lawyer specializing in issues concerning freedom of religion who served as chairman, and Joseph Lookstein, an Orthodox rabbi, were both educated in the United States and spent

³¹ ADCJA CJC DA.3.1 Zimet File 3, (Nov. 29, 1950) (Krieger v. Mittelman); Silverman, *supra* note 14, at 42; *Adventures in Jewish Studies, Season 4, Episode 2: Jewish Honor Courts*, ASS’N FOR JEWISH STUD. (Mar. 9, 2022), <https://www.associationforjewishstudies.org/publications-research/adventures-in-jewish-studies-podcast/jewish-honor-courts> [<https://perma.cc/32D2-KLSX>].

³² Silverman, *supra* note 14, at 41-42; *Refugee in Brooklyn*, *supra* note 14.

³³ Silverman, *supra* note 14, at 43, 53 n.33.

³⁴ BAZYLER & TUERKHEIMER, *supra* note 8, at 218-23; PETER NOVICK, *THE HOLOCAUST IN AMERICAN LIFE* 140-41 (1999).

³⁵ Silverman, *supra* note 14, at 43.

³⁶ *Id.* at 46.

³⁷ *Id.* at 45.

³⁸ William Grimes, *Emanuel Rackman, Prominent Rabbi, Dies at 98*, N.Y. TIMES (Dec. 4, 2008), <https://www.nytimes.com/2008/12/05/nyregion/05rackman.html> [<https://perma.cc/Z4U5-KCS3>].

the war years in America.³⁹ The third panel member, Simon Federbusch, was raised in Poland and had been a rabbi in Norway before the war, but he escaped the German invasion of Norway by coming to New York in 1940 where he also spent the remainder of the war years.⁴⁰

At trial, Mittelman's testimony in his defence had significant gaps and contradictions. He claimed rabbinical ordination, but as the two rabbis on the panel questioned him it became obvious that he lacked the basic knowledge that would have come with rabbinical training.⁴¹ He at first denied having been a *blockschreiber* at all but then acknowledged sometimes carrying out the duties of one, and he was identified as a *blockschreiber* by other witnesses.⁴²

Nonetheless, the decision released by the panel on November 30, 1950, found that Krieger was sincere but mistaken in his identification:

As pointed out repeatedly by witnesses, concentration camps did not conduce to a clear knowledge of particular names, dates and places, subsidiary facts perhaps, but facts upon which much must necessarily impinge in evaluating charges as grave and serious as these. . . . We are convinced that Zalman Krieger died in a concentration camp and that it is probable that he died as a result of a beating by someone in authority, although more probably by a Nazi.⁴³

The tribunal made comments about the reliability of survivor testimony that, while well-meaning, would likely have been a red flag to survivors seeking justice for events in the camps:

The opinion of this Tribunal, however, must not be construed in any sense as indicating any disbelief in the good faith of the complainant and in the sincerity and honesty of his charges. On the contrary his entire demeanor during his testimony indicated clearly his honesty and complete belief in

³⁹ John R. Vile, *Leo Pfeffer*, in *ENCYCLOPEDIA OF THE FIRST AMENDMENT* (John R. Vile, David L. Hudson & David Schultz eds., 2009); Wolfgang Saxon, *Joseph H. Lookstein Dead at 76; A Rabbi and Orthodox Educator*, N.Y. TIMES, July 15, 1979, at 34.

⁴⁰ *Federbusch, Simon*, ENCYC. JUDAICA, <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/federbusch-simon> [<https://perma.cc/WXM2-2H3X>] (last visited Oct. 7, 2022).

⁴¹ Silverman, *supra* note 14, at 49; Wainwright, *supra* note 14, at 147; ADCJA CJC DA.3.1 Zimet File 3, (Nov. 28, 1950) (Krieger v. Mittelman) at 4.

⁴² Wainwright, *supra* note 14, at 138, 147-48.

⁴³ ADCJA CJC DA.3.1 Zimet File 3, (Nov. 28, 1950) (Krieger v. Mittelman) at 2, 4.

the accuracy of his testimony even when it contained within itself contradictions and inconsistencies. He had no motive deliberately to lie, and he concededly recognized Mittelman as a fellow inmate in some concentration camp. Benjamin Krieger suffered profoundly at the hands of the Nazis. He witnessed his brother's violent death. He naturally feels strongly and bitterly against those whom he regards as responsible. But human memory is capricious. Great distances of time and space separate us from the alleged event. Both of these considerations are compounded by the fact that concentration camp inmates, emanciated (*sic*) and enervated, deliberately kept at the point of terror and near hysteria, could not constitute the most acute or retentive of observers. We must demand decisive and conclusive evidence before handing down a finding of guilt under these conditions. The evidence offered does not meet these tests, and a verdict of exoneration is therefore required.⁴⁴

Joel Silverman in his analysis of the case speculates that the decision was motivated by a desire to show Jewish immigrants in a good light and to make clear that the only guilty parties were the Nazis.⁴⁵ This suggestion is only reinforced by a letter from the chair of the AJC's three-man judicial panel to the Canadian Jewish Congress two years later.⁴⁶ It describes a similar CJC court as having been "set up to establish the innocence of an alleged Jewish collaborator."⁴⁷ The phrasing, read literally, suggests that the goal of such a tribunal is to demonstrate the innocence of the accused rather than to weigh his guilt.

This attitude was not acceptable to many of the survivors. When portions of the AJC decision were later read out loud by the lawyer for the defence at a session of the Canadian Jewish Congress' war crimes trial, the survivors in the audience reacted with angry outbursts that could not be quelled by the panel's chairman and caused the hearing to be adjourned to another day.⁴⁸ The lawyer for the prosecution in the Canadian case would criticize in his final submissions, "the remarks made in the [American Jewish Congress] judgment in an attempt to

⁴⁴ *Id.* at 4.

⁴⁵ Silverman, *supra* note 14, at 41-43, 51-52.

⁴⁶ ADCJA CJC DA.3.1 Zimet File 5, part 4, (Mar. 26, 1952) (letter from Leo Pfeffer to Saul Hayes referring to the court set up to hear the David Zimet case).

⁴⁷ *Id.*

⁴⁸ ADCJA CJC DA.3.1 Zimet File 15, part 1, (June 20, 1954) ("Record of Proceedings," Tenth Session).

make light of the vile acts of the morally degenerate Jews who saw fit to act inhumanely against their brethren,” and argued that in its failure to assign responsibility to Jewish traitors and war criminals, “the Brooklyn judgment is a slur on the integrity of a People.”⁴⁹

Looking back, it seems likely that Mittelman was the *blockschreiber* who caused the death of Zalman Krieger. The panel stressed that an incident in which one Jew beat another Jew to death was so exceptional that it would be spread immediately to all other prisoners through the camp grapevine.⁵⁰ In the panel’s view the fact that other camp inmates who testified had not heard of the murder weighed against Mittelman being the murderer.⁵¹ According to the decision:

Severe beatings and killings of camp inmates by Nazi guards or supervisors were commonplace, even routine, and it is not remarkable that such killings, running as they did into the thousands, should not have been especially noted. It is inconceivable, however, that so shocking an event as murder of one Jew by another should not rapidly have become notorious and a matter of common knowledge among the internees. Concentration camp inmates were unusually sensitive to abuse or maltreatment by Jewish overseers. It is not unreasonable to assume that the entire camp would have been alerted and aroused. Yet there is every reason to believe that the alleged incident passed unnoticed.⁵²

This appears to have been based on a false idealised conception of how Jewish functionaries in the camps behaved. According to recollections of survivors, deadly beatings by kapos were not unusual,⁵³ an aspect of camp existence that was already part of the public record at the time of the trial. In April 1950, for example, about eight months before the AJC court rendered its decision, a military court in France tried and sentenced to death a Jewish man who had been a kapo at Auschwitz-Birkenau for having tortured other camp inmates; witnesses in that case also testified that he murdered several of the

⁴⁹ ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, Notes Submitted to the Board of Arbitrators in the Case of Zimet) at 7.

⁵⁰ ADCJA CJC DA.3.1 Zimet File 3, (Nov. 28, 1950) (Krieger v. Mittelman) at 4.

⁵¹ *Id.*

⁵² *Id.*

⁵³ PRIMO LEVI, THE DROWNED AND THE SAVED 46 (Raymond Rosenthal trans., 1989). See also ADCJA CJC DA.3.1 Zimet File 1, (July 26, 1946) (declaration of Georgopoulos Christos, stating that he witnessed David Zimet, who was a block trustee in Mauthausen camp, hit concentration camp prisoners fatally).

prisoners. A report of the verdict was circulated by the Jewish Telegraphic Agency, an international wire service operating from New York that provided news reports to Jewish newspapers.⁵⁴ If the panel members had studied the scholarly literature, they could have concluded that the murder of prisoners by other prisoners was a planned element of the concentration camp system.⁵⁵ However, even if the panel of judges was right in its understanding of camp behavior, Krieger's account would still have been credible: an incident in which an injured worker was sent from the hospital to be executed would have been unexceptional and hardly worthy of remark.

The panel also attached importance to the testimony of several defence witnesses that Mittelman was himself an invalid, bedridden with a severe internal infection and unable to perform his duties, at the time when Benjamin Krieger remembered his brother having been injured.⁵⁶ However, Krieger was himself unsure of the exact time frame. At first, he said only that "to me one day was like any other" before finally being pinned down under repeated cross-examination to an estimate of between four to five weeks before the camp was liberated.⁵⁷ He was more likely to have been mistaken about the date than about the face of his brother's murderer.

Some have argued that the American Jewish community and in particular communal leaders, the "Jewish elites," avoided public

⁵⁴ *French Military Court Condemns Jew Convicted of Murdering Fellow Jews in Ghetto*, JEWISH TELEGRAPHIC AGENCY (Apr. 4, 1950), <https://www.jta.org/archive/french-military-court-condemns-jew-convicted-of-murdering-fellow-jews-in-ghetto> [<https://perma.cc/LZV8-U7YH>]; see also Simon Perego, *The Stakes and Limits of Purges Among Jews In France After Liberation*, in JEWISH HONOR COURTS: REVENGE, RETRIBUTION AND RECONCILIATION IN EUROPE AND ISRAEL AFTER THE HOLOCAUST 137, 142, photograph and caption after 182 (Laura Jokusch & Gabriel N. Finder eds., 2015). Perego writes that the man was convicted of theft, assault, and murder; the contemporaneous JTA account despite its headline indicates that although he was convicted of torture the court made no finding with respect to the evidence of murder.

⁵⁵ Hannah Arendt, *Social Science Techniques and the Study of the Concentration Camps*, 12 JEWISH SOC. STUD. 49 (1950), reprinted in HANNAH ARENDT, *ESSAYS IN UNDERSTANDING 1930-1954* 232, 238 (1994); and *German Guilt*, 12 JEWISH FRONTIER 19 (1945), reprinted as *Organized Guilt and Social Responsibility in* HANNAH ARENDT, *ESSAYS IN UNDERSTANDING 1930-1954* 121, 129 (1994).

⁵⁶ ADCJA CJC DA.3.1 Zimet File 3, (Nov. 28, 1950) (Krieger v. Mittelman) at 3.

⁵⁷ Wainwright, *supra* note 14, at 136.

discussion of the Holocaust in the post-war period,⁵⁸ but the conclusion of the panel tells a different story:

We dare not overlook that culpability for . . . the annihilation of six million Jews must be placed squarely and exclusively upon German Nazism. . . . This tribunal was convened for the purpose of determining and putting an end to the controversy between Benjamin Krieger and Majer Mittelman. It is hoped that this opinion will have that result and that this incident will be forgotten. But it is hoped that neither the Jewish community nor the peoples of the world will ever forget the baseness and vileness of German Nazism which was the real author not only of Zalman Krieger's death but also of countless other atrocities only a portion of which have yet come to light.⁵⁹

The "Jewish elites" of the American Jewish Congress were not trying to keep silent about the Holocaust. But there were aspects of it, such as the way some victims were themselves forced or degraded into becoming part of the system of abuse and murder, that they did not want to accept or acknowledge.

Meanwhile, as the American Jewish Congress court was reaching its verdict, a far more notorious collaborator than Mittelman was trying to make his way from Europe to Montreal.

III. ZIMET: A HISTORY

David Zimet, the man who would come to be described as a sadist and the "severest and most inhuman" of the Tarnów ghetto's Jewish policemen,⁶⁰ was born in the last year of the nineteenth century⁶¹ in the city of Jasło⁶² in Western Galicia. The region was part of the Austrian empire during his youth, and he likely acquired his knowledge of the German language while still young, a knowledge that would serve him

⁵⁸ NOVICK, *supra* note 34; NORMAN G. FINKELSTEIN, *THE HOLOCAUST INDUSTRY* 15 (2 ed., 2003).

⁵⁹ ADCJA CJC DA.3.1 Zimet File 3, (Nov. 28, 1950) (Krieger v. Mittelman) at 5.

⁶⁰ ADCJA CJC DA.3.1 Zimet File 14, (n.d.) (statement of Joseph Kornreich, translated from German).

⁶¹ ADCJA CJC DA.3.1 Zimet Files 1, 17, (May 23, 1946) (according to the birthdate given in his Document of Release issued by the Director of the Prison of Linz on the Danube).

⁶² Per Zimet's testimony on cross-examination: ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten minutes of hearing) at 10.

well in later years.⁶³ According to his testimony, he was a soldier in the Austro-Hungarian army during the First World War, and after Poland was put back on the map of the world in 1918 he joined the Polish army.⁶⁴ He married a woman named Salomea,⁶⁵ and their daughter, Tala, was born in his wife's hometown of Rzeszów on July 17, 1927.⁶⁶

When the Germans invaded Poland in 1939, Zimet had been living with his wife and twelve-year-old daughter in the city of Lodz for a decade.⁶⁷ His peregrinations immediately after the invasion are testimony to the chaos in the newly-conquered land.

The Germans divided their portion of occupied Poland in two. An area adjoining Germany containing a significant number of ethnically-German Poles was formally annexed to the Reich, while the remaining area in the East was left as occupied territory, the Generalgouvernement. Lodz was part of the annexed region, and in the early stages of the occupation a large number of Jews and ethnic Poles were deported from the city to the Generalgouvernement.⁶⁸ Zimet and his family were among those who left; they arrived in Kraków, the capital of the new Generalgouvernement, on April 8, 1940.⁶⁹ The following month, the

⁶³ In the Galicia of the Austrian Empire, Jewish students were more likely than their Slavic counterparts to learn German in school. Pieter H. van der Plank, *Effects of Habsburg Educational Policies Measured by Census Statistics*, 13 JEZIKOSLOVLJE 373, 377, 380 (2012). Although Zimet testified in Yiddish, all his letters to the Canadian Jewish Congress were written in German. See e.g., ADCJA CJC DA.3.1 Zimet File 5, part 2, (Oct. 4, Oct. 30, and Nov. 19, 1952) (letters to Saul Hayes). His written German was described as "sketchy" by Bavarian-born Manfred Saalheimer, the former German lawyer who translated Zimet's correspondence for the Canadian Jewish Congress, in his "Translator's Remark" beginning his translation of the letter of November 19, 1952. *Id.*

⁶⁴ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten minutes of hearing) at 10.

⁶⁵ "Jewish census of the city of Krakow, marked to indicate deportation to the ghetto" in "City captain of the city of Krakow, 1939-1945, ID card list", Accession Number 1998.A.0256, Record Group Number RG-15.098M; and "Dawid Zimet", in "Kraków, Poland, ID Applications for Jews During World War II, 1940-41"; File rg-15_098m_0150-00000675 - rg-15_098m_0150-00000676, RG-15.098M, Starosta Miasta Krakowa, 1939-1945. Wykazy Dowodów Osobistych (Kennkartenlisten) Wydanych Żydom (Sygn. 450), 1940-1941. United States Holocaust Memorial Museum Archives, Washington D.C., and Archiwum Państwowe w Krakowie [National Archives in Kraków, Poland].

⁶⁶ *Id.*

⁶⁷ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten minutes of hearing) at 10.

⁶⁸ LUCY S. DAWIDOWICZ, *THE WAR AGAINST THE JEWS: 1933-1945* 150-52 (1976).

⁶⁹ United States Holocaust Memorial Museum Archives, *supra* note 65 ("Jewish census" and "Dawid Zimet," in "Kraków, Poland, ID Applications").

Germans began expelling Jews from Kraków,⁷⁰ and the family was again on the move.

They soon came to Tarnów, a medium-sized city in Western Galicia, also part of the Generalgouvernement. Before the war the city was a major centre of Poland's ready-to-wear clothing industry,⁷¹ and almost half of Tarnów's inhabitants were Jewish, about 47% of its total population of 53,230 as of 1936.⁷² By 1940, as others like Zimet and his family moved to Tarnów, the Jewish population of the city increased from around 26,000 to roughly 40,000, some coming from the area surrounding the city, some like Zimet from other cities and towns.⁷³ Since other Tarnowers had fled the invaders to the Eastern region of Poland under Soviet control, the influx of Jews was even larger than these statistics suggest. By the end of 1941, it was reported that the refugees from elsewhere outnumbered the pre-war Jewish residents.⁷⁴

As the Germans consolidated the occupation, they followed the same protocol here as elsewhere in Poland, moving the Jews of Tarnów and the surrounding towns into a ghetto within the city and setting up a *Judenrat*, or puppet Jewish council, to administer the ghetto under German control.⁷⁵ These local administrations paralleled and were distinct from the puppet regimes set up in the occupied countries to govern the people outside the ghetto. Reinforcing the new segregation between Jews and non-Jews, the Jewish councils answered directly to German authority rather than to Hitler's Polish Generalgouvernement. The Germans also ordered the creation of Jewish police forces, the *Jüdischer Ordnungsdienst*, or "OD."

⁷⁰ *Holocaust Encyclopedia: "Krakow Ghetto: Key Dates"*, U.S. HOLOCAUST MEM'L MUSEUM, <https://encyclopedia.ushmm.org/content/en/article/krakow-key-dates> [https://perma.cc/33FT-S3JK] (last visited Jan. 16, 2021).

⁷¹ ZVI ANKORI, *AS A PALM TREE IN THE DESERT* vol. 2, 238 (Evelyn Abel trans., 2008).

⁷² Agnieszka Wiercholska, *Relations Between the Bund and the Polish Socialist Party from a Micro-Historical Perspective: Tarnów in the Interwar Period*, 43 E. EUR. JEWISH AFFS. 297, 311 n.2 (2013). On relations between Jews and Catholics in pre-war Tarnów, see Agnieszka Wiercholska, *Being Polish, Jewish, and Tarnovian: Youth and Polyvalent Senses of Belonging during the Second Polish Republic*, 37 EAST EUROPEAN POLITICS AND SOCIETIES 139 (2023).

⁷³ Abraham Komet, *The Annihilation of the Jews of Tarnow, in TARNOW; KIYUMA VE-HURBANA SHEL IR YEHUDIT [TARNOW; THE LIFE AND DESTRUCTION OF A JEWISH CITY]* (Avraham Chomet ed., Yaacov Dovid Shulman & Gloria Berkenstat Freund trans., 1954); ANKORI, *supra* note 71, at 425.

