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### **Jenő Lévai, Holocaust Documentation and the Second Wave of War Crimes Trials**

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This research project studies historical documentation from a historical and contextual perspective. It focuses on the relation between actor and (institutional) resources of agency in order to take into account both individual and institutional factors in historical knowledge production. This historical sociological approach enables us to shed light not only on the successes but also on the failures of actors when focusing on the way in which the creation, preservation, circulation, and usage of historical documents are influenced by the existing power relations. In her seminal study *The Struggle for the files. The Western Allies and the Return of German Archives after the Second World War* Astrid M. Eckert gives an excellent example of how the access to archival records constitutes a question of power in international relations, how the control of access becomes a political issue largely determining the state of our knowledge of the past.<sup>1</sup> The German records confiscated by the occupying armies of the Allies during the Second World War were important not only for strategic reasons (for war intelligence) but also for the “re-education” of Germans. As part of British-American efforts, in the framework of the project *Documents on German Foreign Policy*, ten volumes of documents in English and seven in German were published between 1946 and 1958. Another part of German and Nazi records were in the Soviet Union which in the Cold War context returned some to his ally, East Germany. The control of access to these sources certainly determined the conditions of production of historical knowledge about Nazi Germany, the War, and the Holocaust.

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<sup>1</sup> Eckert, Astrid M. *The Struggle for the Files: The Western Allies and the Return of German Archives after the Second World War*. Washington, D.C. : New York: German Historical Institute ; Cambridge University Press, 2012.

The notion of historical documentation is applied to social practices provoked by catastrophic ruptures in social life and historicity,<sup>2</sup> such as source collection, publication, writing (scholarly, journalistic, or self-writing), or witness testimony (juridical and journalistic). The research project will analyze Hungarian journalist and self-made history expert Jenő Lévai's (1892-1983) post-1948 activity of documenting the Holocaust.

### **Jenő Lévai, a key actor**

Lévai's publication activity with historical interest started in 1932 as a reaction to his WW1 and POW experiences (1914-1920). As a soldier of Austria-Hungary, he had been captured in 1915 and had taken to Krasnoyarsk in Siberia where he started collecting documents as a journalist of the POW camp. During the first half of the 1930s, a series of publication based on his war and POW experiences made a considerable success on the book market which allowed Lévai to establish a media enterprise on his own (with a publishing house and a national daily in his possession). From the late 1930s, he himself was victim of anti-Semitic and racial persecution in Hungary: because qualified as Jew, he was deprived of his publishing house and journals in 1939, then compelled to forced labor and finally in 1944 he had to go into hiding. He survived the war in one of the "protected houses" under the auspices of the Swedish Embassy. His personal experiences of persecution marked definitively his practice of historical documentation, most of all by the perspective of "Hungarian Jews" and the history of the Holocaust as the central subject of his activity.<sup>3</sup>

After the war, Lévai worked as part of Hungary's official preparations to the peace treaty,<sup>4</sup> which allowed him to access official wartime documentations, proceedings of war crimes trials, and to make research missions abroad, primarily at embassies of the neutral countries; also, he used sources of Jewish documentation extensively: that of the Jewish Council of Budapest, the National Relief Committee for Deportees in Hungary (DEGOB), personally con-

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<sup>2</sup> Henry Rousso, *The Latest Catastrophe: History, the Present, the Contemporary*, (Chicago ; London: University of Chicago Press, 2016).

<sup>3</sup> Máté Zombory, "A nemzeti tragédia narratívái: Lévai Jenő, az írás és a történelem (1932-1948)," *Múltunk*, no. 2 (2018): 197-236.

<sup>4</sup> Regina Fritz, "Die Pariser Friedensverhandlungen 1946 Mit Ungarn. Die Konfrontation mit der Ermordung der ungarischen Juden im außenpolitischen Kontext," in Fritz, Kovács, Rásky (ed.), *Als Der Holocaust Noch Keinen Namen Hatte*, 437-454.

ducted interviews, etc.<sup>5</sup> In 1948, he published his *Zsidósors Magyarországon*, the first synthesis on the history of the Holocaust in Hungary.<sup>6</sup> By the end of the 1950s, he has become a key figure of knowledge production on the Holocaust.

