

THE NUREMBERG TRIALS

By Lloyd E. Fisher Jr.

In the spring of 1945, Hitler's Nazi forces were in retreat and the end of World War II in Europe was in sight. Absorbed with the military strategy, the Allied leaders had not yet established a plan for dealing with any captured German leaders. Some favored summary execution as just punishment for the horrors of the Holocaust and one that would avoid giving the Nazis a public forum for racist statements and the claim that they simply carried out the orders of superiors. Others, including the American Secretary of War, Henry Simpson, argued that denying them due process would make martyrs of the accused.

When Harry Truman succeeded to the presidency upon Roosevelt's death on April 12, 1945, he was said to be considering an American tribunal to try the war criminals. An Associate Justice of the U.S. Supreme Court, Robert Jackson, was mentioned as the chief counsel for the trials.

Hitler committed suicide in his Berlin bunker on April 30, 1945 and, as combat ended in early May, the Nazi Propaganda Minister, Joseph Goebbels, and the SS Commander, Heinrich Himmler, also took their own lives. Several other high ranking officials went into exile or simply disappeared. On the evening before the formal surrender on May 8, 1945, Reichsmarschall Hermann Goering personally surrendered to the U.S. Army in Austria. Goering arrived in full dress uniform decorated with two Iron Crosses. He was accompanied by his wife and young daughter, in an entourage that included 17 truckloads of personal belongings and stolen treasures.

In discussions in July and early August, 1945, the four Allied powers agreed on a Charter of the International Military Tribunal that provided for a tribunal to try defendants accused of (1) Crimes Against Peace (2) War Crimes and (3) Crimes Against Humanity. The Tribunal was to consist of eight judges: one principal judge and one alternate judge from each of the major allies – Great Britain; United States; France and Russia. The American principal judge was Francis Biddle and the alternate was John J. Parker. The Presiding Judge was Lord Geoffrey Lawrence of England.

Nuremberg was selected as the site for the Tribunal primarily because its existing prison had little bomb damage. Ironically, Nuremberg had seen the huge enthusiastic rallies in the early days of Nazi power – now it would witness its ignominious end. In less than eight weeks, The Nuremberg Palace of Justice was restored and remodeled to include a prisoner's dock, a raised dais for the eight judges, a glass booth for interpreters in three languages, a press gallery and space for 500 spectators.

On the afternoon of October 19, 1945, formal indictments were served on all the defendants in the Nuremberg prison and they were advised that they could conduct their own defense or receive legal counsel. Serving the indictments was a former British artillery officer, Major Airey Neave, who had escaped from a German prisoner of war camp.

The trial of the first 21 prominent Nazis began on November 20, 1945. All of the defendants were charged under one or more sections of the International Tribunal

Charter and the reading of the indictments went on for two days. The following day all of the defendants entered their "not guilty" pleas and Prosecutor Robert Jackson gave a classic four-hour opening statement.

For the next two weeks, Jackson presented document after document to support the charges. By the end of the second week, an air of boredom was evident in both the participants and the public. However, Walter Kronkite, then a young newsman, wrote: "*Sitting there for the first time and seeing these twenty-one men who had caused such horror in the world I actually felt sick.*"

Boredom quickly turned to horror on November 29 when the prosecution showed unedited films taken by military and civilian photographers during the liberation of Nazi concentration camps. They included images of mountains of human bodies, gas chambers, piles of gold taken from the teeth of corpses and emaciated humans for whom a single bowl of soup was too much for their starved bodies. Some in the audience could not bear the images and left the room.

Many German citizens were still in denial about the graphic photographs and accounts of Dachau and other concentration camps. A common reaction was that these were Allied propaganda.

The formal trial – prosecution evidence, defense evidence and closing statements went on for months. On August 31, 1946, the Court heard the defendants' final pleas as they were also broadcast to a worldwide radio audience.

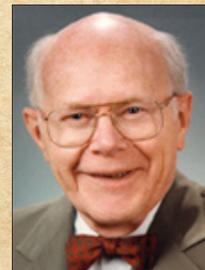
Ultimate verdicts on the 21 defendants were: 11 sentenced to death by hanging, 7 given prison sentences for life or a term of years and 3 acquitted. Marschall Goering avoided his hanging sentence when on October 16, 1946, he swallowed a cyanide pill he had secreted in his personal toiletries. He left a note for his wife saying death by hanging was undignified for a soldier.

The Nuremberg trials did not eliminate war. As Brigadier General Telford Taylor said in a final report to the U.S. Army, "*...The great question today is not whether the Nuremberg principles are valid, but whether mankind can live up to them, and whether it can live at all if it fails.*"



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*Full disclosure – the author was a member of a U.S. Army unit that liberated a Nazi slave labor camp in Czechoslovakia in May, 1945.



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