⁷⁴ S. MENDELSON, *THE POLISH JEWS BEHIND THE NAZI GHETTO WALLS* 25 (1942).

⁷⁵ See, e.g., DAWIDOWICZ, *supra* note 68, ch. 11.

In Tarnów, the pre-war Jewish garment businesses were placed under the control of German “trustees” and the Jewish tailors of the city were used as slave labor to sew German army uniforms.⁷⁶ In keeping with the overall pattern of occupation, Tarnów’s traditional *Kehillah*, or Jewish self-government body, was dissolved and replaced by a *Judenrat* soon after the invasion in November 1939. The Tarnów “OD” was established in October 1941, with a force of 300 Jewish policemen.⁷⁷ According to Abraham Komet, a survivor of the Tarnów ghetto who wrote an account of its annihilation:

The *J[ü]discher ordnungsdienst* was only a name, because it actually served the Germans and blindly carried out all of their orders. The *ordnungsdienst* were a plague on the Jewish population, although there also were those policemen who did not forget that they were Jewish. They would warn the Jewish population of every misfortune and in many cases exhibited humanity. However, those were the rare exception.⁷⁸

Zimet found work as part of the ghetto administration.⁷⁹ Soon, in 1942, the preparations for mass extermination moved into a higher gear. The first chief of the Jewish police force, a man named Miller, was ordered to double the size of the force.⁸⁰ This is when Zimet likely became a policeman; he remembered joining when the force was doubled in size, according to his testimony from thirty-five to seventy members,⁸¹ although these numbers seem lower than the reality by an order of magnitude. Zimet knew that those without useful work were the first to be deported and that being a policeman was protection for both himself and his family.⁸² Policemen could live a less miserable

⁷⁶ *Nazi Military Officials Using 3,000 Jewish Tailors in Tarnów for Forced Labor*, JEWISH TELEGRAPHIC AGENCY (Oct. 29, 1942), <https://www.jta.org/archive/nazi-military-officials-using-3000-jewish-tailors-in-Tarnow-for-forced-labor> [<https://perma.cc/D97J-4EJ7>].

⁷⁷ *Tarnow*, HOLOCAUST HIST. SOC’Y (2014), <https://www.holocausthistoricalsociety.org.uk/contents/ghettoss-z/tarnow.html> [<https://perma.cc/3X6P-QYMU>].

⁷⁸ Komet, *supra* note 73, at 811.

⁷⁹ ADCJA CJC DA.3.1 Zimet File 1, (July 18, 1946) (collective “Declaration Upon Oath!” of eight former prisoners and ghetto inmates, unsigned translation stamped “The Jewish Central Committee for the American Zone in Austria,” describing Zimet as a member of the “civil Gestapo” before he joined the police).

⁸⁰ Komet, *supra* note 73, at 826.

⁸¹ ADJCA SR 0012A (June 6, 1954) (audiotape of Myerson Oral Submissions to Zimet Trial at 32:00).

⁸² Komet, *supra* note 73, at 825-26; ADCJA SR 0123 (May 30, 1954) (audiotape of Zimet Evidence in Chief); ADJCA SR 0012A (June 6, 1954) (audiotape of Myerson Oral Submissions to Zimet Trial at 34:00); ADJCA SR 0001A, (June 17, 1954) (audiotape of Caplan Oral Submissions to Zimet Trial at 47:00); ADCJA CJC

lifestyle than most of the ghetto population, receiving better food and housing;⁸³ Zimet would confirm in his trial testimony that one of the privileges of being a policeman was “better quarters.”⁸⁴

Miller chose men with military experience.⁸⁵ The German occupiers tended to prefer to have “outsiders to the communities that they served, refugees or evacuees who had found favor with the Germans” as ghetto policemen.⁸⁶ Zimet’s time in the Austrian and Polish armies and the fact that he had recently arrived in Tarnów, combined with his knowledge of the German language, made him a good candidate for the job, and he became a member of the *Ordnungsdienst*, in ghetto parlance an *Odemann* or OD man.⁸⁷

Ordnungsdienst literally translates as “order service,” not police. The German occupation created a litany of parallel titles for Jews involved in the administration of the ghettos and camps to signify that they were not on the same level as non-Jews who carried out similar functions in the larger society, in much the same way that an older black man in the days of American slavery and Jim Crow would be called “Uncle” but never “Mister” or “Sir.”⁸⁸

The nature of the privileges given to policemen in a suffering ghetto can be gleaned from an odd-seeming comment in one of the letters of support that Zimet gathered as evidence on his behalf. The letter stated:

DA.3.1 Zimet File 15, part 1, (July 23, 1953) (handwritten notes of trial proceedings) at 10.

⁸³ Frank Fox, *The Jewish Ghetto Police: Some Reflexions*, 25 E. EUR. JEWISH AFFS. 41, 42 (1995). Cf. CAROLYN GAMMON & ISRAEL UNGER, *THE UNWRITTEN DIARY OF ISRAEL UNGER* 8 (2013) (Unger recounts how the Gestapo tried to force his father into joining the Tarnów Jewish police, and how his father continued to refuse despite being tortured. This seems anomalous; by all other accounts the perks of being a Jewish policeman attracted many candidates and in some cities people gave bribes to be appointed as one).

⁸⁴ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 23, 1953) (handwritten notes of trial proceedings) at 10.

⁸⁵ Komet, *supra* note 73, at 826.

⁸⁶ DAWIDOWICZ, *supra* note 68.

⁸⁷ Komet, *supra* note 73, at 811; ADJCA SR 0012A (June 6, 1954) (audiotape of Myerson Oral Submissions to Zimet Trial at 32:00).

⁸⁸ E.g., the puppet Jewish ghetto administrations were called *Judenräte* or *Jüdische Ältestenräte*, led by an *Älteste* or *Eldest*; DAWIDOWICZ, *supra* note 68, at 155-56. For a list of concentration camp titles, see e.g., Prisoner Functionaries - Positions, WOLLHEIM MEMORIAL, <http://www.wollheim-memorial.de/en/funktion-shaeftlinge> en [https://perma.cc/5J7Z-8NZM] (last visited Dec. 29, 2022). Cf. Ronald L. F. Davis, “*Racial Etiquette: The Racial Customs and Rules of Racial Behaviour in Jim Crow America*”, <https://files.nc.gov/dncr-moh/jim%20crow%20etiquette.pdf> [https://perma.cc/ZH5T-UDWX] (last visited Dec. 29, 2022).

True you wore boots and leggings. However, many people in Tarnow wore them and was their wearing boots and leggings a crime and did it authorize to torture people or kill them. Identification of a Jew who wore boots and leggings with an SS man wearing boots and leggings is the peak of a sickly and degenerated brain.⁸⁹

However, the simple possession of boots in the ghetto was itself an indication of status; in the Warsaw ghetto, for example, the Jewish police wore leather boots at a time when leather for shoes was hard to get and boots were beyond the means of most.⁹⁰

A policeman's day-to-day tasks included keeping order, enforcing the curfew, and preventing smuggling into the ghetto.⁹¹ The Tarnów ghetto area was divided into two sections, one for workers and another for those unable to work; the police searched people at the gates in and out of the ghetto and between its two sections.⁹² Jewish policemen did not carry firearms; instead, Zimet enforced order with the lash.⁹³

The testimonials that would be filed against him after the war were not just that he did what he was forced to do by the Germans, but that he went far beyond, whipping and brutalizing the ghetto inmates, taking food and valuables from them, disclosing Jewish bunkers and hiding places, and ferreting out Jews living secretly as Aryans outside the ghetto.⁹⁴

⁸⁹ ADCJA CJC DA.3.1 Zimet File 17, part 2, (Jan. 17, 1953) (letter from Dr. Ramshit to Zimet, translated from the Polish).

⁹⁰ Dalia Ofer, *Everyday Life of Jews under Nazi Occupation: Methodological Issues*, 9 HOLOCAUST & GENOCIDE STUD. 42, 59-60 (1995).

⁹¹ DAWIDOWICZ, *supra* note 68, at 315-18; ADCJA CJC DA.3.1 Zimet File 15, part 1, (May 18, 1953) (handwritten notes of trial proceedings) at 9.

⁹² ADCJA CJC DA.3.1 Zimet File 14, (n.d.) (statement of Joseph Kornreich, translated from German); Zimet file 17, part 1, (Aug. 31, 1952) (Emil Schweber letter to CJC).

⁹³ Either a whip or a rubber hose used as a whip. It is described as a whip in: ADCJA CJC DA.3.1 Zimet File 16, part 3, (June 17, 1953) (deposition of Hania Fertig Schildkraut, wife of Naftali Schildkraut, before the District Court in Tarnów), (June 17, 1953) (deposition of Aspis Helena, wife of Mark Kohn, before the District Court in Tarnów), (June 17, 1953) (deposition of Zofia Gottlieb, daughter of Chaim Sussa, before the District Court in Tarnów); ADCJA CJC SR 0001B, (audiotape of Zimet trial ("Zimed") at 19:00). It is described as a horsewhip in ADCJA CJC DA.3.1 Zimet File 5, part 2, (Jan. 31, 1952) (affidavit of Abraham Suss) and as a rubber hose in ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (Moishe Myerson, Notes Submitted to the Board of Arbitrators in the Case of Zimet) at 1.

⁹⁴ ADCJA CJC DA.3.1 Zimet File 5, part 1, (Oct. 27, 1952) (Bill of Particulars prepared by the attorney for the Tarnover Landsmanshft); (June 19, 1952) (affidavit of Jacob Birnhak); and (May 8, 1952) (letter from Wiesenthal to Ludmer). ADCJA

Ghetto order-keepers were also required to be frontmen in the process of mass execution. On June 12, 1942, the members of the newly-enlarged police force carried out a pre-dawn round-up of the Jewish population.⁹⁵ Each policeman was given a list of Jews to be deported. They rounded up the people on the list and conducted them out through the ghetto gates to the town marketplace, where they were turned over to Gestapo and Ukrainian militia. Komet describes in detail the massacre that took place there over the course of the morning; the remaining Jews were sent to concentration camps.⁹⁶

There were further *akstia*, or mass deportations, over the course of the following week.⁹⁷ According to Komet, these next round-ups were conducted by the Gestapo and Ukrainian militia.⁹⁸ However, testimonials of other survivors attested that Zimet participated in all of the deportations.⁹⁹ Over the course of that week-long period in June, about 3,000 Jews were killed in Tarnów itself, 7,000 more executed in the nearby forests, and 10,000 more deported to camps, leaving by the end of the month a Jewish population of about 20,000.¹⁰⁰ After the

CJC DA.3.1 Zimet File 5, part 2, (Jan. 1952) (affidavit of Regina Bienenstock); (Jan. 31, 1952) (affidavit of Abraham Suss); (Feb. 8, 1952) (affidavit of Leon Bienenstock); and (Jan. 21, 1952) (affidavit of Abraham Goldman).

⁹⁵ ADCJC DA.3.1 Zimet File 15, part 1 (Apr. 16, 1953) (handwritten notes recording the testimony of Aaron Sporn giving the Hebrew date of 27 Sivan, which in 1942 occurred from the evening of June 11 to the evening of June 12). ADCJA CJC P17/08 File 9, 1A-35, (July 19, 1988) (interview by Myra Giberovitch of Salek Sporn in Contributions of Montreal Holocaust Survivor Organizations to Jewish Communal Life [textual record, sound recording] gives the date of June 12 at p 1A-35 of textual recording). For sources saying the date of the first '*aussiedlung*' is June 11, see the certificate of Lisa Schweber, *infra* note 133; ANKORI, *supra* note 71, at 461; DAVID M. CROWE, OSKAR SCHINDLER: THE UNTOLD ACCOUNT OF HIS LIFE, WARTIME ACTIVITIES, AND THE TRUE STORY BEHIND THE LIST 230 (2004). *Contra*, Komet, *supra* note 73, at 830 (gives the date as July 11, although his chronology is inconsistent).

⁹⁶ Komet, *supra* note 73, at 828-29.

⁹⁷ *Id.* at 835-36 (writing that there were two further *akstia*, on June 15 and 18); ANKORI, *supra* note 71, at 465 (writing that the *akstia* continued for the following seven days).

⁹⁸ Komet, *supra* note 73, at 829.

⁹⁹ ADCJA CJC DA.3.1 Zimet File 6, part 2, (Sept. 29, 1953) (letter from Jerzy Iwanski), (June 17, 1953) (statement of Aspis Helena), (Oct. 17, 1953) (statement of Dr. H Wachtel).

¹⁰⁰ Komet, *supra* note 73, at 835-36. These figures differ from those given in the indictment of Amon Göth, who supervised the liquidation of the ghetto. According to the prosecutors in his war crimes trial, about 6,000 Jews were deported to the Belzec extermination camp in June 1942, and almost as many were killed in Tarnów: 7 LAW REPORTS OF TRIALS OF WAR CRIMINALS, SELECTED AND PREPARED BY THE UNITED NATIONS WAR CRIMES COMMISSION 3 (1948). Other sources say that only

akstia, the quarter of the City into which the Jews had been forced was fenced off, and the ghetto was officially sealed.¹⁰¹ Immediately after it was sealed, 20,000 more Jews from the surrounding areas were forced to move into the ghetto, doubling the population.¹⁰²

During his time on the police force, Zimet was promoted up through the ranks. According to Austrian Nazi-hunter Simon Wiesenthal, Zimet became the right-hand man of the Gestapo chief of Tarnów, Gerhard Grunow.¹⁰³ Zimet's recollections were more modest; he would acknowledge promotions but insisted there were still three people on the police force who ranked above him.¹⁰⁴

The German occupiers continued their policy of making the Jewish police complicit in the extermination, using them in further round-ups for deportation. One letter from a survivor describes learning of how the Tarnów police compelled victims to undress and enter a mobile gas van; when they resisted, the letter says that the police called the Germans for help.¹⁰⁵

September 1943 marked the final liquidation of the ghetto under the direction of SS officer Amon Göth, a specialist in *Judenumsiedlung*, or Jewish "resettlement,"¹⁰⁶ and the Judenrat and Jewish police force were ordered to take part. As a member of the force, Zimet would have played a role in this last round-up and transportation of the ghetto residents to concentration camps.¹⁰⁷ About 7,000 to 8,000 of the remaining ghetto Jews were sent to Auschwitz.¹⁰⁸ Most of the rest, about

3,000 were deported to Belzec, see Margit Berner, *A Racial Study of Jewish Families in Tarnow 1942*, YOUTUBE (May 6, 2015), <https://www.youtube.com/watch?v=mz9vAiO8N9U> [<https://perma.cc/53JM-AAZE>].

¹⁰¹ CROWE, *supra* note 95, at 230 (giving a date of June 19); ANKORI, *supra* note 71, at 320, 425 (giving a date of July 19).

¹⁰² Berner, *supra* note 100.

¹⁰³ ADCJA CJC DA.3.1 Zimet File 5, part 3, (May 8, 1952) (Wiesenthal letter to Ludmer); on Grunow, see JAN GRABOWSKI, HUNT FOR THE JEWS: BETRAYAL AND MURDER IN GERMAN-OCCUPIED POLAND 93-94, 175 (2013).

¹⁰⁴ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten notes of trial proceedings) at 10.

¹⁰⁵ Nura, "I Will Tell You How Our Relatives' Lives Ended", YAD VASHEM (1944), <https://www.yadvashem.org/gathering-fragments/stories/from-the-inferno/shapira.html> [<https://perma.cc/53ZB-NKSW>].

¹⁰⁶ CROWE, *supra* note 95, at 226, 229. Göth received renewed notoriety due to his portrayal by Ralph Fiennes in the 1993 film Schindler's List.

¹⁰⁷ CROWE, *supra* note 95, at 232.

¹⁰⁸ WILLIAM KORNBLUTH & EDITH KORNBLUTH, SENTENCED TO REMEMBER: MY LEGACY OF LIFE IN PRE-1939 POLAND AND SIXTY-EIGHT MONTHS OF NAZI OCCUPATION 103 (Carl Calendar ed., 1994) (giving the figure of 8,000 to

3,000, consisting of workers and collaborators, were sent to Płaszów, a forced labour camp commanded by Göth on the outskirts of Kraków that was built on the site of two Jewish cemeteries.¹⁰⁹ Zimet, his wife, and his daughter were among the ones transported to Płaszów¹¹⁰ where, he testified, he worked in a German warehouse as a forced labourer.¹¹¹

They did not stay in Płaszów. As the Soviet army advanced into German-occupied Poland, a decision was made to close down Płaszów and inmates were transferred to other camps further from the military front.¹¹² On August 10, 1944, a couple of months before Płaszów was shut down, Zimet was sent in a transport of about 6,000 Jews to Mauthausen,¹¹³ a slave labour camp in Northern Austria run on the principle of extermination through forced labour.¹¹⁴ Jews were in the minority there; it held over the period of its existence a large number of political prisoners and enemy combatants, including Russian prisoners of war, some captured Allied airmen and American Office of Strategic

Auschwitz); “Tarnów,” *Holocaust Encyclopedia*, U.S. HOLOCAUST MEM’L MUSEUM, <https://encyclopedia.ushmm.org/content/en/article/tarnow> [<https://perma.cc/B96B-PSTG>] (last visited Oct. 8, 2022) (giving a figure of 7,000 and stating that the remaining 3,000 were sent to Płaszów); Berner, *supra* note 100 (indicating that between 5,000 and 7,000 were sent to Auschwitz, 3,000 to Płaszów, and a small number to a third camp). See generally BAZYLER & TUERKHEIMER, *supra* note 8, at 104 (describing Płaszów). The status of Płaszów was changed from a forced labour camp to a concentration camp in January 1944, subjecting it to different regulations and administrative oversight: MIETEK PEMPER & MARIE ELISABETH MÜLLER, *THE ROAD TO RESCUE: THE UNTOLD STORY OF SCHINDLER’S LIST* 109 (2011).

¹⁰⁹ *Id.*

¹¹⁰ ADCJA CJC DA.3.1 Zimet Files 5, 16, (May 8, 1952) (letter from Simon Wiesenthal to E.I. Ludmer of Tarnover and Province Landsmanschaft).

¹¹¹ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten notes of trial proceedings, Zimet’s testimony on cross-examination by Myerson) at 10.

¹¹² U.S. HOLOCAUST MEM’L MUSEUM, *supra* note 108; CROWE, *supra* note 95, at 324-25.

¹¹³ English Translation of David Zimet Affidavit of May 11, 1945, United States National Archives and Records Administration, Pre-trial Investigative Records, RG-549, box 334, folder 5, file 10, courtesy of National Archives at College Park, College Park, MD, United States Holocaust Memorial Museum, Washington, D.C. [hereinafter Zimet Affidavit of May 11, 1945]. See also copy of Yiddish text with English translation in Testimony of David Zimet and of Three German Staff of the Mauthausen Camp, Catalog No. 31877, The Ghetto Fighters’ House – Itzhak Katzenelson Holocaust and Jewish Resistance Heritage Museum, Western Galilee, Israel.