Our actual knowledge on Lévai's overall significance is painfully partial. His reception is restricted to the historiography of the early-post war context,<sup>7</sup> due to Holocaust Studies' recent interest in that period.<sup>8</sup> His role is severely misinterpreted, however, by treating his activity in the framework of early-post war Jewish historical commissions. In Hungary, Lévai worked separately from actors and institutions of Jewish historical documentation. He was rather affiliated to the state authorities in this regard. Also, Lévai's reception is limited to his national (Hungarian) impact that is, his contribution to our knowledge about the racial persecutions in Hungary.

This research project aims to explore Lévai's international importance from three aspects: historiography, criminal justice, and politics.

## 1. Historiography

Based on *Zsidósors Magyarországon*, his 1948 book *Black Book on the Martyrdom of Hungarian Jewry*<sup>9</sup> was the one and only internationally accessible account of the Holocaust in Hungary until American survivor-historian Randolph L. Braham, the most influential scholar

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<sup>5</sup> On Hungarian early post war documentation efforts, see Regina Fritz, *Nach Krieg und Judenmord: Ungarns Geschichtspolitik seit 1944*, (Göttingen: Wallstein Verlag, 2012); Rita Horváth, "A Jewish Historical Commission in Budapest: The Place of the National Relief Committee for Deportees in Hungary [DEGOB] Among the Other Large-Scale Historical-Memorial Projects of She'erit Hapletah After the Holocaust (1945-1948)," in Bankier, Michman (ed.), *Holocaust Historiography in Context*, 475-96; Ferenc Laczó and Joachim von Puttkamer, eds., *Catastrophe and Utopia: Jewish Intellectuals in Central and Eastern Europe in the 1930s and 1940s*, (Berlin Boston: De Gruyter Oldenbourg, 2018), 155-223.

<sup>6</sup> Lévai, Jenő. *Zsidósors Magyarországon. Az üldözés kora*. Budapest: Magyar Téka, 1948.

<sup>7</sup> Ferenc Laczó, "The Foundational Dilemmas of Jenő Lévai: On the Birth of Hungarian Holocaust Historiography in the 1940s," *Holocaust Studies* 21, no. 12 (April 3, 2015): 93-119. See also Máté Zombory, "Hungarian Golgotha: Dealing with the past at a Hungarian publishing house in 1945," in Fritz, Kovács, Rásky (ed.), *Als der Holocaust noch keinen Namen hatte*, 331-354.

<sup>8</sup> David Bankier and Dan Michman, eds., *Holocaust Historiography in Context: Emergence, Challenges, Polemics and Achievements*, Yad Vashem, Berghahn Books (Jerusalem: Yad Vashem Pubns, 2008); David Cesarani and Eric J. Sundquist, eds., *After the Holocaust: Challenging the Myth of Silence* (London ; New York: Routledge, 2012); Laura Jockusch, *Collect and Record!: Jewish Holocaust Documentation in Early Postwar Europe* (Oxford University Press, 2012); Regina Fritz, Éva Kovács, and Béla Rásky, eds., *Als der Holocaust noch keinen Namen hatte: zur frühen Aufarbeitung des NS-Massenmordes an den Juden*. Beiträge zur Holocaustforschung des Wiener Wiesenthal Instituts für Holocaust-Studien (VWI), Band 2 (Wien: new academic press, 2016).

<sup>9</sup> Jenő Lévai, *Black Book on the Martyrdom of Hungarian Jewry*. (Zurich: Central European Times Pub. Co., 1948).

in Hungarian Holocaust Studies, published his work, *The Politics of Genocide: The Holocaust in Hungary* in 1981.<sup>10</sup> Braham, himself also a native Hungarian, was not only relying extensively on Lévai's oeuvre but was in collaboration with him especially during the long sixties.

The *Black Book* was “the” source of the Holocaust in Hungary not only for scholars such as Gerald Reitlinger, author of the first English language synthesis on the Holocaust, *The final solution: the attempt to exterminate the Jews of Europe, 1939-1945* (1953),<sup>11</sup> but also for prosecutors of Nazi war criminals, such as Bureau 06 responsible for the investigation in the Eichmann trial.<sup>12</sup> This leads to the second aspect of Lévai's international importance in the history of Holocaust documentation.

