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GERMANY: Jehovah's Witnesses sue museum for archive of Nazi-era abuses

Jehovah's Witnesses sue German museum for archive of Nazi-era abuses

The archive documents the lives and suffering of the Kusserow family, who were among many from the religious group to be persecuted by the Nazis because of their faith.

By Catherine Hickley

New York Times (25.01.2022) – The Jehovah's Witnesses, a pacifist religious group, are pursuing legal action against the German government to claim a family archive that documents the Nazis' persecution of the Christian denomination.

The archive comprises 31 files of documents relating to the Kusserow family, whose members were arrested, imprisoned and murdered by the Nazi regime because of their faith.

It has been held by the Museum of Military History in Dresden, which is operated by the German army, since 2009 when it was purchased from a member of the Kusserow family.

A German regional court rejected the Jehovah's Witnesses' claim last year, saying the museum had purchased the archive in good faith and should keep it. But the religious group is appealing that ruling, arguing that the family member who sold it was not the actual owner of the archive, which had been bequeathed to the Jehovah's Witnesses in the 2005 will of Annemarie Kusserow, the family member who had assembled and maintained the documents.

The museum's retention of the archive, said Wolfram Slupina, a spokesman for the Jehovah's Witnesses in Germany, "deprives us of a significant and invaluable part of our cultural heritage."

The archive documents the lives and suffering of the family of Franz and Hilda Kusserow, devout Jehovah's Witnesses, who were raising their 11 children in a large house in Bad Lippspringe in northern Germany when the Nazis came to power. The Jehovah's Witnesses were the first religious denomination to be banned, and the Kusserows' home was searched for religious materials by the Gestapo 18 times.

In 1939, the three youngest children were abducted from their school and sent to a Nazi training school, where they were denied contact with their family. Franz, Hilda and the other children were all sentenced to prison terms. Two of the

brothers, Wilhelm and Wolfgang, were executed as conscientious objectors.

On April 26, 1940, the evening before he was executed, Wilhelm sent a letter to his family.

“All of you know how much you mean to me, and I am repeatedly reminded of this every time I look at our family photo,” he wrote. “Nevertheless, above all we must love God, as our Leader Jesus Christ commanded. If we stand up for him, he will reward us.”

Wilhelm’s farewell letter – and his brother Wolfgang’s – are among the documents in the family archive.

Some 1,600 Jehovah’s Witnesses died as a result of Nazi persecution. About 4,200 were sent to concentration camps, where they were identified by a purple triangular badge attached to their camp uniforms.

They were the only persecuted people who had the choice of ending imprisonment: If they signed a declaration renouncing their faith, they were liberated. Very few agreed to sign, Slupina said.

Before she died, Annemarie Kusserow, the keeper of the archive, had lent documents to her brother, Hans Werner Kusserow, to make copies for a book he was writing.

Though Annemarie’s will stipulated that the documents should go to the Jehovah’s Witnesses’ headquarters in Selters, a small town northwest of Frankfurt, her brother, who was not a member of the faith, sold them to the Dresden museum for less than \$5,000.

He has also since died; only the youngest child of Hilda and Franz Kusserow, Paul-Gerhard, is still alive. He is 90.

“My brothers died for refusing to participate in military service,” Paul-Gerhard Kusserow said. “I don’t find it proper that this inheritance is stored, of all places, in a military museum.”

A spokeswoman for the Museum of Military History declined to comment on the legal battle. The museum’s permanent exhibition includes two documents from the archive in a section about the Nazis’ victims; four further items, including Wilhelm’s farewell letter, are on display in an exhibit about resistance against the regime, the spokeswoman, Kai-Uwe Reinhold, wrote in an email.

“The inclusion of various objects from the Kusserow archive in the permanent exhibition is of considerable value to the museum and for the public,” Reinhold wrote. “These objects testify to and are a forceful reminder of the fact that religious freedom and steadfast beliefs are not a matter of course, they must be defended and fought for again and again.”

In negotiations before the lawsuit, the Dresden museum offered to provide the religious organization with copies of all the documents in the archive, Slupina said. But the Jehovah’s Witnesses rejected that offer.

A proposal that the museum should loan the group the original documents not on display in Dresden was rejected by the museum’s lawyers, said Armin Pikl, a lawyer for the Jehovah’s Witnesses. The Jehovah’s Witnesses filed suit in April 2021.

The regional court that ruled last year found that Hans Werner Kusserow had not stolen the archive and was rightfully in possession of it at the time of the sale, which was therefore legitimate regardless of who the legal owner was.

But the Jehovah's Witnesses argue that the group was then, and remains, the owner and that the archive was sold without the consent of his surviving siblings or the Jehovah's Witnesses. "It wasn't his to sell," said Jarrod Lopes, the New York-based international spokesman for the group.

The Jehovah's Witnesses also challenge the court's view that the purchase was made in good faith, arguing that the museum should have been aware from its correspondence with Hans Werner Kusserow that he didn't own the archive or have the right to sell it, Pikl said. In 2008, Hans Werner wrote to a museum employee saying that he and his two surviving siblings agreed to "a long-term loan" of the archive to the museum. A representative of the Jehovah's Witnesses was also in contact with the museum about the loan. The group argues that the museum should have surmised from this contact that Hans Werner was not authorized to sell the archive.

Slupina says the group is extending its premises in Selters, including its permanent exhibition there. "The fate of this family is very closely linked to the fate of the Jehovah's Witnesses," Slupina said. "We are very keen that these documents are cared for by us."

Specific mention of the suffering of Jehovah's Witnesses is frequently omitted in Holocaust accounts or on memorials; they are often included in a vague reference to "other victims' groups," Slupina said. While Berlin has memorials for the murdered Jews, Sinti and Roma, gay people and euthanasia victims, there is no memorial as yet dedicated to the Jehovah's Witnesses killed by the Nazis. Erhard Grundl, a Green Party lawmaker, called for a specific monument for the religious group in a speech to parliament on Jan. 13.

A hearing on the Jehovah's Witnesses' appeal has yet to be scheduled.

Photo: The Kusserow children from left: Annemarie, Wilhelm,

Siegfried, Karl Heinz, Waltraud, Hildegard, Wolfgang, Magdalena, Elisabeth, Hans Werner and Paul-Gerhard. In back, their parents, Hilda and Franz. Credit...Jehovah's Witnesses, Central European Archive

Further reading about FORB in Germany on HRWF website

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