¹¹⁴ WENDY HOLDEN, *BORN SURVIVORS: THREE YOUNG MOTHERS AND THEIR EXTRAORDINARY STORY OF COURAGE, DEFIANCE AND HOPE* 274 (2015); Marta Marin-Dòmine, *Introduction* to JOAQUIM AMAT-PINIELLA, K.L. REICH (Robert Finley & Marta Marin-Dòmine trans., 2014).

Services members and a number of Republican veterans of the Spanish Civil War apprehended by the German Army in France, as well as Roma, homosexuals and Jehovah's Witnesses.¹¹⁵ The women from Tarnów, such as Zimet's wife and eighteen-year-old daughter, were sent elsewhere.¹¹⁶

On August 25, having survived a selection, Zimet was transported with 1,100 other Jews to Gusen, one of the many Mauthausen satellite camps.¹¹⁷ In a statement made to American army investigators immediately after the camp was liberated in May 1945, he claimed that "[p]ersonally I did not suffer as much because I was barracks-cleaner. I wasn't forced to hard labor largely because I bought myself out (with money)."¹¹⁸

He described existence in Gusen to the investigators:

The Anti-Semitism in Gusen was special. After a few days of our arrival they began to bring back the sick from their work, 60% becoming so sick, and these were cruelly beaten. Every day they brought back many dead from the labor-group. The S.S. and Kappos in charge were responsible for this. The Jews never got anything to eat or smoke. The other people only once in a while. The Kappos stole everything. Many died from hunger. In a short period of time there remained 300 from the original 6000.¹¹⁹

What Zimet did not tell the American army investigators was that he was one of the kapos.

At Mauthausen, Zimet continued his pattern of collaboration, serving in Gusen as a *stubenaelteste* or *stubendienst*, a block warden. He supervised the housing of prisoners in a massively over-crowded barracks, and in that role he used a whip to keep order, beating people in order to make room by getting them to lie closer together on the floors.¹²⁰ According to a Greek prisoner in his block, Zimet "used to hit the prisoners so that they bled and manhandled them" and "hit

¹¹⁵ Amy Schmidt, *Introduction*, in AMY SCHMIDT AND GUDRUN LOEHRER, *THE MAUTHAUSEN CONCENTRATION CAMP COMPLEX: WORLD WAR II AND POSTWAR RECORDS: REFERENCE INFORMATION PAPER 115*, 1, 4 (2008); HOLDEN, *supra* note 114, at 246-47; see DAVID WINGATE PIKE, *SPANIARDS IN THE HOLOCAUST: MAUTHAUSEN, HORROR ON THE DANUBE* (2000) (on Spanish prisoners).

¹¹⁶ CROWE, *supra* note 95, at 327-28.

¹¹⁷ Zimet Affidavit of May 11, 1945, *supra* note 113.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, Notes Submitted to the Board of Arbitrators in the Case of Zimet) at 1; ADCJA CJC DA.3.1 Zimet File 5, part 2, (Jan. 31, 1952) (affidavit of Abraham Suss).

some people fatally.”¹²¹ After the war, the prisoner affirmed that Zimet was “the man most hated among all the camp functionaries and he has many on his conscience.”¹²²

Zimet did not stay in Gusen long. By the end of September 1944, he was transferred to the main camp to become one of the *sonderkommando*, or special squad,¹²³ of workers assigned to dispose of the bodies that were cremated in the ovens.¹²⁴ Jews were always a minority of the Mauthausen population, and when the crematoriums were first constructed the *sonderkommando* were taken from other groups of prisoners; but as one of the prisoners who worked in the crematoriums until August of 1944 explained, “towards the end, we carriers of the dead were relieved by Jews.”¹²⁵ According to Simon Wiesenthal, Zimet volunteered to obtain extra rations;¹²⁶ but other sources say he was ordered to work there,¹²⁷ and this latter explanation seems more likely.

The German retreat continued during Zimet’s time at Mauthausen, and prisoners knew that the Allied armies were approaching. Zimet secretly kept and hid the dog tags or identification discs of two captured American airmen from the 97th Bomber group who were executed in April 1945 and disposed of in the crematoriums, so that their identities could be made known after the war.¹²⁸

¹²¹ ADCJA CJC DA.3.1 Zimet File 1, (July 26, 1946) (Georgopoulos Christos, Declaration in Lieu of Oath).

¹²² *Id.*

¹²³ “Special squad” is the literal meaning of *sonderkommando*; the German *kommando* does not have the specialized military meaning suggested by the English equivalent.

¹²⁴ Zimet Affidavit of May 11, 1945, *supra* note 113; ADCJA CJC DA.3.1, Zimet File 15, part 1, (July 2, 1953) (handwritten notes of trial proceedings) at 10; *see* ADCJA CJC DA.3.1, Zimet File 16, part 3, (November 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath, which similarly states Zimet became a *stubendienst* on his arrival at Mauthausen and later became a *sonderkommando*); *but see* PIKE, *supra* note 115, at 351 (reversing the sequence, writing that “David Zemet” was assigned to the *sonderkommando* when he arrived at the camp in August 1944 and no longer worked in that *kommando* by the time the camp was liberated). I rely on Zimet’s contemporaneous affidavit and later testimony.

¹²⁵ *Interrogation of Albert Tiefenbacher (December 7, 1945)*, in 33 TRIAL OF THE MAJOR WAR CRIMINALS BEFORE THE INTERNATIONAL MILITARY TRIBUNAL, NUREMBERG, 14 NOVEMBER 1945 – 1 OCTOBER 1946, 213, 216 (1949).

¹²⁶ ADCJA CJC DA.3.1, Zimet Files 5, 16, (May 8, 1952) (Wiesenthal letter to Ludmer); (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

¹²⁷ ADCJA CJC DA.3.1, Zimet File 5, part 4, (Sept. 11, 1952) (Johann Kanduth, Declaration in Lieu of Oath); PIKE, *supra* note 115, at 351.

¹²⁸ ADCJA CJC DA.3.1, Zimet File 1, (May 9, 1946) (Zimet letter to Zarl); RG-10.089, William Ornstein papers, 1944-1970, United States Holocaust Memorial

Two weeks before the war ended, according to Zimet, his wife and daughter were being transported from Leipzig to Mauthausen.¹²⁹ They were suffocated to death by other Jewish women in the transport.¹³⁰ Zimet would testify that they were suffocated because one of them hid bread in her bosom; his family, he told the court, was killed for one-third of a loaf of bread.¹³¹ According to accounts gathered by Simon Wiesenthal, however, they were strangled on a transport from Plaszów to Auschwitz, because Zimet was so hated in the ghetto that the other women took out their hatred on his wife and child.¹³² Evidence filed by Zimet, in the form of a letter of support from an Israeli doctor who had practiced medicine in the Tarnów ghetto, itself undercut Zimet's explanation and was consistent with that of Wiesenthal: the doctor wrote that "I also heard that your wife and daughter perished. Regretfully, I am aware of the fact that human vengeance at the present knows of no limits . . ."¹³³ Zimet's own explanation is a twisted mirror of an accusation that others had levied against him. Other ghetto residents claimed that in his capacity as a policeman he had beaten one ghetto resident, Sruklik Fenig-Mantel, because the boy brought some food in through the ghetto gates and Zimet

Museum Archives, Washington D.C., File 7 (David Zimet testimony, Aug. 19, 1945). See *LeRoy Teschendorf*, HONORSTATES.ORG, <https://www.honorstates.org/index.php?id=65881> [<https://perma.cc/FY99-QWCE>] (last visited May 5, 2022); and *Halsey S. Nisula*, HONORSTATES.ORG, <https://www.honorstates.org/index.php?id=51355> [<https://perma.cc/MJG4-M9GM>] (last visited May 5, 2022) (service overviews of the two captured American airmen mentioned in Zimet's testimony); Mike Richard, "All War Deaths are Tragic, But This One is Especially Heart-Breaking", THE GARDNER NEWS [Gardner, Mass] (Apr. 15, 2022), <https://www.thegardnernews.com/story/news/2022/04/15/remembering-local-world-war-ii-heroes-donald-nadeau-halsey-nisula/7062049001/> [<https://perma.cc/6ZJC-8PDH>] (on Nisula); LeRoy Teschendorf Person Record, MCLEOD COUNTY HISTORICAL SOCIETY AND MUSEUM, <https://mcleodhistory.pastperfectonline.com/byperson?keyword=Teschendorf%C2%20LeRoy> [<https://perma.cc/Q3EU-2GCH>] (last visited Dec. 29, 2022).

¹²⁹ ADJCA CJC DA.3.1 Zimet File 6, part 1, (Mar. 21, 1953) (Zimet to Jewish Congress).

¹³⁰ *Id.*

¹³¹ ADJCA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten notes of Zimet's testimony in trial proceedings) at 10.

¹³² ADCJA SR 0001A, (June 17, 1947) (audiotape of Myerson submissions to CJC court); ADJCA CJC DA.3.1, Zimet Files 5, 16, (May 8, 1952) (Simon Wiesenthal to Ludmer).

¹³³ ADJCA CJC DA.3.1 Zimet File 17, part 2, (Jan. 17, 1953) (letter from Dr. Ramshit to Zimet, translated from Polish).

wanted the food for himself, and that Fenig-Mantel died of his injuries two days later.¹³⁴

The depth of such hatred is shocking, but the fact of it is not: the family of a ghetto policeman shared the privileges granted to him by the occupiers and could be just as hated by other Jews.¹³⁵

The Moscow Declaration, issued by the Allies on November 1, 1943, stated that those who committed atrocities, massacres, or executions on behalf of the Nazis would be held accountable after the war.¹³⁶ As defeat neared, the order was given to destroy all records of the mass killings in the crematoriums and to liquidate all the witnesses who worked there.¹³⁷ Adolph Hitler killed himself on April 30, 1945. Either immediately before or immediately after, with the liberation of the camps imminent, the Mauthausen gas chamber was shut down and destroyed and the camp gallows were dismantled.¹³⁸ On May 3, five of the remaining eleven Mauthausen crematorium workers were machine-gunned in front of the morgue and three more were killed elsewhere.¹³⁹ Zimet survived thanks to a kapo who was a warden of one of the camp barracks. He hid Zimet and two other crematorium workers in his unit until the American army liberated Mauthausen and its

¹³⁴ ADCJA CJC DA.3.1 Zimet File 16, part 3, (June 17, 1953) (deposition of Zefia Gottlob before the District Court in Tarnów).

¹³⁵ Komet, *supra* note 73, at 826; *see also* Ewa Kozminska-Frejlak, 'I'm Going to the Oven Because I Wouldn't Give Myself to Him': *The Role of Gender in the Polish Jewish Civic Court*, in *JEWISH HONOR COURTS: REVENGE, RETRIBUTION AND RECONCILIATION IN EUROPE AND ISRAEL AFTER THE HOLOCAUST* 248, 256 (Laura Jokusch & Gabriel N. Finder eds., 2015).

¹³⁶ *Moscow Declaration on Atrocities* (Nov. 1, 1943), https://www.cvce.eu/en/obj/moscow_declaration_on_atrocities_1_november_1943-en-699fc03f-19a1-47f0-aec0-73220489efcd.html [<https://perma.cc/6XJN-KJVS>].

¹³⁷ PIKE, *supra* note 115, at 31, 35, 191, 203, 341 n.42; Zimet affidavit of May 11, 1945, *supra* note 113.

¹³⁸ *Compare* PIKE, *supra* note 115, at 191, 276 (describing the SS efforts to destroy material evidence at Mauthausen culminating in their attempted destruction of the gas chamber and crematoria on April 29, 1945), *with* Zimet Affidavit of May 11, 1945, *supra* note 113 (stating that the gas chamber at Mauthausen was last used on May 1, 1945) and EVELYN LE CHÉNE, *MAUTHAUSEN: THE HISTORY OF A DEATH CAMP* 151, 192 (1971) (record-keeping stopped Apr. 30, 1945, crematoria closed May 3, 1945).

¹³⁹ PIKE, *supra* note 115, at 351 n.24.

satellite camps on May 5 and May 6.¹⁴⁰ The army found about 110,000 surviving prisoners, roughly one-quarter of them Jews.¹⁴¹

In the aftermath of liberation, after the Germans fled and before the Americans could set up a provisional administration, prisoners retaliated against the collaborators. There were beatings and mass lynchings of kapos at Mauthausen by the former inmates.¹⁴² One survivor described how kapos and collaborators, as well as former SS officers, would hide among the survivors: “once in a while they were spotted on the street and then a small riot would break out.”¹⁴³

Zimet was first interviewed at Mauthausen by investigators from the U.S. Third Army on May 11, 1945.¹⁴⁴ As one of the few surviving crematorium workers at Mauthausen, his testimony would have been of significant assistance to prosecutors. He testified at the war crimes trial of the people who had been involved in the running of the Mauthausen complex,¹⁴⁵ held at Dachau from March 29 to May 13, 1946, and his affidavit was filed as evidence in the trial.¹⁴⁶ August Eigruber, the *Gauleiter* or Nazi State Leader for Upper Austria, was the highest-ranking of the sixty-one defendants, and Zimet testified to Eigruber being present at the execution of eleven men, including six crematorium workers from Auschwitz and the two American airmen whose dog tags he saved.¹⁴⁷ He would claim at his trial in Montreal to have been the only witness who was able to link Eigruber to the executions. Eigruber was sentenced to death by hanging, and Zimet took pride in having freed Austria from a monster.¹⁴⁸

¹⁴⁰ *Id.*; see also Zimet Affidavit of May 11, 1945, *supra* note 113; KL-MAUTHAUSEN: UN CARNET DES NOTES [KL-MAUTHAUSEN: A NOTEBOOK] 22 (Amicale des Anciens Prisonniers Politiques Luxembourgeois de Mauthausen, 2006) (detailing the dates of liberation).

¹⁴¹ JUDAH GRIBETZ, EDWARD L. GREENSTEIN & REGINA STEIN, *THE TIMETABLES OF JEWISH HISTORY* 477 (1993).

¹⁴² HOLDEN, *supra* note 114, at 274; AMAT-PINIELLA, *supra* note 114, at 224-30 (a fictional description of the liberation by Mauthausen camp survivor).

¹⁴³ MARTIN SMALL & VIC SHAYNE, *REMEMBER US: MY JOURNEY FROM THE SHETEL THROUGH THE HOLOCAUST* 195 (2009).

¹⁴⁴ Zimet Affidavit of May 11, 1945, *supra* note 113.

¹⁴⁵ ADCJA CJC DA.3.1 Zimet File 17, part 1, (n.d.) (letter from Zimet to Saul Hayes).

¹⁴⁶ SCHMIDT & LOEHRER, *supra* note 115, at 32, 126, 128, 133, 134 (concerning United States v. Hans Altfuldich et al, ETO Case 000-50-5).

¹⁴⁷ RG-10.089, William Ornstein papers, 1944-1970, United States Holocaust Memorial Museum Archives, Washington D.C., File 7 (David Zimet testimony, Aug. 19, 1945).

¹⁴⁸ ADCJA CJC DA.3.1 Zimet File 17, part 1 (n.d.) (letter from Zimet to Saul Hayes stating “Ich habe damit Oestrich von einer Creatur befreit . . .”).

Many of the former Mauthausen prisoners were taken or found their way to the nearest urban area, the city of Linz, about twelve miles to the west, and Zimet went there as well. There were more incidents of former prisoners trying to retaliate against kapos who had abused them in the camps.¹⁴⁹ In a letter a few years later, Zimet recollected that a Hungarian man was murdered on the street by a gang of thugs (“Schlägerbande”) because he had been a doctor in one of the concentration camps.¹⁵⁰ Zimet made sure to live well away from the other former inmates. The American administration set up a refugee camp at Bindermichl, now a suburb of Linz, to house most of the former Mauthausen prisoners. Zimet lived in a private residence about eight kilometers away from the camp.¹⁵¹

This suggests that Zimet had financial resources that the other refugees did not. Some alleged that he had secretly hidden gold teeth, watches, and jewelry obtained from the dead in the crematorium.¹⁵² At trial, he would deny that he had taken any gold teeth, saying that they were removed by German dentists and no prisoner benefited.¹⁵³ There was another possible source for his funds. In the closing days of the war, as part of the German retreat, the machinery and personnel of Project Bernard, an ambitious Nazi sabotage project, were brought away from the front of the Allied advance to the Mauthausen camp.¹⁵⁴ The project used concentration camp slave labour to print meticulously forged currency bills which were intended to be used to flood the economies of the Allied countries. In April 1945, the already printed British banknotes were stored in underground mine shafts near Mauthausen and the enslaved printers began work on setting up the printing presses in their new location, but the continuing Allied

¹⁴⁹ ADCJA CJC DA.3.1 Zimet File 1, (July 18, 1946) (“Declaration Upon Oath!” of eight former concentration camp prisoners and ghetto inmates).

¹⁵⁰ ADCJA CJC DA.3.1 Zimet File 17, part 1, (n.d.) (letter from Zimet to Saul Hayes).

¹⁵¹ *Id.*; see also ADJCA CJC DA.3.1, Zimet Files 5, 16, (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

¹⁵² ADJCA CJC DA.3.1, Zimet Files 5, 16, (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

¹⁵³ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten notes of trial proceedings) at 10.

¹⁵⁴ ADOLF BURGER, *THE DEVIL’S WORKSHOP: A MEMOIR OF THE NAZI COUNTERFEITING OPERATION* 125, 151, 225-27 (2009). See also Richard Sandomir, *Adolf Burger, Printer Forced by Nazis to Counterfeit Cash, Dies at 99*, N.Y. TIMES, Dec. 8, 2016, at D7, <https://www.nytimes.com/2016/12/08/world/europe/adolf-burger-dies.html> [<https://perma.cc/2GHK-L2AY>].

advance meant that they never had time to start production there.¹⁵⁵ A few years later, one of the two other crematorium workers who had escaped execution, a man named Johann Kanduth, was charged for having attempted to negotiate some of these forged notes. When questioned, he said he obtained them from his friend David Zimet.¹⁵⁶

One of Mauthausen's most famous inmates was Simon Wiesenthal who, after stays in other concentration camps, was interned in Mauthausen for the last three months of the camp's existence.¹⁵⁷ He too made his way to Linz, where he soon found work and purpose with the American Counter-Intelligence Corps, assisting in the investigation and bringing to trial of war criminals.¹⁵⁸

In the immediate aftermath of the war, he encountered a fellow survivor of Mauthausen, David Zimet, with whom he was at first on friendly terms. However, as Wiesenthal interviewed survivors from Tarnów, he heard statements from them about Zimet's brutality.¹⁵⁹ In late June 1945, Wiesenthal apprehended Zimet with the assistance of two military policemen for war crimes prosecution,¹⁶⁰ but Zimet was held for only five or six days before being set free. As one of the few surviving crematorium workers, Zimet was a valuable informant for American war crimes prosecutors, and there seemed to have been little enthusiasm in the American zone of occupation for trying Jewish collaborators.¹⁶¹ Zimet's own recollection was that Wiesenthal had him placed in protective custody against his wishes because "die Juden wollen mich lynchen."¹⁶²

On the Soviet side, where official history described the Holocaust in Marxist terms that ignored its antisemitic ideology and the Jewish identity of victims, there was more willingness to treat Jewish collaborators as war criminals.¹⁶³ In the aftermath of the war, another veteran

¹⁵⁵ *Id.*

¹⁵⁶ ADCJA CJC DA.3.1 Zimet Files 5, 16 (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

¹⁵⁷ SIMON WIESENTHAL, JUSTICE NOT VENGEANCE 12-13, 28-34 (Ewald Osers trans., 1989).