## 2. Criminal justice

War crimes trials constituted one of the primary sites of historical knowledge production in the (post) war era. This is a common sense knowledge in the scholarship for the International Military Tribunal as the series of trials in Nuremberg considerably influenced the development of international law. An even more important aspect of the IMT's significance, from our perspective, is that the trials produced a huge archive of historical and contemporary sources. The official record of the trial of the major civilian and military leaders of Nazi Germany was published in 42 volumes known as “The Blue Series”. Most actors interested in the “final solution of the Jewish question”, scholars and practitioners alike, started their research with the sources of the IMT. This was also true for Lévai during the early fifties. This was not the first time when he was engaged in matters of historical and criminal justice. For his early post war work, the records of war crimes trials of the so called “people's courts” in Hungary were among his primary sources. In some cases, especially the proceeding against former state secretary at the Ministry of the Interior László Endre, Lévai was even involved in the compilation of the indictment.

The records of the early post-war trials constituted an important source of documents during the “second wave” of war crimes trials for prosecutors, scholars, and the state security ser-

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<sup>10</sup> Randolph L Braham, *The Politics of Genocide: The Holocaust in Hungary* (New York: Columbia University Press, 1981).

<sup>11</sup> Gerald Reitlinger, *The Final Solution: The Attempt to Exterminate the Jews of Europe, 1939-1945* (The Beechurst Press, 1953).

<sup>12</sup> Yablonka, Hanna. *The State of Israel vs. Adolf Eichmann*. 1st American ed. New York: Schocken Books, 2004.

vices alike. Not only did Lévai testify at trials of Nazi criminals abroad, but he provided information in several ways and contributed to the procedures extensively between the mid-1950s and the early 1970s. Notably, his role was prominent in the Eichmann trial in Jerusalem, 1961. Since the access of documents was of genuinely political importance, Lévai's activity was deeply embedded in the political context of the given period.

### 3. Politics

In the beginning, Lévai's activity of historical documentation of the Holocaust was inscribed into the larger political context of Hungary's preparatory efforts to the peace treaty in Paris; These state-supported and -coordinated efforts, including several state and non-state institutions and nearly a hundred experts, aimed at the reinterpretation of the country's war participation and assessing its responsibility. Later, especially following the foundation of the Federal Republic of Germany and the communist takeover in East Central Europe, political struggles around the legacy of WW2 was determined by the Cold War. The most telling sign of this are those campaigns communist states initiated to discredit and de-legitimize West Germany.<sup>13</sup> These campaigns were based to a large extent on documentation, to which Lévai contributed. He took part for instance in the attacks against Theodor Oberländer and Hans Globke, prominent figures of West German politics and civil service.

By looking at Lévai's activity in all these 3 interrelated aspects and his international impact during the Cold War, my research project aims to extend the study of his role in Holocaust related knowledge production both geographically and temporally.<sup>14</sup> The "long sixties" proved to be Lévai's last and perhaps the most influential period: he conducted extensive and international research, had a large international network, published intensely and was in the middle of political struggles over the legacy of WW2.

### **Hungary and the second wave of war crimes trials**

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<sup>13</sup> Michael Lemke, "Kampagnen Gegen Bonn: Die Systemkrise Der DDR Und die West-Propaganda Der SED 1960-1963," *Vierteljahrshfte Für Zeitgeschichte* 41, no. 2 (April 1993): 153-74.

<sup>14</sup> A collective study on the early post-war Jewish-Polish efforts of documenting the Holocaust also deals with the historical period until the 1960s. Lindenberg, Judith, ed. *Premiers Savoires de La Shoah*. Paris: CNRS Éditions, 2017.

When historical documentation gradually regained its social and political relevance at the second half of the 1950s, particularly following the capture of Adolf Eichmann in 1960, it was Cold War tensions with the escalating “German question” that determined the field of agency of historical documentation. This research project applies a descriptive (not normative) and relational approach to the Cold War when focusing on the contemporary knowledge and perspective of actors reacting to each other in positions of existing power relations. It studies the Cold War as an integrated analytical field of ongoing actions and reactions in a “war” organizing both the world and the representations and knowledge about it.<sup>15</sup> This practically means that I take into account the Eastern Bloc countries’, especially the Hungarian People’s Republic’s role in the history of Holocaust documentation. In this perspective, the Cold War was not an obstacle to gain relevant knowledge about the Holocaust, as often stated, but rather a driving force with its specific constraints (most importantly, of accessing archival documents) that engaged actors of both blocs in a competition of documentation in the framework of the larger ideological struggle over the moral significance of the Second World War.<sup>16</sup>