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at 341.

¹⁶⁰ ADCJA CJC DA.3.1 Zimet Files 5, 16, (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

¹⁶¹ ADCJA CJC DA.3.1, Zimet Files 5, 16, (May 8, 1952) (Wiesenthal letter to Ludmer), (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath) at 3.

¹⁶² "The Jews wanted to lynch me." ADCJA CJC DA.3.1 Zimet File 17, part 1, (n.d.) (letter from Zimet to Saul Hayes).

¹⁶³ See, e.g., Tanja Pentec, *Local Collaborators on Trial: Soviet War Crimes Trials Under Stalin (1943-1953)*, 49 CAHIERS MONDE RUSSE 341, 353-55 (2008).

of the Tarnów ghetto's Jewish police force, Max Zimmerman, was hung by the Russians in Poland on complaints of wartime brutality by ghetto residents.¹⁶⁴ He had served under Zimet's command in the Jewish police force.¹⁶⁵ Like Zimet, Zimmerman was sent to Płaszów after the final liquidation of the Tarnów ghetto.¹⁶⁶ He was a kapo there and administered lashings as punishment to other camp inmates.¹⁶⁷ According to Zimet, one of the allegations against Zimmerman was that he disclosed the location of a secret Jewish bunker to the Germans after the ghetto was liquidated and while he was living in Kraków, presumably meaning while he was in the Płaszów camp.¹⁶⁸ Zimmerman's sister Rosa survived the war; she too would later emigrate to Montreal.¹⁶⁹

According to Wiesenthal, Zimet was asked to appear before a Jewish honor court, run by the Jewish Central Committee for the American zone in Austria, but he refused to cooperate in the process.¹⁷⁰

Although Zimet was released from prison, Wiesenthal continued to gather evidence against him from other Tarnowers arriving in Linz. Zimet learned of this and decided to confront Wiesenthal.¹⁷¹

The accounts of the confrontation given by Wiesenthal over the course of four decades differ in incidental details. In letters and a declaration from 1952, Wiesenthal described how Zimet came to his office in Bindermichl early one morning, locked the door, and threw himself on Wiesenthal, hitting him so hard that he started bleeding. Wiesenthal yelled out, his neighbours broke down the door, the police were called, and Zimet was arrested.¹⁷² Thirty-seven years later, Wiesenthal wrote of how Zimet came to Wiesenthal's room sometime in

¹⁶⁴ KORNBLUTH & KORNBLUTH, *supra* note 108, at 103; ADCJA CJC DA.3.1 Zimet File 17, part 2, (Sept. 17, 1953) (Examination of Dr. Victor Ramshit); ADCJA CJC DA.3.1 Zimet Files 6, 17, (June 22, 1953) (Rosa Zimmermn-Dubinsky letter to CJC).

¹⁶⁵ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 21, 1953) (Zimet Letter to "Jewish Congress" headed "Betr Heimkerer von Russland").

¹⁶⁶ *Id.*

¹⁶⁷ CROWE, *supra* note 95, at 265.

¹⁶⁸ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 21, 1953) (Zimet Letter to "Jewish Congress" headed "Betr Heimkerer von Russland").

¹⁶⁹ ADCJA CJC DA.3.1 Zimet Files 6, 17, (June 22, 1953) (Rosa Zimmermn-Dubinsky letter to CJC).

¹⁷⁰ ADCJA CJC DA.3.1 Zimet File 16, part 3, (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

¹⁷¹ *Id.*

¹⁷² *Id.*; ADCJA CJC DA.3.1 Zimet File 16, part 3, (May 8, 1952) (letter from Simon Wiesenthal to E.I. Ludmer of Tarnover and Province Landsmanshaft, Manfred Saalheimer transl.).

1946 and tried to attack him with a knife, only to have Wiesenthal throw an inkwell into Zimet's face and yell for help.¹⁷³ There is no dispute, however, that Zimet was convicted of an assault on Wiesenthal and sentenced to three months in Linz' District Court Prison beginning April 24, 1946.¹⁷⁴ According to Wiesenthal, it was the only time in his career as a war crimes investigator and Nazi hunter that he was ever physically attacked.¹⁷⁵

One of Zimet's fellow prisoners was a Greek man named Christian Gustos, serving time for black marketeering.¹⁷⁶ Gustos had also survived Mauthausen, where he had been brutalized by Zimet.¹⁷⁷ He returned the favour, beating up Zimet in the Linz prison.¹⁷⁸

During Zimet's internment, Wiesenthal gathered more evidence from other Tarnowers of Zimet's crimes during the war in order to submit the evidence to American authorities.¹⁷⁹ Zimet knew or suspected that Wiesenthal would do this; while still in prison he sent a letter to the state attorney seeking to be interviewed with respect to the possible charges of war crimes, writing that it was urgent that he be interviewed even before his release from prison, "since my witnesses who are foreigners and Jews are about to leave Austria."¹⁸⁰

There appears to have been no response to the letter. On the day scheduled for Zimet's release, Wiesenthal was waiting outside with American officials who were there to take him to an internment camp for war criminals.¹⁸¹ However, Zimet had been let go a few days early for good behavior. He left for the Belgian city of Antwerp before Wiesenthal or the Americans knew he was out of prison.¹⁸²

¹⁷³ WIESENTHAL, *supra* note 157, at 341-42.

¹⁷⁴ ADCJA CJC DA.3.1 Zimet Files 1, 17, (May 23, 1946) (Document of Release issued by the Director of the Prison of Linz on the Danube).

¹⁷⁵ WIESENTHAL *supra* note 157, at 341.

¹⁷⁶ ADCJA CJC DA.3.1 Zimet File 5, part 1, (Nov. 28, 1952) (letter from Wiesenthal to Ludmer).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ ADCJA CJC DA.3.1 Zimet Files 1, 5, (July 18, 1946) (formal statement sworn by five refugees who knew Zimet either in Tarnów or Mauthausen).

¹⁸⁰ ADCJA CJC DA.3.1 Zimet File 1, (May 9, 1946) (letter from Zimet to State Attorney Dr. Zarl).

¹⁸¹ ADCJA CJC DA.3.1 Zimet File 1, (May 23, 1946) (Document of Release issued by the Director of the Prison of Linz on the Danube); ADCJA CJC DA.3.1 Zimet File 5, part 1, (May 8, 1952) (letter from Wiesenthal to Ludmer) (copy in Zimet File 16, part 3).

¹⁸² *Id.*

In Antwerp he reconnected with his brother, Osjasz Zimet, whom he had apparently not seen since Osjasz left Poland for Antwerp in 1925.¹⁸³ When the Germans invaded Belgium, Osjasz had fled to France, placing his three children in hiding with different Christian families while he survived underground, according to his own account working with the Resistance in southern France from 1940 to 1945.¹⁸⁴ He was interned in a French concentration camp, Camp de Vernet, from December 1943 to January 31, 1944.¹⁸⁵

Other members of Zimet's family, including a cousin named Isaac who was with Zimet in the Gusen camp, had also made their way to Antwerp after the war.¹⁸⁶ Osjasz, his wife, and three children emigrated from Antwerp to Quebec in 1948, where they joined a relative who owned a Jewish resort in Sainte Agathe des Monts that catered to vacationing Yiddishophones from Montreal.¹⁸⁷ Osjasz soon moved to Montreal where he set up a kosher catering business, Canadianized his name to Oscar, and began the process of sponsoring his brother to come and join him.¹⁸⁸

As he was going through the immigration process, Zimet gathered attestations from people who knew him during the war. One, from the Siedman family, says that he helped the occupants of a secret bunker escape just before the Germans arrived;¹⁸⁹ another, from Lisa Schweber, explained how he helped her and her family escape the first

¹⁸³ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Apr. 4, 1955) (letter from Oscar Zimet to Canadian Jewish Congress).

¹⁸⁴ On his work with the resistance, CJC DA.3.1 Zimet File 5, part 1, (1952) (draft affidavit of Oskar Zimet). On the experience of Osjasz's son Ben as a hidden child during the war, see Ben Zimet, *Un Enfant De la Corrèze* [Audio CD] (2014); Zimet & Grabowska, *infra* note 187; and Infolive tv, "*JUIF? Selon Ben Zimet*", YOUTUBE (Dec. 6, 2016), <https://www.youtube.com/watch?v=-Ai76Mf7IUQ> [<https://perma.cc/VBL6-QNL2>].

¹⁸⁵ CAMP DU VERNET: FICHES INDIVIDUELLES DES INTERNES (1940-1944), *microformed on RG-43.142M*, Memorial to the Shoah, Centre de Documentation Juive Contemporaine (U.S. Holocaust Mem'l Museum, Washington, D.C.).

¹⁸⁶ ADCJA CJC DA.3.1 Zimet File 17, part 1, (Jan. 5, 1946) (letter to "Dear Cousin David").

¹⁸⁷ Ben Zimet & Katell Grabowska, *Une biographie originale de Ben Zimet*, 2017, www.benzimet.com/biographie (last visited Sept. 26, 2019) (no longer online; copy in author's possession).

¹⁸⁸ *Id.*; ADCJA CJC DA.3.1 Zimet File 6, part 1, (Apr. 4, 1955) (letter from Oscar Zimet to Canadian Jewish Congress); ADCJA CJC DA.3.1 Zimet File 5, part 1, (1952) (draft affidavit of Oskar Zimet); *Advertisement for Continental Caterers*, CANADIAN JEWISH REV., 11 (July 6, 1951).

¹⁸⁹ ADCJA CJC DA.3.1 Zimet File 2, (Feb. 14, 1950) (deposition of Lieba Seidman, translated from German).

mass *aktsia* from the ghetto in June 1942.¹⁹⁰ The Schweber attestation confirmed that he participated as a policeman in that first major round-up of ghetto Jews.¹⁹¹

At that time, Canada's immigration policies nominally prohibited Nazi collaborators from becoming permanent residents; but the policy was not uniformly enforced, there was no standardized screening process to identify collaborators, and Canadian visa officers had considerable discretion as to whom they would admit.¹⁹² If there were any questions raised about his past by Canadian immigration, the attestations must have eased the process. Zimet began a new life in Montreal, arriving on April 5, 1951.¹⁹³ By the end of that year, he was married to a woman named Etta, who had extended family in Montreal.¹⁹⁴ A Jewish immigrant aid organization, the ORT Federation, helped him find part-time work as a physical education instructor for Montreal's YMHA ("Young Men's Hebrew Association"), starting there in October 1951.¹⁹⁵ He tried to go into business with a partner, running a Jewish resort like the one his brother worked in when he first arrived in Canada. However, any hopes he may have had to, as he explained, "earn my bread in peace and forget in part the suffering" were quickly dashed.¹⁹⁶

¹⁹⁰ ADCJA CJC DA.3.1 Zimet File 2, (Feb. 24, 1950) (certificate of Liba Schweber, translated from German).

¹⁹¹ *Id.* (Schweber gives the date of the round-up as June 11, 1942).

¹⁹² See *Canada (Minister of Citizenship and Immigr.) v. Vitols*, [1998] F.T.R. 161 (Can.); see also *Canada (Minister of Citizenship and Immigr.) v. Dueck*, [1998] F.T.R. 1 (Can.).

¹⁹³ ADCJA SR 0123, (May 30, 1954) (audio recording of the Zimet trial at approximately 50:00); ADCJA SR 0140, (May 17, 1953) (audio recording of the Zimet trial at 15:00); see also ADCJA CJC DA.3.1 Zimet File 15, part 1, (May 7, 1953) (handwritten notes of defence counsel presentation). ADCJA CJC DA.3.1 Zimet File 5, part 1, (n.d.) (unsworn draft affidavit of Oskar Zimet) instead mentions that Zimet arrived in the year 1950.

¹⁹⁴ ADCJA CJC DA.3.1 Zimet File 5, part 3, (May 5, 1952) (letter from Zimet to Saul Hayes); *Social Notes*, CANADIAN JEWISH REV., Jan. 19, 1962, at 10 (both indicating that his wife had long-standing ties of family and friendship to Canadian Jews, suggesting that she had spent the war in Canada rather than Europe); ADCJA CJC DA.3.1 Zimet File 5, part 2, (Oct. 30, 1952) (letter from Zimet to Saul Hayes). Etta's given name is taken from Lovell's directories, which show an Etta Zimet living at the same address as David. LOVELL'S MONTREAL DIRECTORY *infra*, note 379.

¹⁹⁵ ADCJA CJC DA.3.1 Zimet File 5, part 4, (n.d.) (handwritten note on a squib 'from Saul Hayes'). "ORT," originally a Russian language acronym, is sometimes referred to as the Canadian Organization for Rehabilitation through Training.

¹⁹⁶ ADCJA CJC DA.3.1 Zimet File 5, part 4, (Oct. 4, 1952) (letter from Zimet to Saul Hayes, translated by Manfred Saalheimer).

There were no lynchings of Nazi collaborators in Canada, but memories of suffering and hatred did not end with the war and could flare up in violent confrontations. On June 4, 1950, a year before Zimet came to Canada and about two weeks before Krieger first spied Mittelman outside his Brooklyn fish store, survivors and a collaborator confronted each other in a Montreal park.¹⁹⁷ A man named Mychaelo Lebia, or Michael Lebid, who was admitted to Canada as a war refugee, was watching a soccer game at Fletcher's Field (now Parc Jeanne-Mance). One of the people in the crowd recognized the man, who had been a mayor of a Polish town before the war and who after the German invasion was allegedly placed in charge of an extermination camp by the Germans. The witness told the friends who were there with him, and one of them went to confront Lebia.¹⁹⁸ Although the man tried to deny his identity, he was beaten up by one or more people in the crowd; afterward, some of them followed him home, discovered where he worked, and confirmed his identity. The story of the confrontation was written up in the *Montreal Gazette*; Lebia fled, abandoning his job and residence, and could no longer be found. The Canadian Jewish Congress became involved, interviewing witnesses and trying to discourage newspaper reporters from publishing anything further on the story while reporting the matter to the RCMP and responding to inquiries from the Department of Citizenship.¹⁹⁹

By 1951, there were a number of people in Montreal who could recognize David Zimet. Tarnów survivors emigrated to Montreal after the war, the bulk of them in the years 1948 and 1949, enough to form a small community. In 1949, the Tarnover Landsmanshaft of Montreal was founded; by 1952, it had grown to have a Toronto branch and was renamed the Tarnover and Province Landsmanshaft of Canada.²⁰⁰ At its height, it had a membership of about 100 people or households.²⁰¹

¹⁹⁷ *On and Off the Record*, THE MONTREAL GAZETTE, June 6, 1950, at 9; *On and Off the Record*, THE MONTREAL GAZETTE, June 10, 1950, at 18; ADCJA CJC CA-39-413, "Nazi War Criminals in Canada": (June 19, 1950) (letter from C. E. S. Smith, Dep't of Citizenship and Immigr., to Saul Hayes), (June 23, 1950) (letter from Saul Hayes to C. E. S. Smith), (June 8-24, 1950) (memorandum re Michael Labet).

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ Per the organization's letterhead: e.g., ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 21, 1952) (A. Klein for Tarnover Landsmanshaft to Saul Hayes).

²⁰¹ Myra Giberovitch, *The Contributions of Montreal Holocaust Survivor Organizations to Jewish Communal Life* 115, 119 (1988) (M.S.W. Thesis, McGill Univ. Sch. Soc. Work); Interview by Myra Giberovitch of Salek Sporn (July 19, 1988) (transcript pp. 1A-12, 13), in *Contributions of Montreal Holocaust Survivor*

Some of the members emigrated to Canada before the war, but 80% were war victims.²⁰²

Tarnowers began making complaints about Zimet to the Landsmanshaft; even a visitor from Connecticut, who was born in Tarnów and saw Zimet waiting for a streetcar on Montreal's Park Avenue, reported it to their attention. As the visitor explained, "I would recognize his face in the biggest crowd."²⁰³ Landsmanshaft members brought Zimet's past to the attention of the YMHA, and in February of 1952 he was let go from his work.²⁰⁴ According to the YMHA, somewhat disingenuously, he "was released due to no fault of his own, but based on economic reasons alone."²⁰⁵ The chairman of the Landsmanshaft, in contrast, would later say that Zimet felt "the hand of the Tarnower Landsmanshaft" when he was dismissed from his employment.²⁰⁶ Mrs. Perelman, the woman with whom Zimet intended to start a Jewish resort, was told of his past and his business relationship with her fell through.²⁰⁷ His brother Oscar was approached by someone he knew through his catering business who told him that it would be better for all concerned if David left town.²⁰⁸ Zimet applied for a visa to travel to the United States; the consulate refused to issue him one because, so Zimet wrote to the Canadian Jewish Congress, there was a record

Organizations to Jewish Communal Life [textual record, sound recording] ADCJA CJC P17/08 File 9.

²⁰² Per the Secretary of the Landsmanshaft, A. Klein: ADCJA CJC DA.3.1 Zimet File 5, part 4, (Nov. 11, 1952) (handwritten notes of meeting).

²⁰³ ADCJA CJC DA.3.1 Zimet File 5, part 1, (June 19, 1952) (affidavit of Jacob Birnhak).

²⁰⁴ ADCJA CJC DA.3.1 Zimet File 5, part 3, (May 5, 1952) (letter from Zimet to Saul Hayes); ADCJA CJC SR0123, (May 30, 1954) (audiotape of hearing at 50:00).

²⁰⁵ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Feb. 29, 1952) (letter from Moe Spiegel, Director, Physical & Health Education Program, YM-YWHA of Montreal); *but see*, ADCJA CJC SR 0123, (May 30, 1954) (audiotape of Zimet hearing at 50:00) (Joe Cohen expressing skepticism about the YMHA explanation during the hearing).

²⁰⁶ ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1952 – Apr. 21, 1955) (Record of Proceedings. "Eleventh and Final Session") at 8.

²⁰⁷ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Nov. 19, 1952) (Zimet letter to Hayes); ADCJA CJC DA.3.1 Zimet File 15, part 1, (May 28, 1954) (handwritten notes of trial session) at 12.

²⁰⁸ ADCJA CJC DA.3.1 Zimet File 5, part 1, (unsworn 1952 draft affidavit of Oscar Zimet).

indicating that the police in Linz wanted to prosecute him for murder (“todschlag”).²⁰⁹ He blamed this on Wiesenthal.²¹⁰

Both sides were motivated to have the matter proceed to a judicial resolution: Zimet, to clear his name, and the members of the Tarnower Landsmanschaft, who saw a finding against him as leading to deportation from Canada to Poland where he would stand trial for war crimes.

IV. THE TRIAL OF DAVID ZIMET

1951 would have seemed like an auspicious year for those who, like Simon Wiesenthal, believed that Jewish collaborators should be tried as war criminals. The year before, Israel passed legislation on genocide and crimes against humanity, giving its courts jurisdiction to prosecute Nazi collaborators living in Israel.²¹¹ Several Israeli citizens were put on trial under the law and one was sentenced to death, a sentence that was later commuted.²¹² The accused Israelis included former ghetto police officers: the commandant of the police force in the Ostrowiec ghetto was indicted in Tel Aviv in September 1950, and one of the policemen who had served under him was indicted in the same court twelve months thereafter.²¹³

In Montreal, however, it was David Zimet who took the steps that brought him before a court, seeking vindication. On December 12, 1951, he wrote a letter to E. I. Ludmer, the vice-president of the Tarnover Landsmanschaft with whom he had struck a passing acquaintance, asking for a trial so that he should “have the opportunity once and for

²⁰⁹ ADCJA CJC DA.3.1 Zimet File 5, part 3, (May 5, 1952) (letter from Zimet to Saul Hayes); Wiesenthal’s declaration suggests Zimet may have been instead wanted in connection with the missing forged currency of Project Bernard, mentioned above, ADCJA CJC DA.3.1 Zimet File 16, part 3, (Nov. 28, 1952) (Simon Wiesenthal, Declaration in Lieu of Oath).

²¹⁰ *Id.*

²¹¹ Michael J. Bazyler & Julia Y. Scheppach, *The Strange and Curious History of the Law Used to Prosecute Adolf Eichmann*, 34 *LOY. L.A. INT’L & COMPAR. L. REV.* 417, 455 (2012).

²¹² ADCJA CJC DA.3.1 Zimet File 14, (Nov. 27, 1951) (*Charge Withdrawn in War Crime Trial*, JERUSALEM POST); ADCJA CJC DA.3.1 Zimet File 14, (Jan. 5, 1952) (*Nazi Collaborator Sentenced to Die*, unsourced newspaper clipping,); and DAN PORAT, *BITTER RECKONING: ISRAEL TRIES HOLOCAUST SURVIVORS AS NAZI COLLABORATORS* (2019).

²¹³ Rivka Brot, *The Gray Zone of Collaboration and the Israeli Courtroom, in JEWISH HONOR COURTS: REVENGE, RETRIBUTION AND RECONCILIATION IN EUROPE AND ISRAEL AFTER THE HOLOCAUST* 327, 332 (Laura Jockusch & Gabriel N. Finder eds., 2015).

all to close the mouths of the slanderers.”²¹⁴ In the letter, he said that he was proud of his behaviour in Tarnów, that he had saved several lives, and that: “I was several times beaten up by the Germans when I defended as much as I could the Jews of Tarnow.”²¹⁵

Ludmer approached the Canadian Jewish Congress on behalf of the Landsmanshaft, and by January of 1952, Congress was taking steps to investigate the matter. Ludmer provided the names of ten potential witnesses, and Congress wrote to each of them, asking that they come to the CJC office in order to prepare sworn affidavits.²¹⁶ The Landsmanshaft also began to gather evidence from abroad, contacting Jews from Tarnów living in Poland, the United States, and Israel, and reaching out to Simon Wiesenthal in Austria.²¹⁷ Wiesenthal would send a detailed account of his own experiences with Zimet, along with the affidavits and other evidence that Wiesenthal had earlier gathered with a view to prosecuting Zimet for war crimes.²¹⁸

At the same time, Zimet was also contacting Congress directly, beginning with a phone call on January 23, 1952.²¹⁹ At a meeting with Manfred Saalheimer on February 1 at the CJC offices, Zimet explained that he knew people accused him of brutalities and asked that a court hearing be held at which he could clear his name.²²⁰ On March 21, Saalheimer confirmed to him that Congress would hold a hearing, optimistically saying that it would take place in the next few weeks.²²¹

Saalheimer would be the staff person at Congress responsible for the overall management of the case, liaising with the judges, meeting with the parties, and keeping track of correspondence. Born in Germany, he was a lawyer there until Hitler came to power.²²² He

²¹⁴ *Id.*

²¹⁵ ADCJA CJC DA.3.1 Zimet File 4, (Dec. 12, 1951) (letter from Zimet to Ludmer, translated by CJC).

²¹⁶ ADCJA CJC DA.3.1 Zimet File 14, (n.d.) (list and notes); ADCJA CJC DA.3.1 Zimet File 5, part 1, (Jan. 14, 1952) (Hayes letter to witnesses), (Jan. 31, 1952) (Saalheimer memorandum to Hayes).

²¹⁷ ADCJA CJC DA.3.1 Zimet File 5, part 1, (June 5, 1952) (Saalheimer memorandum to Hayes).

²¹⁸ ADCJA CJC DA.3.1 Zimet File 5, part 1, (Nov. 28, 1952) (Wiesenthal letter to Myerson).

²¹⁹ ADCJA CJC DA.3.1 Zimet File 5, part 4, (n.d.) (handwritten note from Zimet).

²²⁰ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Feb. 13, 1952) (memorandum from Saalheimer to Hayes).

²²¹ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Mar. 21, 1952) (memorandum from Saalheimer to Hayes).

²²² Biographical information on Saalheimer from: “*In Kanada gestorben*”, MAIN-POST (Würzburg), July 25, 1967 (copy in Manfred Saalheimer Collection, AR 3616, “Manfred Saalheimer, 1933-1957”, Box 1, Folder 1, Leo Baeck Institute Repository,

continued work with Jewish community institutions in Hitler's Reich until the outbreak of the war, when he escaped to England. Like many other German Jews in Britain, he was sent to Canada as an enemy alien and interned in Canada with German prisoners of war.²²³ Released after three years of internment, he started working for the Canadian Jewish Congress in 1942, and among other positions he served after the war as the Canadian director of the United Restitution Organization, helping survivors to make claims for indemnification and restitution against the German government.²²⁴ He was involved with refugees in other ways, helping run a settlement program for children admitted to Canada under a war orphans program.²²⁵ As the Zimet case progressed, he was the person who would translate Zimet's letters to Congress from Zimet's "sketchy" German into English.²²⁶

Once it was agreed that a hearing would be held, Zimet began making demands. As a term of his participation, Zimet insisted on his right to counsel, including the right to have a lawyer appointed for him by the Canadian Jewish Congress if he did not obtain one on his own.²²⁷ Zimet believed he should receive damages in libel for the allegations that were made against him by the Tarnowers, and in late March wrote to Saalheimer insisting that the Landsmanshaft deposit security for potential damages with the tribunal in the amount of \$2,500, a demand that Congress found unreasonable and the Landsmanshaft refused.²²⁸ Zimet continued to work with Congress but would revive his demand in a different form later.

New York, <https://archive.org/details/manfredsaalheimerf001/mode/1up?view=thater>); ADARA GOLDBERG, *HOLOCAUST SURVIVORS IN CANADA: EXCLUSION, INCLUSION, TRANSFORMATION, 1947-1955* 79 (2015); ELI GOTTESMAN, *WHO'S WHO IN CANADIAN JEWRY* 423 (1965). On internment of German and Austrian Jews in Canada during the war, see GOLDBERG *supra*, at 27-32; Elise Bigley, "Enemy Aliens" *Research Guide* (2016, updated 2021), VANCOUVER HOLOCAUST EDUC. CENTRE, <https://www.vhec.org/wp-content/uploads/EnemyAlien-Research-Guidev42021.pdf> [<https://perma.cc/CK67-4HTU>].

²²³ *Id.*

²²⁴ *Id.*

²²⁵ GOLDBERG, *supra* note 222, at 78-79; Sheena Trimble, *Sortir de l'ombre: Canadiennes juives engagées dans le mouvement d'orphelins (1947-1949)*, 24 *CANADIAN JEWISH STUD. / ÉTUDES JUIVES CANADIENNES* 124 (2016).

²²⁶ "Sketchy," ADCJA CJC DA.3.1 Zimet File 5, part 2, (Manfred Saalheimer's "Translator's Remark" to letter of November 19, 1952).

²²⁷ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Mar. 1952) (letter from Zimet to CJC).

²²⁸ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Mar. 1952) (letter from Zimet to CJC); ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 7, 1952) (letter from Hayes to Klein); ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 18, 1952) (memorandum

Much of 1952 was spent working out the procedural details of the trial, what charges would be laid, and sorting out the wording of an arbitration agreement. The Tarnowers wanted from Congress a commitment to refer any guilty verdict to the Department of Immigration with a request to have Zimet deported.²²⁹ This was a realistic goal: the Department was issuing deportation notices to survivors for reasons that included misrepresentation on their immigration applications.²³⁰ There was also American precedent. In the summer of 1952, probably unknown to the Tarnowers, the U.S. Immigration and Naturalization Services arrested a recent immigrant who had been a Jewish policeman of Poland's Piotrków ghetto and started deportation proceedings against him over complaints that during the war he brutalized ghetto residents and extorted money and valuables from them.²³¹ Reporting Zimet would have been consistent with CJC policy, which was to inform the government of any Nazi infiltrators among the immigrants whom they were assisting.²³² However, the Tarnowers were not given any commitment; they were told that the final decision would have to be left to Congress' executive committee.²³³

There were no binding precedents on how to hold a war crimes trial, and the people involved had to make decisions on the most basic procedural issues. What languages would the case proceed in and

from Saalheimer); ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 21, 1952) (letter from Klein to Hayes); ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 23, 1952) (letter from Hayes to Zimet).

²²⁹ ADCJA CJC DA.3.1 Zimet File 5, part 3, (June 5, 1952) (memorandum from Saalheimer to Hayes); ADCJA CJC DA.3.1 Zimet File 7, (1952) (Agreement of Submission to Arbitration).

²³⁰ Ellen Scheinberg & Stephen Scheinberg, *One Bright Light: The Canadian Jewish Community and the Threat of Deportation, 1946-1956*, 15 CANADIAN JEWISH STUD. / ÉTUDES JUIVES CANADIENNES 75, 84-85 (2007).

²³¹ *In Re Jonas Lewy, Order of Special Inquiry Officer* (June 23, 1955), Immigration and Naturalization Service file A-7407454; 2013.532.1, Suzanne Weiss Collection, United States Holocaust Memorial Museum Archives, Washington D.C., <https://collections.ushmm.org/search/catalog/irn59207#?rsc=180767&cv=0&c=0&m=0&s=0&xywh=-2387%2C-1%2C7596%2C3604>; ALLAN A. RYAN, JR., QUIET NEIGHBORS: PROSECUTING NAZI WAR CRIMINALS IN AMERICA 34-35 (1984).

²³² ADCJA CJC Zimet File 14, (June 14, 1953) (National Minutes of Canadian Jewish Congress Executive Committee); see also Antoine Burgard, 'The Fight on Educating the Public to Equal Treatment for All Will Have to Come Late': Jewish Refugee Activism and Anti-Immigration Sentiment in Immediate Post-War Canada, 34 LONDON J. CANADIAN STUD. 103 (2019) (on the relationship between CJC and the Immigration Branch in the post-war period).

²³³ ADCJA CJC DA.3.1 Zimet File 5, part 3, (June 5, 1952) (memorandum from Saalheimer to Hayes).

would there be translators?²³⁴ The witnesses to Zimet's actions were former refugees scattered all over the globe. Would the criminal rules of evidence apply, or would witnesses in Israel and Eastern Europe be allowed to make depositions?²³⁵ Would the case be like a civil trial, in which the judges adjudicated a dispute between the Landsmanshaft and Zimet, or would it take the form of a criminal prosecution in which CJC or the Jewish community as a whole would place Zimet on trial?²³⁶ What punishment, if any, could be imposed? The Landsmanshaft suggested holding a jury trial, in which Zimet would select nine jurors from a pool of thirty.²³⁷ However, it was ultimately decided that the case would be heard by a panel of three judges composed of two rabbis and a lawyer, much like the conduct of the American Jewish Congress trial.

The panel was selected in the summer of 1952, consisting of Rabbis Samuel Cass and Lavy Becker, and criminal defence lawyer Joe Cohen. Unlike the one that heard the *Krieger v. Mittelman* case in New York, this panel included members with direct experience of the beginning of the Holocaust and its aftermath.

One of the rabbis, Samuel Cass, had been a Canadian army chaplain in Europe from 1942 through 1946. When the Canadian army liberated Belgium and the Netherlands, he worked with the Jewish survivors of the camps, assisting on his own initiative in the provision of food and clothing to them in the immediate aftermath of the war. He collected donations from Canadian army soldiers and appropriated items from captured enemy stores, helped survivors connect with other living family members, and helped to rebuild Jewish organizational life.²³⁸ Four years after his release from service, his wartime

²³⁴ ADCJA CJC DA.3.1 Zimet File 14, (n.d.) (handwritten note).

²³⁵ ADCJA CJC DA.3.1 Zimet File 16, part 1, (Aug. 18, 1952) (minutes of meeting of judges with lawyers for the parties).

²³⁶ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 21, 1952) (Klein to Hayes), (June 5, 1952) (Saalheimer memorandum to Hayes).

²³⁷ ADCJA CJC DA.3.1 Zimet File 14, (undated handwritten note); ADCJA CJC DA.3.1 Zimet File 5, part 3, (June 5, 1952) (Saalheimer memorandum to Hayes).

²³⁸ Richard Menkis, "*But You Can't See the Fear That People Lived Through*": *Canadian Jewish Chaplains and Canadian Encounters With Dutch Survivors, 1944-45*, 60 AM. JEWISH ARCHIVES J. 25 (2008); LAWRENCE TAPPER, CASS, SAMUEL, MG 30 D225, NAT'L ARCHIVES OF CANADA FINDING AID NO 1017 (1994); see Samuel Cass, *A Record of a Chaplain's Experience, World War II 1942-46* 31-33 and appendix I, Daily Record 452 (Aug. 1950) (Ph.D. thesis, Jewish Theological Seminary of America) (discussing captured enemy stores) (thesis on file Samuel Cass fonds, MG 30 D225, Volume 9, Library and Archives Canada, Ottawa, Ontario).

experiences became the basis of his PhD thesis.²³⁹ When the trial began, he was working at McGill University with the Jewish campus organization Hillel International and served as the chairman of the Canadian Jewish Congress' Religious Welfare Committee.²⁴⁰

The other rabbi, Lavy Becker, was a social worker who had worked with the Joint Distribution Committee as the country director for displaced persons in the American Zone of Occupation, overseeing the provision of aid to the survivors living in displaced persons camps in Germany.²⁴¹ He participated in synagogue services with the survivors and performed marriages for them. After his return to Montreal, he gave speeches in Canada and the United States to inform North Americans about the plight of Jewish refugees in Europe.²⁴²

The lawyer on the panel, Joe Cohen, had no direct experience with the European Holocaust but a lot of experience in the law. In 1951, he had been in practice for almost forty years as a criminal defence counsel.²⁴³ He taught evidence law at McGill University's law school, served for a time in the 1930s as a Member of Provincial Parliament, and defended a communist Member of the Canadian Parliament, Fred Rose, against charges of espionage.²⁴⁴

The Landsmanshaft was represented by a lawyer who took a deep personal interest in the case and the issues surrounding it, Moishe Myerson. He was an officer in the Royal Canadian Air Force during the war and, after he left the service but before the war ended, he wrote a book entitled *Germany's War Crimes and Punishment*, in which he put forward a legal and philosophical brief arguing for the collective responsibility of the German nation for the crimes committed under

²³⁹ Cass, *supra* note 238, at 31-33.

²⁴⁰ Resumé circa 1953, Samuel Cass fonds, MG 30 D225, Volume 20, file 13-1, Library and Archives Canada, Ottawa, Ontario.

²⁴¹ Sharon Gubbay Helfer, Lavy's Shul: A Canadian Experiment in Reconstructionism 94-103 (2006) (Ph.D. thesis, Concordia Univ.) (on file with Concordia Univ. Spectrum Rsch. Repository, <https://spectrum.library.concordia.ca/id/eprint/9281/1/NR23837.pdf> [<https://perma.cc/7YHZ-T63Z>]).

²⁴² *Id.*

²⁴³ Nebbs, *infra* note 244.

²⁴⁴ Eric Hutton, *Courtroom Secrets of a Master Lawyer*, MACLEAN'S (Nov. 8, 1958), <https://archive.macleans.ca/article/1958/11/8/courtroom-secrets-of-a-master-lawyer> [<https://perma.cc/W25P-P44A>]; Stewart Nebbs, 'Joe' Cohen Celebrates 50th Year as Lawyer, MONTREAL STAR, Jan. 23, 1963, at 18; Famed Criminal Lawyer Joseph Cohen, 82, Dies, MONTREAL STAR, Sept. 25, 1973, at 3; Leon Levinson, Funeral Service Set Today for Lawyer Joseph Cohen, MONTREAL GAZETTE, Sept. 26, 1973, at 5; and, on his defence of Fred Rose, MERRILY WEISBORD, THE STRANGEST DREAM 160-66 (1983).

the leadership of the Nazi regime.²⁴⁵ In a letter to CJC Executive Director Saul Hayes, he described the Zimet case as “of probably greater historical value than a vast number of the things that we are doing in our ordinary daily activities” and wrote that the trial could be a “historical occurrence for Canadian Jewry.”²⁴⁶

On August 18, 1952, the judges and Saalheimer met with Myerson to sort out the procedure that the trial would follow.²⁴⁷ They decided that the strict rules of evidence would not apply, and that affidavit or other documentary evidence could be admitted, subject to arguments about the weight that should be attached to evidence that could not be tested by cross-examination.²⁴⁸ This was an important point in a trial where the witnesses were scattered across three continents speaking at least four languages, one that would still be a concern in war crimes trials decades later. Unlike in a common law criminal trial, the judges would be given the option of three different verdicts: guilty, innocent, and the “Scotch verdict” of not proven. Hearings were to be held in the absence of the press and were to be recorded, with the defence having the right to ask that the recordings be destroyed later if necessary.²⁴⁹ Indemnities would have to be given, so that judges, lawyers, and witnesses could not be later sued for defamation. The decision would be based neither on Jewish or Canadian law and would be free of formalism. The Landsmanschaft would draw up a bill of particulars setting out the charges to be met. At that time, they expected the hearing to last only one day.²⁵⁰

Zimet signed the agreement to arbitrate on September 16, 1952, but he continued to vacillate over whether he would participate in the hearing, threatening to withdraw his consent to the arbitration and instead sue his accusers for libel in the civil courts.²⁵¹ In a series of letters, written immediately before and over the course of the proceedings, his stance towards the Tarnowers came through strongly. He did

²⁴⁵ MOSES HYMAN MYERSON, *GERMANY'S WAR CRIMES AND PUNISHMENT: THE PROBLEM OF INDIVIDUAL AND COLLECTIVE CRIMINALITY* (1944).