The growing importance of historical documentation was due to the “second wave” of war crimes trials between the late 1950s and the early 1970s, particularly in Israel and in the Federal republic of Germany.<sup>17</sup> As institutions of the production of historical evidence, the trials were the main social domains where historical documents were demanded, circulated and produced. Since the most of the cases ended before the trial phase (having an internationally legitimate war crimes trial was among the top stakes of the Cold War game), my research project focuses on the entire “process of criminalization”: accusation/pre-investigation – investigation/prosecution – trial. But only on those, in which Lévai took part. His activity, permitted, supported and controlled by the Hungarian state-party and thus influenced by Hungarian interests, addressed those German perpetrators who played a role in the Holocaust in Hun-

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<sup>15</sup> See Chari, Sharad, and Katherine Verdery. ‘Thinking between the Posts: Postcolonialism, Postsocialism, and Ethnography after the Cold War’. *Comparative Studies in Society and History* 51, no. 1 (2009): 6–34.

<sup>16</sup> See Zombory, Máté. ‘Hidegháborús státuszversengés. A Magyar Népköztársaság és a háborús bűnperek második hulláma.’ *Múltunk – Politikátörténeti Folyóirat* LXIV, no. 2. (2019): 14-54.

<sup>17</sup> Annette Weinke, *Die Verfolgung von NS-Tätern Im Geteilten Deutschland: Vergangenheitsbewältigungen 1949-1969, Oder, Eine Deutsch-Deutsche Beziehungsgeschichte Im Kalten Krieg* (Paderborn: F. Schöningh, 2002); David Bankier and Dan Michman, eds., *Holocaust and Justice: Representation and Historiography of the Holocaust in Post-War Trials* (Jerusalem: Yad Vashem [u.a.], 2010).

gary. I will consequently focus on the processes of criminalizing the Nazi past in Hungary in 4 countries.

### 1. West Germany

In 1956, at the office of the Hessen State Prosecution in Frankfurt, led by Fritz Bauer, a thorough investigation began in the so called “Hungarian crime complex”. It involved key players of the Hungarian Holocaust in 1944: Otto Winkelmann, the commander of the SS and police forces in Hungary; SS-Standartenführer Kurt Becher, Himmler’s economic commissioner in Hungary, responsible for the looting of Jewish property; and SS officers of Eichmann’s special unit, most importantly Hermann Krumei and Otto Hunsche. Eventually only the proceedings against Krumei and Hunsche got as far as sentencing in the mid-1970s. Lévai had helped the process extensively since the beginning, he testified several times for the investigation and also publicly at hearings, collected evidence, recruited witnesses, among others. Importantly, this activity of his was backed with an increasingly engaged Hungarian state.

### 2. Israel

Following the capture of Eichmann in 1960, an extensive documentation process began in Hungary conducted by the state security, even though the country did not officially cooperate with the Israeli authorities. Lévai was commissioned to compile a documentary volume on Eichmann’s role by the Ministry of Foreign Affairs. The political life of historical documents is particularly well exemplified by his book “Eichmann in Hungary: documents” (1961), distributed outside the book market in German, French and English. Lévai’s manuscript was vetted by the foreign office of the German Democratic Republic, and was used in the campaign against Hans Globke, chief of staff of Chancellor Adenauer.<sup>18</sup> The translation of Lévai’s text and the selection of the documents were all influenced by the Cold War in general, and by the GDR’s interests in particular. The context of the book production did not certainly leave the historiography of the Holocaust in Hungary unmarked.<sup>19</sup>

Lévai not only provided the Israeli prosecution with documents on Eichmann’s role in Hungary, but was personally present during the “Hungarian chapter” of the Eichmann trial. He was

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<sup>18</sup> Birn, Ruth Bettina. ‘Fifty Years after: A Critical Look at the Eichmann Trial’. *Case Western Reserve Journal of International Law* 44, no. 1–2 (2011): 443–74.

<sup>19</sup> Tim Cole, *Holocaust City: The Making of a Jewish Ghetto* (New York: Routledge, 2003), 77–78.

sent by the Hungarian leadership on order to discredit the trial and thus Israel by the publicization of the war-time Nazi-Zionist “Blood for Goods” negotiations in Budapest, and thus prevent supposed Israeli attacks against the socialist countries. Though the Israeli Attorney General eventually failed to call him as a witness to the stand, Lévai took part in several public events concerning the trial and was in close cooperation with members of the prosecutor’s team. His stay in Jerusalem was billed by the Yad Vashem whose archive had invited him anyway to help arrange the Hungarian documents.

### 3. Austria

Hungary was interested in criminalization processes in Austria as well. In the early 1960s, proceedings were started against former SS-Sturmbannführer Wilhelm Höttl, director of the secret service during the occupation of Hungary, and Franz Novak, SS officer in Eichmann’s special unit responsible for the railway supply needed for the deportations. Hungary requested the extradition of Höttl in 1961, and helped in the proceedings against the latter with the active contribution of Lévai, who not only testified as expert witness at the trial but also recruited witnesses and – as in all the cases mentioned above – covered extensively the cases in the press.

### 4. East Germany

In July 1963, the Supreme Court of East Germany convicted West German state secretary Hans Globke to life imprisonment for committing war crimes and crimes against humanity during the Nazi rule in Germany. The verdict was returned in absentia in East Berlin. This public event, declared by the Federal Republic as a show trial of mere communist propaganda, was the end point of a longer history of various Cold War efforts aiming to compromise “Adenauer’s chief aide” by the historical record. Though Lévai was personally not present in the courtroom, and was not even engaged in the preparation of the trial, his role was essential in the criminalization efforts against Globke, connected to the Eichmann affair (1960-1962). He took part in the international efforts to document Globke’s role in Nazi Germany, especially his relationship with Eichmann.

## **Methodology**

Lévai's documentation activity is thus explored in the context of the second wave of criminalizing the Nazi past in the 4 cases indicated above. The main sources used are contemporary press and book publications with Lévai's both international and Hungarian works in the focus, and archival records of the criminalization processes. The empirical analysis applies the following framework. On the one hand, I address Lévai's activity: the research he made, his press and book publications, his testimonies as expert witness, his efforts of recruitment of witnesses, and the many other ways he intended to contribute to the criminalization of assumed Holocaust perpetrators. I give special attention to the usage of sources: collection, circulation, translation, reference.

On the other hand, my analysis focuses on Lévai's resources that is his field of action. Most importantly, I am mapping his quite extensive institutional and personal network. He was in direct collaboration with (political) organizations such as, most importantly, the Hungarian state(-party), press and news agencies in Hungary and abroad. Lévai regularly published in foreign, especially German and Swiss journals, and had good contacts with the East German TV and radio. Though there is no evidence for him being an official informant of the Hungarian (or East German) state security service, his actual relationship with it is yet to be uncovered.

Another important institutional resource of Lévai was his relationship with archives engaged in Holocaust documentation. In the 1950s, Lévai studied the records of the Nuremberg Trials and made archival research in Switzerland. Also, he was in direct contact with Yad Vashem Archives, and was friend of director Joseph Kermisz. In the 1960s, the Yad Vashem archives, the YIVO Institute for Jewish Research, and the Wiener Library provided him with archival material. His further contacts include the Central Agency for the Investigation of Nazi Crimes in Ludwigsburg, the Institute for Contemporary History in Berlin, the Chief Commission for Investigation of Hitlerite Crimes in Poland in Warsaw, the Institute for German Military History in Potsdam, and the Centre for Contemporary Jewish Documentation in Paris. An important institutional resource was his own legendary collection of archival documents located in his house in Budapest (his collection has unfortunately got lost after his death).

Lévai was in contact with contemporary actors of "Nazi hunting". From the second half of the fifties, he was in direct contact with prosecutors at Fritz Bauer's office in Hessen. He was friend of Robert M. W. Kempner, assistant to US chief counsel Robert Jackson during the Nuremberg trials, an important and respected authority in matters of justice and historical

sources. East German Karl Kaul has also to be mentioned, with whom Lévai cooperated in the criminalization efforts against Globke. Lévai was indirectly in contact with Benjamin Halevi, judge in the Kasztner and Eichmann trials.