²⁴⁶ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 5, 1953) (letter from Myerson to Hayes). The letter as typed reads as a “historical occurrence for a Canadian jury;” a handwritten margin note suggests that this is a typo for Canadian Jewry.

²⁴⁷ ADCJA CJC DA.3.1 Zimet File 5, part 1, (Aug. 18, 1952) (minutes of the meeting).

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Oct. 4, 1952) (Zimet letter to Hayes), part 2, (Oct. 30, 1952) (Zimet letter to Hayes), part 1, (Dec. 4, 1952) (Myerson letter to Saalheimer).

not accept their right to accuse him because, he claimed, they were people who fled the German invasion and spent the war in the Soviet Union.²⁵² They were communists, persecuting him for various ill-defined reasons relating to old grudges. Implicit in his statements was the belief that as a concentration camp survivor, he was a true victim and had faced experiences of which they had no conception. He suggested, in a demand for the names of the witnesses against him, that “the accusers are recruited from former ghetto offenders whom I punished in conscientious execution of my office and that the whole accusation is personal vengeance of some individuals”²⁵³

Less than three weeks after he signed the arbitration agreement, on October 4, Zimet threatened to withdraw unless the bill of particulars setting out the charges against him was delivered within one week.²⁵⁴ On October 30, he threatened to sue his accusers for libel unless he received the bill of particulars in two weeks.²⁵⁵

Congress made available to Zimet a pro bono lawyer, Joseph Caplan.²⁵⁶ The parties and their lawyers met with the judges again on November 11 to sort out further procedural details concerning the bill of particulars that the Tarnowers had prepared.²⁵⁷ Zimet wanted to have in writing not just the charges against him but the names of the witnesses making the accusations against him. Cohen asked him openly whether he wanted their names so he could sue them for libel and indicated that in criminal procedure there was no standard procedure that names of witnesses be disclosed in advance. It was decided that the particulars were to be amended in accordance with the discussions, and the Tarnowers were to disclose the nature of their evidence to Zimet four weeks in advance of the hearing date to be scheduled.²⁵⁸ Zimet’s claim of libel is lost in the shuffle; at the end of the meeting,

²⁵² This assertion was not accurate. His accusers included those who had been deported to concentration camps, such as the witness Abraham Suss. ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 28, 1953) (handwritten notes of trial sessions) at 5; ADCJA CJC DA.3.1 Zimet File 5, part 2, (Jan. 31, 1952) (affidavit of Abraham Suss).

²⁵³ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Oct. 30, 1952) (Zimet to Hayes).

²⁵⁴ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Oct. 4, 1952) (Zimet to Hayes).

²⁵⁵ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Oct. 30, 1952) (Zimet to Hayes).

²⁵⁶ ADCJA CJC DA.3.1 Zimet File 5, part 4, (Nov. 11, 1952) (handwritten notes of meeting).

²⁵⁷ *Id.*

²⁵⁸ *Id.*

he said that he wanted to know about how his own accusations would be handled and was told that they were irrelevant to the meeting.²⁵⁹

Perhaps as an excuse to back out of a hearing, Zimet wrote to Congress on November 19 to revive his demands for a monetary deposit, insisting on cash payments in advance from those Tarnowers who had not been inmates of concentration camps.²⁶⁰ On November 26, 1952, he wrote to Congress again stating that he would not deal with the Tarnowers unless his material losses were covered and would instead hand over the matter to lawyers to be dealt with in a lawsuit through the civil law courts.²⁶¹ “However,” he wrote, “if the worthy Congress is interested in bringing the truth to light, I will present myself at any time and any Jew can bring an accusation against me but I shall sue for libel those who make false statements.”²⁶²

Both sides expressed dislike for the idea of treating the litigation as if it were a civil dispute between two opposing sides. In April 1952, the Landsmanshaft wrote that “[w]e cannot recognize the accused as a ‘party’. The subject matter is not a personal one but relates to the martyrology of our people.”²⁶³ Twelve days later, Zimet, claiming that the Tarnowers acted wrongly in complaining about him to his employers at the YMHA, wrote that: “I refused to deal with the Tarnower Landsmanshaft and I ask you kindly to put me before a Tribunal which shall judge all my actions during the war.”²⁶⁴ In December he revived his concerns, indicating that he would not participate in litigation with the Tarnowers but would be willing to appear before Congress “to answer such accusations as any Jew would see fit to bring against him.”²⁶⁵

Zimet’s demands would have made it easy for Congress to simply refuse to hear the case. However, Saul Hayes, CJC’s executive director, floated the idea to Saalheimer that he would like to proceed with the hearing even if Zimet refused to participate.²⁶⁶

The litigation was reframed as the actions of an investigatory tribunal, more akin to a criminal than a civil proceeding, in which the

²⁵⁹ *Id.*

²⁶⁰ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Nov. 19, 1952) (Zimet to Hayes).

²⁶¹ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Nov. 26, 1952) (Zimet to Hayes).

²⁶² *Id.*

²⁶³ ADCJA CJC DA.3.1 Zimet File 5, part 3, (Apr. 21, 1952) (Klein to Hayes).

²⁶⁴ ADCJA CJC DA.3.1 Zimet File 5, part 3, (May 5, 1952) (Zimet to Hayes).

²⁶⁵ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Dec. 26, 1952) (Saalheimer memorandum to Hayes).

²⁶⁶ ADCJA CJC DA.3.1 Zimet File 5, part 2, (Nov. 14, 1952) (Hayes memorandum to Saalheimer).

Landsmanshaft would take a prosecutorial role but would not be a party, a fine distinction that became of little matter as the hearing progressed.²⁶⁷

The first session of the court was scheduled for Sunday, April 12, 1953.²⁶⁸ Each side advised the court of the witnesses they wanted to call, and Cohen sent out letters to each witness asking them to attend.²⁶⁹ The Bill of Particulars alleged that Zimet whipped ghetto residents, that he disclosed the location of bunkers in which Jews were hiding from the Nazis, that he beat to death a ghetto resident named Srulik Fenig-Mantel, that he snatched food from Jewish people trying to bring food into the ghetto, that he beat a second man named Feiner to death as a block warden in the concentration camps, that he robbed people of their possessions and stole gold teeth from corpses in the crematorium, and that he fled justice by leaving Austria for Belgium.²⁷⁰

Zimet continued to go back and forth about participating in the hearing, calling Congress on January 22, 1953, to say that "he was no longer interested in a Tribunal," that he would ask his own Society, perhaps meaning the Landsmanshaft for Jewish immigrants from Lodz,²⁷¹ to hold a hearing, and that he "expects to take non-Jewish lawyer as no Jew wants to accept."²⁷² The chairman of the Tarnower Landsmanshaft told Congress they wanted "a tribunal to deal with the evidence with or without Zimet's presence, with a view to handling matter over to Immigration Dept,"²⁷³ and Hayes warned Zimet repeatedly that Congress would proceed with the hearing whether or not he

²⁶⁷ ADCJA CJC DA.3.1 Zimet File 5, part 1, (June 5, 1952) (Saalheimer memorandum to Hayes).

²⁶⁸ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Apr. 3, 1953) (Cohen letter to Becker, Caplan, Cass and Myerson).

²⁶⁹ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Apr. 3, 1953) (Cohen letter to witnesses).

²⁷⁰ ADCJA CJC DA.3.1 Zimet File 5, part 4, (Oct. 27, 1952) (Bill of Particulars).

²⁷¹ The Lodzer Farband of Montreal, established in 1953: Myra Giberovitch, *The Contributions of Montreal Holocaust Survivor Organizations to Jewish Communal Life* 116 (1988) (M.S.W. Thesis, McGill Univ. Sch. Soc. Work).

²⁷² ADCJA CJC DA.3.1 Zimet File 6, part 1, (June 22, 1953) (handwritten note of telephone conversation).

²⁷³ ADCJA CJC DA.3.1 Zimet File 6, part 1, (June 26, 1953) (handwritten note).

was in attendance,²⁷⁴ advising that Caplan would act as his defence counsel if he did not have his own lawyer.²⁷⁵

Hayes wrote to counsel for the Landsmanschaft that “[w]hile it is, of course, impossible to make a certain prediction when you deal with a person as unusual as this man we have the distinct impression that he will appear at the hearing since he considers it in his own interest to do so.”²⁷⁶ Finally, on March 21, 1953, Zimet confirmed that he would attend the April 12 hearing and asked that Caplan be his lawyer.²⁷⁷ On the day of court, he signed an addendum to the arbitration agreement. It stipulated that he withdrew his earlier letters resiling from the agreement and confirmed that he would pay any award of damages ordered.²⁷⁸

Zimet had requested that five supporting witnesses be in attendance, including his brother Oscar.²⁷⁹ However, Oscar declined to appear. He wrote to Cohen to say that he had left Poland in 1925 and spent the war years with the French underground in southern France, and so had no contact with Zimet, or knowledge of his activities, in the years from 1925 to 1947.²⁸⁰ Zimet gathered other testimonials of support. Johann Kanduth, his fellow *sonderkommando*, wrote how the Jews assigned to crematorium work were “fed quite insufficiently,” and that he kept Zimet alive by sharing his own rations with him. Notwithstanding Zimet’s desperate need, he saw Zimet passing some of this extra food on to his comrades, and “[f]or this reason, I appreciate Mr. Zimet as a man of humane character” who “helped his coreligionists whenever he was able to do so.”²⁸¹ A man from Chicago wrote

²⁷⁴ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Jan. 30, 1953 & Mar. 18, 1953) (Hayes letter to Zimet).

²⁷⁵ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 18, 1953) (Hayes letter to Zimet).

²⁷⁶ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 13, 1953) (Hayes letter to Myerson).

²⁷⁷ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 21, 1953) (Zimet letter to Hayes).

²⁷⁸ ADCJA CJC DA.3.1 Zimet File 7, (Oct. 8, 1952) (Agreement of Submission to Arbitration).

²⁷⁹ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Mar. 21, 1953) (Zimet letter to Hayes).

²⁸⁰ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Apr. 4, 1953) (Oscar Zimet letter to Cohen).

²⁸¹ ADCJA CJC DA.3.1 Zimet File 17, part 1, (Sept. 11, 1952) (Hans Kanduth, Declaration in Lieu of Oath).

how Zimet saved the life of the man's wife at the expense of being beaten by the Gestapo and endangered his own life to help others.²⁸²

Five sessions of the court were held in the Spring and Summer of 1953.²⁸³ Witnesses testified to how Zimet used a whip or a rubber hose on residents of the Tarnów ghetto and in the Mauthausen camp, a contention bolstered by written statements from other survivors.²⁸⁴ Zimet did not deny this. As he put it, the police force did not take rabbis.²⁸⁵ He described the violence as a necessary part of the job, saying that he struck people who deserved it, but not frequently, mentioning having hit a person who abused a ten-year-old girl. When people left their houses against the orders of the Gestapo there was danger of great bloodshed, and his maintenance of order helped prevent worse violence. He said he knew the psychology of the Germans, and that he was a good policeman, able to work with both Jews and Nazis.²⁸⁶ Witnesses testified that it was common knowledge in the ghetto that Zimet beat one resident, Sruлик Fenig-Mantel, so badly that he died from his injuries; one witness said he saw the beating, another that he saw Fenig-Mantel injured in the hospital.²⁸⁷ Zimet claimed that Fenig-Mantel was beaten in a confrontation with other policemen and recovered from his injuries; according to him he saw the boy leave on the final transport of September 1942.²⁸⁸ However, a photograph of the inscription on Fenig-Mantel's memorial tablet was presented as evidence that he died in the ghetto, not a camp.²⁸⁹ Zimet denied taking gold teeth from the bodies in the crematorium, saying that they were

²⁸² ADCJA CJC DA.3.1 Zimet File 17, part 1, (Aug. 31, 1952) (Emil Schweber to CJC).

²⁸³ ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1953 – Apr. 21, 1955) (Record of Proceedings).

²⁸⁴ ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, notes submitted to the Board of Arbitrators in the case of Zimet) at 1-3.

²⁸⁵ ADCJA CJC SR 0012, (June 6, 1954) (audiotape of Zimet Trial, Myerson submissions at 38:00).

²⁸⁶ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten notes of trial proceedings, Zimet's testimony on cross-examination by Myerson) at 10.

²⁸⁷ ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, notes submitted to the Board of Arbitrators in the case of Zimet) at 3-4.

²⁸⁸ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (handwritten notes of trial proceedings) at 9, May 30, 1954) (handwritten notes of trial proceedings) at 12; ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, notes submitted to the Board of Arbitrators in the case of Zimet) at 4.

²⁸⁹ ADCJA CJC DA.3.1 Zimet File 16, part 3, (translation from Polish of inscription); ADCJA CJC DA.3.1 Zimet File 15, part 1 (May 30, 1954) (Record of Proceedings, Seventh Session).

extracted by a German dentist and no prisoner benefited.²⁹⁰ One witness testified that he had been beaten about the head by Zimet so badly that he required stitches and showed the court the scars left on his head.²⁹¹

Meanwhile, the Landsmanshaft coordinated their efforts with Tarnower survivors living in Poland, Israel, and the United States.

On June 17, 1953, three survivors of the Tarnów ghetto appeared at a public sitting of the Tarnów District Court and testified before a judge concerning David Zimet.²⁹² They stated that he had tortured Jews, that he had disclosed the locations of bunkers where Jews were hiding to the Gestapo, and he had also turned over to them a Jewish woman who lived outside the ghetto on Aryan papers.²⁹³ Other testimonies collected by the Montreal Landsmanshaft from Tarnowers in America, Poland, and the Soviet Union were declared before a notary under oath²⁹⁴ or sent in the form of a letter;²⁹⁵ but these three witnesses gave their testimony in open court all on the same day, indicating that they had done so to have the court lay charges in absentia against Zimet. According to the cover letter from Lipek Gottlob, who transcribed the records of their testimony from the official court minutes and provided them to the Tarnowers in Montreal, he was told in court that if he could provide a photo and current address for Zimet to the office of prosecution, they would request that he be extradited to Poland as a war criminal, independent of the outcome of the CJC trial.²⁹⁶

In support of his innocence, Zimet sought to rely on the evidence of a doctor named Victor Abend who had lived in Tarnów in the same domicile as Zimet during the war and in 1951 was practicing as a

²⁹⁰ ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 10, 1953) (handwritten notes of trial proceedings) at 10.

²⁹¹ ADCJA CJC SR0012, (June 6, 1954) (Myerson oral submissions to the tribunal, at 6:00); ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, notes submitted to the Board of Arbitrators in the case of Zimet) at 2.

²⁹² ADCJA CJC DA.3.1 Zimet File 16, part 3, (June 17, 1953) (testimony of Hania Fertig Schildkraut, wife of Naftali Schildkraut); ADCJA CJC DA.3.1 Zimet File 16, part 3, (June 17, 1953) (testimony of Aspis Helena, wife of Mark Kohn); ADCJA CJC DA.3.1 Zimet File 16, part 3, (June 17, 1953) (testimony of Zofia Gottlieb, daughter of Chaim Sussa).

²⁹³ *Id.*

²⁹⁴ ADCJA CJC DA.3.1 Zimet File 16, part 3, (Oct. 7, 1953) (translation of notarized testimony of Dr. H. Wachtel, Stalinograd).

²⁹⁵ ADCJA CJC DA.3.1 Zimet File 16, part 3, (Sept. 29, 1953) (letter from Dr. Jerzy Iwanski, Stalinograd).

²⁹⁶ ADCJA CJC DA.3.1 Zimet File 16, part 3, (June 22, 1953) (letter from Gottlob to "Friend Arnold" translated from Polish).

urologist in Haifa.²⁹⁷ Like many immigrants to Israel, Abend had hebraicized his name, and was known at the time of the trial as Dr. Victor Ramshit, although in later years he again became known as Abend.²⁹⁸ Zimet contended that the doctor's evidence would confirm that he did not kill Srulik Fenig-Mantel because Abend treated Mantel and Mantel lived to be deported from the ghetto to a concentration camp.²⁹⁹

The doctor wrote a letter of support in which he stated that Zimet tried to help ghetto residents and warn them of danger when he could.³⁰⁰ He went beyond that, to say that it was pure fantasy that Zimet ever killed anyone and that he never saw Zimet with a whip in his hand. The doctor had no specific recollection of the name Fenig-Mantel but remembered treating a young man with similar injuries.³⁰¹

As Zimet himself admitted that he carried a whip in the ghetto, Cohen expressed some skepticism about the veracity of the letter.³⁰² To address the concerns, the panel had the doctor deposed in Haifa. They asked a Canadian lawyer living in Jerusalem, Abraham Friedgut of the Zionist Organization of Canada, to travel to Haifa and take a statement from Ramshit under oath.³⁰³

Dr. Ramshit's September 17, 1953, deposition, made originally in the Yiddish language, gives insight into the beliefs of those victims of the war who favored collaboration over resistance, beliefs that now, in the light of our present-day knowledge of war-time events, seem to border on sad absurdity.³⁰⁴ The doctor confirmed that he and his family had lived in the same ghetto home as Zimet. According to him, Zimet had served as a policeman in the Jewish police force under a senior officer named Folkman, who, the doctor attested, "was highly

²⁹⁷ ADCJA CJC DA.3.1 Zimet File 17, part 2, (Jan. 17, 1953) (Ramshit to Zimet, translated from Polish).

²⁹⁸ Miriam Offer, Rachel Herzog, Yaron Pasher & Avi Ohry, *Medicine and Urology in Eretz-Israel in the First Half of the 20th Century and the Shadow of the Holocaust*, in *UROLOGY UNDER THE SWASTIKA* 227, 253 (D. Schultheiss & F. H. Moll eds., 2017) (giving the doctor's name only as Victor Abend).

²⁹⁹ ADCJA CJC DA.3.1 Zimet File 6, part 1, (July 28, 1953) (Hayes letter to Major A. H. Friedgut).

³⁰⁰ ADCJA CJC DA.3.1 Zimet File 17, part 2, (Jan. 17, 1953) (Ramshit to Zimet, translated from Polish).

³⁰¹ *Id.*

³⁰² ADCJA CJC SR 0001B, (audiotape of Zimet trial ("Zimed") at 19:00).

³⁰³ ADCJA CJC DA.3.1 Zimet File 6, part 1, (July 28, 1953) (Hayes letter to Major A. H. Friedgut).