It goes without saying that Lévai made part of the international network of actors engaged in Holocaust historiography in the early post-war period.<sup>20</sup> So far I have evidence of the contact between Lévai and Reitlinger, who were in correspondence. I analyze his conflictual collaboration with Braham as well.

Finally, Lévai was in contact with key witnesses such as Andor Biss, Rudolf Kasztner, Joel Brand, Fülöp Freudiger, and Max Merten, among others.

Lévai's activity and social network can be explored by consulting different sources. Not only his own publications, journalistic and scholarly included, but also other key actors' who might have relied on his work in early Holocaust historiography. Thus special attention is put on the references to his *Black Book* (1948) and *Eichmann in Jerusalem* (1961). Other sources are to be found in historical archives: most importantly the Hungarian National Archive where the records of the Hungarian Ministry of Foreign Affairs, the Ministry of Justice, and the Hungarian Socialist Workers' Party are available. Since Lévai's own archive is lost, I should explore his role in those archives with which he was in cooperation: the Yad Vashem, the Wiener Library, the CDJC, and YIVO. His contribution to the trials under study also requires archival research, most importantly the archives in Frankfurt, in Vienna and in Jerusalem.

## Conclusion

This historical and contextual study will shed light on the knowledge production about the Holocaust in the Cold War geopolitical context, with special regard to Eastern Europe's contribution. The role of the Cold War in Holocaust historiography is usually dealt with in a negative way. Thus, the reference to the "archival revolution" following the collapse of the communist regimes in Eastern Europe presupposes a periodization separating the pre-1989 phase, characterized by the inaccessibility of respective historical documents, from the post-1989 era

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<sup>20</sup> Dan Michman, "'The Holocaust' in the Eyes of Historians: The Problem of Conceptualization, Periodization, and Explanation," *Modern Judaism* 15, no. 3 (1995): 233-64.

which supposedly poses no limits to our knowledge production. There is some truth in this assertion, of course, but it also simplifies the problem of the political embeddedness of historical archives. On the one hand, the Cold War Western world did not either provided full access to archival documents related to the Holocaust in different countries, and, on the other, documents circulated in and from Eastern Europe (and the Soviet Union) as well. Moreover, Cold War tensions, as discussed earlier, even motivated historical documentation efforts related to the Holocaust. The task is thus to explore the logic of production and circulation of historical documents in a field of forces characterized by the Cold War tensions. One important contribution of my research project is to show that the moral significance of the Jewish genocide played a role for both sides. In terms of the legacy of the Second World War, they were engaged in a status competition over the contemporary meanings of the struggles against Nazi/Fascist aggression – either by de-legitimizing the other, or by praising one's own side.

This research project provides a sociological analysis of an influential actor in Holocaust historiography. It also explores yet unstudied parts of the history of criminalizing Holocaust perpetrators. It focuses on a yet unexplored subfield of research since a) the study of historical documentation has so far concentrated on the immediate aftermath of the Second World War and b) the role of Hungary has not yet been studied.

My research aims to contribute to the biography of an influential contemporary actor in the history of Holocaust documentation. By applying an analytical framework that interpret individual agency in the context of the given (institutional) field of power relations, it focuses on the sociological aspects of the history of Holocaust documentation. In the given case this problem is manifested in the actor-state(-party) relation: to what extent was Lévai's activity autonomous in relation to the communist authorities? On the one hand, the political, ideological but also moral engagement of the state in the international trials made it at all possible for him to pursue his documentation activities. On the other hand, the communist leadership intended to use his knowledge and contacts in the Cold War struggle over historical justice and control his activity according to its own purposes. In this field of constraints and possibilities, the access to archival documents and the knowledge of history served as important resources. Lévai was aware of the political value of historical documents and was building his own archive consciously, using his direct and at times exclusive access to documents there. The extent to which his archive was valuable is manifested in the fact that in 1969, when in relation to the second Hunsche-Krumey trial in Frankfurt the West German delegation from the Hes-

sen prosecutor's office came to Hungary to make investigations, they also visited Jenő Lévai's home, and looked at the archive there. The host gave a lecture, handed over records and documents, and drew their attention to witnesses and documentary films related not only to the accused in the given case, but also to other defendants of the Hungarian crime complex.