³⁰⁴ ADCJA CJC DA.3.1 Zimet File 17, part 2, (Sept. 17, 1953) (examination of Dr. Victor Ramshit, formerly known as Abend).

respected by both Germans and Jews and had the confidence of both sides.”³⁰⁵ As the doctor explained:

Folkman took strict disciplinary action against any of his officers who acted with undue harshness towards the inhabitants of the Tarnow ghetto. The Germans left the administration of the Tarnow ghetto in the hands of the Jews, who had to maintain order and discipline as far as possible to the satisfaction of the Germans. This was an exceedingly difficult task. It was a difficult community to handle. On many occasions it was necessary for the Jewish police to apply force to prevent the Germans from taking over and applying extreme punitive measures. Jewish police officers sometimes had to administer corporal punishment within sight of the Germans for breaches of order and discipline. Had they not done so the Germans would have intervened, and in that case the result would have been shooting of the victim on the spot.³⁰⁶

The doctor mentioned Max Zimmerman, the Tarnów ghetto policeman who was executed in Poland after the war, and declared that he knew him to be innocent.³⁰⁷ He considered that Zimmerman’s “accusers were motivated by a spirit of revenge against either anyone who failed to help them escape or did anything to curb mischievous conduct that would have brought serious punishment by the Germans not only against the offender but, by way of reprisal, against other, innocent people as well.”³⁰⁸ There is still in his statements the remnants of a disappointed expectation that because he cooperated, he should have received better treatment from the Nazis: “After all my sacrifices as a medical man to the people in Tarnow, including German officials, it was only an accident that prevented my ending up in a crematorium.”³⁰⁹

He continued to have no specific memory of Srulik Fenig-Mantel, but he denied that any ghetto resident died from a beating by the police.³¹⁰ He had a memory of a young boy whose name he did not recall who injured his head and recovered, the implication being that this was Fenig-Mantel.³¹¹

³⁰⁵ *Id.*

³⁰⁶ *Id.*

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ ADCJA CJC DA.3.1 Zimet File 17, part 2, (Sept. 17, 1953) (examination of Dr. Victor Ramshit, formerly known as Abend).

³¹¹ *Id.*

Although the court had intended to hold its next session on August 24, 1953,³¹² the hearing went into abeyance for the better part of a year, in part due first to delays in obtaining the deposition from Dr. Ramshit and then to the illness of the Tarnowers' lawyer.³¹³ During that time, Zimet became aggressive about his own libel claims; a woman named Sophie Mangel wrote to Congress complaining that a lawyer for Zimet threatened to sue her for defamation.³¹⁴

Court resumed in the Spring of 1954, with four more sessions held in May and June. Indications of brutality appeared during Zimet's cross-examination. Asked about one blow administered to a ghetto resident, Zimet dismissed the seriousness of it, describing it dismissively as "a scratch;" but then, asked if it was bloody, he replied "yes."³¹⁵ New witnesses who came forward were heard from, and the depositions obtained by the Tarnowers from Poland and elsewhere were put into evidence.

Myerson gave his submissions on behalf of the Landsmanshaft in the eighth and ninth sessions of the court.³¹⁶ One exchange between Myerson and Cohen epitomized the debate over the culpability of wartime collaborators. Myerson explained how he had discussed the case with a rabbi who told him that Jewish law recognized the dignity of each individual so that one has no right to save one's own life at the expense of another's.³¹⁷ The rabbi had quoted to Myerson from the Gemara, "who is to say if your blood is redder than his?" Cohen wryly responded, "did he also tell you what he would do under these circumstances?"³¹⁸

Myerson's submissions at times brought applause from the Tarnowers in the audience; he openly cautioned his clients that this was too serious a matter for such reactions.³¹⁹ One can hear on the

³¹² ADCJA CJC DA.3.1 Zimet File 15, part 1, (July 2, 1953) (Record of Proceedings, Fifth Session).

³¹³ ADCJA CJC DA.3.1 Zimet File 6, part 1, (Aug. 20, 1953) (Hayes letter to Friedgut); ADCJA CJC DA.3.1 Zimet File 8, (Mar. 4, 1954) (unsigned note to A. Sporn), (Nov. 17, 1954) (Saalheimer letter to Cohen).

³¹⁴ ADCJA CJC DA.3.1 Zimet File 6, part 2, (Nov. 16, 1953) (Mangel to Director of Jewish Congress).

³¹⁵ "Nach, a scratch!" "Was blutik?" "Yo." ADCJA CJC SR 00123, (May 30, 1954) (audiotape of Zimet Trial, at 19:00).

³¹⁶ *Sanhedrin*; ADCJA CJC SR 0001A, (June 17, 1954) (audiotape of Zimet ("Zimed") trial at 27:00).

³¹⁷ *Sanhendrin* 74a.

³¹⁸ *Id.*

³¹⁹ ADCJA CJC SR 0012, (June 6, 1954) (audiotape of Zimet Trial at 26:00).

audiotape repeated muttering from the body of the court, while other audience members tried to quiet them with shushing sounds.³²⁰

Towards the end of his submissions, Myerson commented that “when a person betrays his people, his flesh and blood, you cannot sit quiet and rest,” and cannot use the plea of expediency.³²¹ The statement brought further clapping and outbursts. Cohen admonished the crowd, telling them that it was the lawyer’s turn to speak and that if there were other outbursts the people would have to go outside.³²²

Caplan, Zimet’s court-appointed lawyer, began his submissions at the end of the ninth day of the hearing, stressing that normal yardsticks of behaviour could not apply in the universe of the concentration camp, where “human beings were debased to the level of beasts.”³²³ There was disruption from the Tarnowers in the audience during his submissions,³²⁴ some of it directed at the judges as well as at Caplan. One of the rabbis on the panel seemed to plead with the crowd, responding to remarks from the body of the courtroom that were not captured on audiotape:

I do not think that we can as judges act in a fair manner if accusation is hurled at us. And that is what Mr. Sporn [the president of the Landsmanshaft] has just done, in accusing us as he has been doing in the rear. Now don’t tell me what they meant or didn’t mean, we can only judge by what they said. And if they want us to act as judges should act, they can’t have put themselves in the position of accusing us of being unable to act that way. Then the whole court case is something that cannot be done altogether.³²⁵

Caplan did not finish his submissions and the remainder of his presentation was adjourned to the next attendance. However, that session could not be completed.³²⁶

Instead, as the hearing resumed for its tenth session, Caplan continued quoting from the decision of the American Jewish Congress in the *Krieger v. Mittelman* case. The tape from that day of hearing does

³²⁰ ADCJA CJC SR 0012, (June 6, 1954) (audiotape of Zimet Trial).

³²¹ ADCJA CJC SR 0001A, (June 17, 1954) (audiotape of Zimet trial at 42:00).

³²² *Id.*

³²³ ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1953 – Apr. 21, 1955) (record of proceedings, “Ninth Session,” and handwritten notes of trial proceedings at 14-15).

³²⁴ ADCJA CJC DA.3.1 Zimet File 9, (Apr. 12, 1955) (Zimet to Cohen).

³²⁵ ADCJA CJC SR 0001A, (June 17, 1954) (“Zimed” audiotape at 45:00).

³²⁶ ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1953 – Apr. 21, 1955) (record of proceedings, Tenth Session).

not survive, but we know from the *Krieger* decision itself that many of the comments in it about the memories of camp inmates and the exculpation of collaborators could be deeply offensive to survivors. According to the written record of proceedings, “[a]bout ten minutes after the beginning of the session interruptions occurred on the part of the members of the Tarnower Landsmanschaft. The chairman attempted to restore order. When the interruptions did not stop after three admonitions the chairman adjourned the hearing, sine die.”³²⁷ In later correspondence amongst Saalheimer and the judges, the disruption is referred to repeatedly as “the incident,” suggesting something more was involved than just a noisy disruption, but the nature of the incident is never made clear.³²⁸ The court would not meet again for more than a year.

The last session of the court was finally scheduled for April 21, 1955, with no one other than the lawyers and their instructing clients to be admitted to the hearing. Notwithstanding this precaution, Zimet met with CJC executive director Saul Hayes to say that he was withdrawing from the arbitration because of the incidents that had happened at the last two sessions and requested the return of the personal documents that he submitted to the Tribunal.³²⁹ Saalheimer drafted for him a letter to this effect, which Zimet signed.³³⁰ A letter from Cohen warning that the hearing would proceed in his absence did not change his mind.³³¹ When the hearing resumed on April 21, Caplan confirmed to the court that his client “phoned him to the effect that he would not attend this or any other hearing any more.”³³² On behalf of the panel, Joe Cohen ruled that Zimet had no right to resile from the arbitration contract and that the hearing would reach a conclusion with or without him, mentioning later that the conclusion of the hearing was in the public interest. Although Myerson had already made legal submissions on behalf of the Tarnowers, the chairman of the Landsmanschaft made his own further submissions to the panel, summarizing the oral evidence and written statements, referring to recent articles in the

³²⁷ *Id.*

³²⁸ ADCJA CJC DA.3.1 Zimet File 8, (Nov. 22, 1954) (Cass to Cohen); ADCJA CJC DA.3.1 Zimet File 8, (Nov. 17, 1954) (Saalheimer to Cohen); ADCJA CJC DA.3.1 Zimet File 8, (Nov. 25, 1954) (Cohen to Saalheimer).

³²⁹ ADCJA CJC DA.3.1 Zimet File 9, (Apr. 12, 1955) (note from Saalheimer to Cohen, appended to letter of that date from Zimet to Cohen).

³³⁰ ADCJA CJC DA.3.1 Zimet File 9, (Apr. 12, 1955) (Zimet to Cohen).

³³¹ ADCJA CJC DA.3.1 Zimet File 9, (Apr. 15, 1955) (Cohen to Zimet).

³³² ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1953 – Apr. 21, 1955) (“Eleventh and Final Session,” record of proceedings).

Yiddish press about the role of collaborators in the camps, and demanding that Zimet be punished by ostracism from the Jewish community.³³³ A new piece of evidence from Poland, a letter from a woman who said that in 1942 she was hit in the face by Zimet and then kicked by him in the stomach after she fell to the earth, was put into the record.³³⁴

Caplan then spoke briefly on behalf of his absent client and agreed to continue to act as *amicus curiae*, as he and Myerson agreed to provide final written submissions to the court. Caplan's comments indicate the way Zimet presented in court: "[a]s a Jew, my sympathy definitely lies with the prosecution. My heart bleeds as much as Sporn's [president of the landsmanshaft] for the millions of Jews that were persecuted and slaughtered in Europe. I have no sympathy for Zimet. He is a rough, tough, individual and he can take care of himself," then adding in response to the reaction from the audience "just a moment. Whether he is guilty or not is something else."³³⁵ He requested the people in court not to extend their hostility to the witnesses who were called to testify by the defence at the trial.³³⁶

Myerson filed his written submissions on May 17, 1955.³³⁷ After summarizing the evidence, he discussed how the nature of antisemitism led individual Jews to bear collective responsibility for all Jewry because, as unjust as it might be to do so, each Jewish person was treated as if he were a representative of the group.³³⁸ In response, so his analysis went, Jews developed an attitude of denying any criticism of other Jews, what he described as "a 'defence attitude' against anything 'bad' that took place in the Jewish Community."³³⁹ He argued that the same moral repugnance that prevented Jews from forgiving Germans should also mean that Jews should not:

[C]ondone or overlook the same act when perpetrated by a Jew The Germans now say to us – 'forgive and forget' – 'you forgive and we will forget.' We reject this advice. In spite of all the pacifying acts on the part of the government of West Germany, and our sense of approval of such acts, we

³³³ *Id.*

³³⁴ ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1953 – Apr. 21, 1955) (handwritten notes of trial proceedings) at 16.

³³⁵ ADCJA CJC SR 0002B, (Apr. 21, 1955) (audiotape of Zimet trial at 33:00).

³³⁶ ADCJA CJC SR 0002B, (Apr. 21, 1955) (audiotape of Zimet trial at 34:00).

³³⁷ ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, notes submitted to the Board of Arbitrators in the case of Zimet).

³³⁸ *Id.*

³³⁹ *Id.*

still feel, that is every Jew feels, a deeply rooted hatred against the Germans. We must react with even greater vehemence against our own traitors.³⁴⁰

In his oral submissions, Myerson had stressed that these were not arguments he was making only to this court, and that he had taken the same position in a talk before the Canadian Legion concerning German war reparations.³⁴¹ Whatever one may think of his purporting to speak for the moral sentiments of every single member of the Jewish collectivity, it is clear that, for Myerson and as he maintained many others, the Holocaust was not something forgotten amidst 1950s prosperity.

Two days after Myerson filed his submissions, a person from the German consulate in Montreal called Saalheimer to ask about the progress of the case. A member of the public had informed the consulate that Zimet was a Nazi collaborator, something that would negate his entitlement to reparation payments from the German government.³⁴²

Caplan appears to have filed no written submissions on behalf of Zimet; there is no record of them in the archives of the case.

The date of June 23 was set for the judges to meet and deliberate over their decision, but it was canceled by Joe Cohen.³⁴³ Hayes suggested to Cohen that perhaps the case should not proceed given Zimet's withdrawal.³⁴⁴ Then on September 15, the West German consulate in Montreal followed up on their telephone inquiry of Saalheimer with a formal letter to Cohen, requesting the decision of the court to use in deciding whether the German government should stop paying reparations to Zimet.³⁴⁵ Cohen passed the letter on to Saalheimer, writing that it was imperative that the panel reach a decision, and suggesting that Saalheimer "obtain from Saul Hayes a directive insofar as the attitude of Congress is concerned in order that the three judges could bear that in mind when coming to a decision."³⁴⁶ Dates

³⁴⁰ ADCJA CJC DA.3.1 Zimet File 10, (May 17, 1955) (M.H. Myerson, notes submitted to the Board of Arbitrators in the case of Zimet) at 7.

³⁴¹ ADCJA CJC SR 0001A, (June 17, 1954) (audiotape of Zimet Trial at 38:00).

³⁴² ADCJA CJC DA.3.1 Zimet File 9, (May 19, 1955) (Saalheimer to Cohen).

³⁴³ ADCJA CJC DA.3.1 Zimet File 9, (June 17, 1955) (confirmation of date).

³⁴⁴ ADCJA CJC DA.3.1 Zimet File 9, (July 6, 1955) (Saalheimer memorandum to Hayes).

³⁴⁵ ADCJA CJC DA.3.1 Zimet File 9, (Sept. 13, 1955) (Steinke to Cohen).

³⁴⁶ ADCJA CJC DA.3.1 Zimet File 9, (Sept. 15, 1955) (Cohen to Saalheimer).

were set for the judges to meet in October and November, but there is no indication that the meetings were ever held.³⁴⁷

Time passed. The lawyer for the Tarnowers wrote to Joe Cohen asking about the progress of the decision writing, while Rabbi Becker suggested to Cohen that the panel meet to finally resolve the case.³⁴⁸ On May 16, 1956, Cohen wrote to Saalheimer, mentioning that his conscience had been bothering him about the delay in coming to a decision and asking Saalheimer to arrange a date for a conference of the judges.³⁴⁹

The judges met privately with Saalheimer to discuss the verdict on May 22.³⁵⁰ Their findings, set out in a draft judgment, were that Zimet entered the Jewish police force voluntarily and served in it until shortly before the ghetto population was liquidated; that he carried a whip and used it on the ghetto populace; and that the allegation he had disclosed the location of a bunker appeared to have been proven but that the evidence on this, including the recordings of evidence given at the hearing, had to be reviewed by the judges at a further meeting.³⁵¹ The other charges – stealing food, beating Fenig-Mantel and another person to death, stealing gold teeth from corpses – were considered not proven. With respect to Zimet's damage claim, the panel agreed that "[w]hatever damage Mr. Zimet may have sustained he has suffered not without some justification."³⁵² The final decision would not specify any punishment, and the CJC executive committee would be asked to advise about the final form of the judgment and how or whether it should be published.³⁵³

When the date for the return meeting of the panel arrived, Cohen was too sick to attend.³⁵⁴ In his absence, the two other judges met together with the executive director of the CJC, Saul Hayes. They agreed that Zimet disclosed to the Germans the location of a bunker where Jews were hiding but considered it possible that Zimet may have had

³⁴⁷ ADCJA CJC DA.3.1 Zimet File 9, (Oct. 4, 1955) (Cohen to Cass and Becker), (Nov. 4, 1955) (Cohen to Cass and Becker).

³⁴⁸ ADCJA CJC DA.3.1 Zimet File 11, (May 16, 1956) (Cohen to Saalheimer).

³⁴⁹ *Id.*

³⁵⁰ ADCJA CJC DA.3.1 Zimet File 15, part 2, (June 1, 1956) (Saalheimer to Cohen); ADCJA CJC DA.3.1 Zimet File 15, part 2, (May 22, 1956) (meeting minutes).

³⁵¹ *Id.*

³⁵² *Id.*

³⁵³ *Id.*

³⁵⁴ ADCJA CJC DA.3.1 Zimet File 11, (June 18, 1956) (minutes of the Committee of Arbitrators).

some justification or excuse for doing so.³⁵⁵ They were still in agreement that Zimet's claim for damages from the Tarnowers should be rejected, but they softened the wording of their reasons, removing any reference to justification and simply saying it was because the Tarnowers did not act with malice.³⁵⁶ The decision would only make findings about what Zimet had done, but not the context of his actions; it would not discuss whether the extreme circumstances in which the Jews were placed by Nazi domination should be allowed as exoneration. The decision, when finalised, was to be provided first to the executive committee of the CJC and then sent by registered mail to Zimet and the Landsmanschaft.³⁵⁷

Samuel Cass prepared the first draft of the decision, which was sent to Joe Cohen for review ten days after the second meeting. The rabbi especially wanted Cohen's input into any justification to be given for Zimet's disclosure of the location of the hidden bunker.³⁵⁸

And there the matter sat. Zimet called Congress in July of that year, again demanding the return of the documents he had submitted to the panel.³⁵⁹ He retained a new lawyer, Alderic Deschamps, to make the same demand formally of Joe Cohen.³⁶⁰ Told by Congress that the matter was in its final stages, Zimet said he would give them one more month.³⁶¹ In August, Cohen was away at his cottage; Saalheimer had Cohen's junior lawyer, Fred Kaufman, who was scheduled to visit Cohen there, deliver a letter asking about the progress of the judgment and letting Cohen know how anxious they were to receive it.³⁶² On December 13, 1956, Hayes sent a memo to Saalheimer, saying that the

³⁵⁵ *Id.*

³⁵⁶ *Id.*

³⁵⁷ *Id.*

³⁵⁸ ADCJA CJC DA.3.1 Zimet File 11, (June 28, 1956) (Saalheimer to Cohen).

³⁵⁹ ADCJA CJC DA.3.1 Zimet File 11, (Aug. 9, 1956) (Saalheimer to Cohen).

³⁶⁰ ADCJA CJC DA.3.1 Zimet File 11, (July 18, 1956) (Deschamps to Cohen). Deschamps was, or had been, the federal government's liaison officer for the Department of Citizenship and Immigration, and in that capacity had given a speech at the opening of the new building for Montreal's Jewish Public Library in 1953. Zachary M. Baker, 'Goodly Tent of Jacob, and the Canadian Home Beautiful': *The Jewish Public Library in the Civic Sphere During the 1950s*, 22 CANADIAN JEWISH STUD. / ÉTUDES JUIVES CANADIENNES 54, 65 (2014).

³⁶¹ ADCJA CJC DA.3.1 Zimet File 11, (Aug. 9, 1956) (Saalheimer to Cohen).

³⁶² *Id.* On Kaufman's experiences as Cohen's junior see FRED KAUFMAN, SEARCHING FOR JUSTICE 95-99, 104-05 (2005).

“answer can’t be held any longer.”³⁶³ There is no written reply to that memo and no indication of any further work on the judgment.

In the years that had elapsed since the start of the trial, Canada’s political climate had shifted to the detriment of the Tarnowers.

The aim of the Tarnowers had been to obtain a guilty verdict as a lever to encourage the Canadian government to deport Zimet to Poland, where he would face trial as a war criminal. In 1951, that was a realistic goal. The Cold War was still in its early stages, and the rendition of an immigrant to stand trial for war crimes in his native country was a real possibility. War criminals were sent to Poland by the United States in the immediate aftermath of the war, including Amon Göth, the SS officer who organized and presided over the liquidation of the Tarnów ghetto.³⁶⁴ He was not the only Tarnów war criminal to have been tried in Polish courts; Johan Franke, a member of the Nazi administration of Tarnów, was sentenced to death by a Warsaw court in 1945 for having ordered the execution of Jews during the occupation.³⁶⁵ Rendition of war criminals was still a live issue in 1951, when Canadian newspapers were full of the story of Jacques Dugé de Bernonville, a former police intendant from Lyons condemned to death for war crimes by the French courts who with his family escaped to Quebec under an assumed name. His bid to remain in Canada was a subject of controversy in the press and the House of Commons for years until he chose to escape looming deportation in 1951 by leaving for Brazil, after which his wife and daughters returned to France without him.³⁶⁶ At that time, it was not unreasonable to think that Zimet might also have to face deportation and trial in Poland. By 1956, however, the Cold War was well-established. As the chairman of the Landsmanshaft told the panel of judges at the final court session,

³⁶³ ADCJA CJC DA.3.1 Zimet File 11, (Dec. 13, 1956) (Hayes memorandum to Saalheimer).

³⁶⁴ Komet, *supra* note 73, at 832; BAZYLER & TUERKHEIMER, *supra* note 8, at 105, 107.

³⁶⁵ *German Official Sentenced to Death by Polish Court for Executing Jews in Tarnow*, JEWISH TELEGRAPHIC AGENCY (Sept. 14, 1945), <https://www.jta.org/archive/german-official-sentenced-to-death-by-polish-court-for-executing-jews-in-tarnow> [<https://perma.cc/TG5N-QXE7>].

³⁶⁶ On the Bernonville affair, see Sheena Trimble, *Femmes et politiques d’immigration au Canada (1945-1967): au-delà des assignations de genre?* 289-97 (2015) (Ph.D. thesis, U. d’Angers) (on file at HAL Open Science, <https://tel.archives-ouvertes.fr/tel-01474882> [<https://perma.cc/V8ES-C3CX>]); see also ESTHER DELISLE, *MYTHS, MEMORY & LIES: QUEBEC’S INTELLIGENTSIA AND THE FASCIST TEMPTATION, 1939-1960* 73-156 (1998).

evidence from Poland was not readily accessible,³⁶⁷ a statement that stood in contrast to the way the organization had been able to obtain written statements under oath only three years earlier. The Polish government's own interest in trying war criminals was waning.³⁶⁸ In the United States, the Jewish ghetto policeman from Piotrków against whom proceedings had been brought by Immigration and Naturalization Services was ordered to be deported in 1955 for having "participated in activities contrary to civilisation and human decency in behalf of the Axis countries during World War II."³⁶⁹ However, the process of carrying out his deportation ground almost to a halt for the remainder of the decade, until Poland eventually refused to take him back in 1962.³⁷⁰ As 1956 came to an end, there was little possibility of Canada forcibly sending a Canadian resident to face a criminal trial in an Eastern bloc country.

The Landsmanshaft must have recognized how delay had altered the prospects for achieving their goals. Six years had passed since they initiated their complaint, and they decided they had had enough. The organization's president A. Sporn wrote to Congress on January 10, 1957, accusing the organization and the panel of judges of deliberately stalling the proceedings to the benefit of the accused.³⁷¹ "Presently," they wrote, "what we have to do is take away from you the right to further conduct the matter. You, with your handling, cause us moral pain and you profane the memory of the martyrs."³⁷² Accordingly, "the Tarnover in Montreal sever as of today any communal contact with the Congress."³⁷³

Attempts were made to repair the breach. A meeting was arranged between Sporn and Saul Hayes, but never materialised; Sporn said he arrived at the appointed time to find Hayes absent, Hayes said Sporn was at least twelve minutes late and he could not have waited any

³⁶⁷ ADCJA CJC DA.3.1 Zimet File 15, part 1, (Apr. 16, 1952 – Apr. 21, 1955) ("Eleventh and Final Session," record of proceedings).

³⁶⁸ GABRIEL FINDER & ALEXANDER PRUSIN, *JUSTICE BEHIND THE IRON CURTAIN: NAZIS ON TRIAL IN COMMUNIST POLAND* 213 (2018).

³⁶⁹ *In Re Jonas Lewy*, *supra* note 231, at 11.

³⁷⁰ RYAN, *supra* note 231 (noting that after Lewy won the right to a new trial in 1964 the proceedings against him could not proceed for lack of witnesses, and Lewy lived out the rest of his life in New York).

³⁷¹ ADCJA CJC DA.3.1 Zimet File 12, (Jan. 10, 1957) (Sporn letter to Congress, English translation from CJC files).

³⁷² *Id.*

³⁷³ *Id.*

longer.³⁷⁴ Sporn wrote to Congress the following month, on February 18, stating that “[w]e will not recognize any decision by the tribunal of three in the Zimet matter.”³⁷⁵ He indicated that the long delay in reaching a decision showed that the tribunal lacked the necessary expertise to deal with the case and proposed that it be reorganized with a new judicial panel, replacing two of the members with new judges acceptable to the Landsmanshaft. Failing that, he asked that all the original documents they had submitted as evidence be returned. Sporn concluded:

But if you continue to ignore the matter, and not assume that prominence on which the Jewish Congress should stand, then we will be obliged to hand this matter to the Jewish community in Montreal. But we want absolutely to avoid that, we would prefer not to break with you completely, but you have so handled the matter until now that we do doubt any possibility of a meeting of minds.³⁷⁶

In this last respect, Sporn was right. There is no further correspondence in the case file between CJC and the Landsmanshaft, and no further work on the judgment. Zimet’s original documents had been returned to him at his insistence, and the Landsmanshaft’s documents were returned to them in March of 1957.³⁷⁷

In 1958, Zimet again wrote to the Canadian Jewish Congress, asking for a report on the result of the hearings, perhaps looking for something to show that he was not found guilty of wrongdoing. Executive Director Saul Hayes replied that as the hearings were never completed, “no final decision could be arrived at either to condemn or exonerate you.”³⁷⁸

That year, David Zimet was living at a low-rise apartment building in the Côte des Neiges district of Montreal, and he was listed in the telephone directory as being a salesman, the same profession he

³⁷⁴ ADCJA CJC DA.3.1 Zimet File 12, (Feb. 18, 1957) (Sporn letter to Congress and Hayes, translated from Yiddish by Aaron Krishtalka), (Feb. 22, 1957) (Hayes to Sporn), (n.d.) (Hayes memorandum).

³⁷⁵ ADCJA CJC DA.3.1 Zimet File 12, (Feb. 18, 1957) (Sporn letter to Congress and Hayes, translated from Yiddish by Aaron Krishtalka).

³⁷⁶ *Id.*

³⁷⁷ ADCJA CJC DA.3.1 Zimet File 17, part 1, (Nov. 9, 1956) (receipt signed by Zimet); ADCJA CJC DA.3.1 Zimet File 11, (Nov. 26, 1956) (Deschamps letter to Hayes); ADCJA CJC DA.3.1 Zimet File 12, (March 26, 1957) (receipt signed by Aaron Sporn).

³⁷⁸ ADCJA CJC DA.3.1 Zimet File 13, (Nov. 7, 1958) (Hayes to Zimet).

pursued in Poland in the years between the wars.³⁷⁹ His name does not appear in the directory for 1959. According to an unsigned note in the archival records that may have been written by Lavy Becker, “Zimet died a natural death a short few years” after the case concluded.³⁸⁰ The notation, written on the file folder in which Becker kept his handwritten notes of the trial, also stated that “[d]ecision was never rendered because the accusers disrupted session when facts were being organized by judges.”³⁸¹

V. CONCLUSIONS

When state structured courts no longer meet the needs of individuals and fail to take responsibility for the disputes that matter to people, other courts can arise to fill the vacuum and resolve the problems that the state courts ignore. The Zimet case shows both the need for and the fragility of the structures that evolve in that vacuum. Both sides wanted a judicial arbiter at a time when the courts of Canada had no jurisdiction over crimes committed abroad. Yet, once respect for the court vanished, through delay and changing circumstances, the ability of the court to resolve the situation vanished as well.

David Zimet, like Majer Mittelman, had committed no crime punishable under the laws of the country in which he made his home after the war. Survivors who came to Canada after the war and the longer-established Jewish community of Montreal created their own remedy – an arbitration court whose recommendations could lead to a financial penalty, in the form of loss of German reparation payments, or to possible deportation to the land of Zimet’s birth where he could face the death penalty if found guilty of his crimes. The court had to establish its own procedures for a novel case. They wrestled with evidentiary issues, allowing affidavit evidence as a concession to the reality of dealing with so many far-flung witnesses speaking multiple languages, while using a special commissioner to attend in person and

³⁷⁹ 116 LOVELL’S MONTREAL DIRECTORY/ANNUAIRE MONTRÉALAISE DE LOVELL (John Lovell & Son, Ltd., 1958). The address is 4770 Saint Kevin; he appeared in the 1955 directory at the same address, under the street’s former name of Ridgevale. He moved to that address in 1955: ADCJA CJC DA.3.1 Zimet File 9, (Apr. 21, 1955) (Saalheimer memorandum to file).

³⁸⁰ ADCJA CJC-ZB-Lavy Becker P85/18 (n.d.) (Notes on the Zimet Hearing). The 1961 LOVELL’S DIRECTORY, vol. 119, includes a listing for “Zimmet ———” (sic) at the Saint Kevin street address, first name left blank. A 1962 *Social Notes*, *supra* note 194, says that Etta Zimet of 4770 Saint Kevin attended unescorted at a bar mitzvah of a cousin in Quebec City, consistent with her being a widow.

³⁸¹ *Id.*

verify the affidavit of one foreign witness whose testimony, perhaps even his name, raised questions in the minds of the judges.

Would the Canadian Jewish Congress have ultimately sanctioned Zimet, with the potentially deadly consequence of deportation and trial for war crimes in Poland? The organization kept its cards close throughout, making no commitment to publicize any decision or to refer it to the immigration authorities. The Congress people involved seemed sympathetic to the accusers and put off by the belligerence and suspicion of the accused. Their willingness to consider holding the trial and rendering a verdict in his absence, based on his initial signing of the arbitration agreement, certainly suggests a desire to see the matter through to a conclusion even if any such desire wilted after the loss of faith and subsequent vocal opposition of the Tarnowers. What is significant is that, in the absence of a criminal court to which the case could be brought, survivors pushed for and obtained a path to a remedy that carried the potential for a significant punishment, a remedy that lost its efficacy as the Cold War progressed but that carried real weight for a time.

The case suggests the importance simply of maintaining morale among those who appear as the judges in "People's Courts." The judges in the Zimet case, like the lawyer who acted for Zimet, were volunteers. They acted as judges as part of their unpaid activities with the Canadian Jewish Congress and Jewish community issues, and as most explicitly mentioned by Myerson, out of a sense of the general and historical importance of the case. Once both sides lost confidence in the judges and emphatically expressed their dissatisfaction, the judges' early enthusiasm for trying the case dissipated. It seems likely that the lengthy delays in adjudication happened because the judges themselves became disheartened with the process, worsening an already bad dynamic.

Some historians have argued that post-war North America was forgetful of the Holocaust; that the Holocaust was not a topic of interest for Americans in the postwar period, Jewish or not, except among survivors themselves, and that when discussed it was presented as a universal human tragedy of war rather than a specifically Jewish catastrophe.³⁸² This silence has been attributed to a distaste for being

³⁸² NOVICK, *supra* note 34; FINKELSTEIN, *supra* note 58; ARLENE STEIN, *RELUCTANT WITNESSES: SURVIVORS, THEIR CHILDREN, AND THE RISE OF HOLOCAUST CONSCIOUSNESS* (2014); FRANKLIN BIALYSTOCK, *DELAYED IMPACT: THE HOLOCAUST AND THE CANADIAN JEWISH COMMUNITY* (2000); Max Beer, *The Montreal Jewish Community and the Holocaust*, 26:3 *CURRENT PSYCHOLOGY* 195

seen as victims, to increasing assimilation, and to Cold War politics that prioritized the struggle against communism over memories of the sins of America's new ally, West Germany. Those who accept this account consider survivors to have been largely apolitical, discussing their experience only amongst themselves, until the 1960s when a resurgence of neo-Nazi activity in North America motivated them to become more active in the public forum.³⁸³

Among the various parties involved in the trial, the one who best fit these stereotypes of the post-war cultural environment was David Zimet. He was the only one who wanted to try to forget the Holocaust and focus on making a living in the post-war world, and the one who was taken up with Cold War rhetoric against communism. For the others, judges and parties, it was different. For the rabbis on the panel, Becker and Cass, their experiences helping displaced persons in Europe were significant defining points in their lives, and they continued to write and talk about the experiences of the survivors in the years after the war. Myerson, the Tarnowers' lawyer, was passionate about holding war criminals to account, leading him to speak out on the issues of the Holocaust and reparations in Legion halls as well as the Canadian Jewish Congress courtrooms. He considered his involvement in the Zimet trial to be of historical importance, and it gave him the opportunity to put the arguments he had developed at length in his war-time book into action. The Tarnowers were assertive in seeking a remedy against the man who personified much of the oppression they had suffered. They were not willing to take a back seat to Congress, and they coordinated efforts amongst survivors in five different countries to pursue a man they considered a war criminal. These survivors did not shut themselves off and discuss their painful experiences only amongst themselves; to the contrary, they were insistent on having the established Jewish community acknowledge and share their concerns. They did not wait until the 1960s to make their voices heard; rather, they expressed their anger and moral outrage to Congress and the

(2007). On the historiography of such arguments for a "conspiracy of silence," see HASIA DINER, *WE REMEMBER WITH REVERENCE AND LOVE: AMERICAN JEWS AND THE MYTH OF SILENCE AFTER THE HOLOCAUST, 1945-1962* 1-17, 365-90 (2009); Antoine Burgard, *L'historien face à l'événement et sa mémoire: Peter Novick et la place de la Shoah aux États-Unis*, 24 *BULLETIN D'HISTOIRE POLITIQUE* 177-201 (2016); Norman Erwin, *Confronting Hitler's Legacy: Canadian Jews and Early Holocaust Discourse, 1933-1956*, at 10-25 (2014) (Ph.D dissertation, University of Waterloo) (on file at UWSpace, <https://uwspace.uwaterloo.ca/handle/10012/9013> [<https://perma.cc/V3WT-BYY3>]).

³⁸³ *Id.*

judges strongly and even rowdily, in the end threatening to put Congress' failure before the larger Jewish community.

Along with the involvement of the judges in issues relating to the survivors and refugees came a sensitivity to the way the issues involved in the trial would play out in a public forum. Congress gave priority to behind-the-scenes work with government ministries and eschewed controversial publicity. They might, for example, protest a concert tour by a German musician with Nazi ties,³⁸⁴ but they also tried to put a damper on anything that would indicate Jewish rowdiness or that would make Jewish immigrants look like bad guests. On the matter of the trial, there was no separation between executive and judiciary; Saalheimer kept Hayes fully informed of the trial's progress, Hayes participated in some of the judicial deliberations, and the judges sought guidance from the executive while finalizing their decision. The choice of how or whether to release the panel's findings to the press was always to be left to the executive.

The American Jewish Congress issued a decision in the *Mittelman* trial that could not accept or acknowledge Jewish collaboration. The Canadian decision was not intended to be as evasive, whether because of the differing characters and life experiences of the judges or simply because the allegations against Zimet were more egregious and occurred over a greater span of time, but that does not mean that the concerns of the AJC about the consequences of blaming the victim were not shared. Men like Wiesenthal and Myerson believed that Jews could be morally justified in seeking justice against perpetrators only if they pursued Jewish as well as German criminals, while men like Hayes were alive to the social and political consequences of doing so in a period when a large portion of the public saw Jews as undesirable immigrants.

The Holocaust and the issues arising from it were a passionate concern for everyone involved in the trial. Even if the panel of judges had released their decision, however, the central dilemma posed by the trial would not have been addressed. The judges would have made their findings about some specifics of Zimet's behaviour as a man charged with keeping German order in the Jewish ghetto, but they decided they would not address the context of his actions. The question of how to judge behaviour in the extreme nightmarish circumstances of industrial-scale extermination was one they had no intention of trying to answer.

³⁸⁴ *Jews Asked to Shun Recital Here: Sponsors Say Gieseeking Anti-Nazi*, GLOBE AND MAIL (Toronto), May 28, 1952, at 1.

APPENDIX 1

File records of the Zimet trial proceedings held by The Alex Dworkin Canadian Jewish Archives

CJC-DA 03.1 (17 files) Case vs. David ZIMET (Zimed), former Jewish policeman, Tarnow ghetto 1946-1958

File Code	Paper File Name	Year	Digital File Name
CJC DA 03.1 01	ZIMET (Zimed) case (Tarnow ghetto) - Chronological file	1946	Zimet File 1
CJC DA 03.1 02	Chronological file	1950	Zimet File 2
CJC DA 03.1 03	AJC Arbitration Tribunal	1950	Zimet File 3
CJC DA 03.1 04	Chronological file	1951	Zimet File 4
CJC DA 03.1 05	Chronological file	1952	Zimet File 5, parts 1-4
CJ DA 03.1 06	Chronological file	1953	Zimet File 6, parts 1-2
CJC DA 03.1 07	Agreement of submission to arbitration	1953	Zimet File 7
CJC DA 03.1 08	Chronological file	1954	Zimet File 8
CJC DA 03.1 09	Chronological file	1955	Zimet File 9
CJC DA 03.1 10	Notes submitted by Tarnover landmanshaft	1955	Zimet File 10
CJC DA 03.1 11	Chronological file	1956	Zimet File 11
CJC DA 03.1 12	Chronological file	1957	Zimet File 12
CJC DA 03.1 13	Chronological file	1958	Zimet File 13
CJC DA 03.1 14	Undated		Zimet File 14
CJC DA 03.1 15	Record of Proceedings	1953 - 1955	Zimet File 15, parts 1-2
CJC DA 03.1 16	Prosecution documents		Zimet File 16, parts 1-3
CJC DA 03.1 17	Defense documents		Zimet File 17, parts 1-2