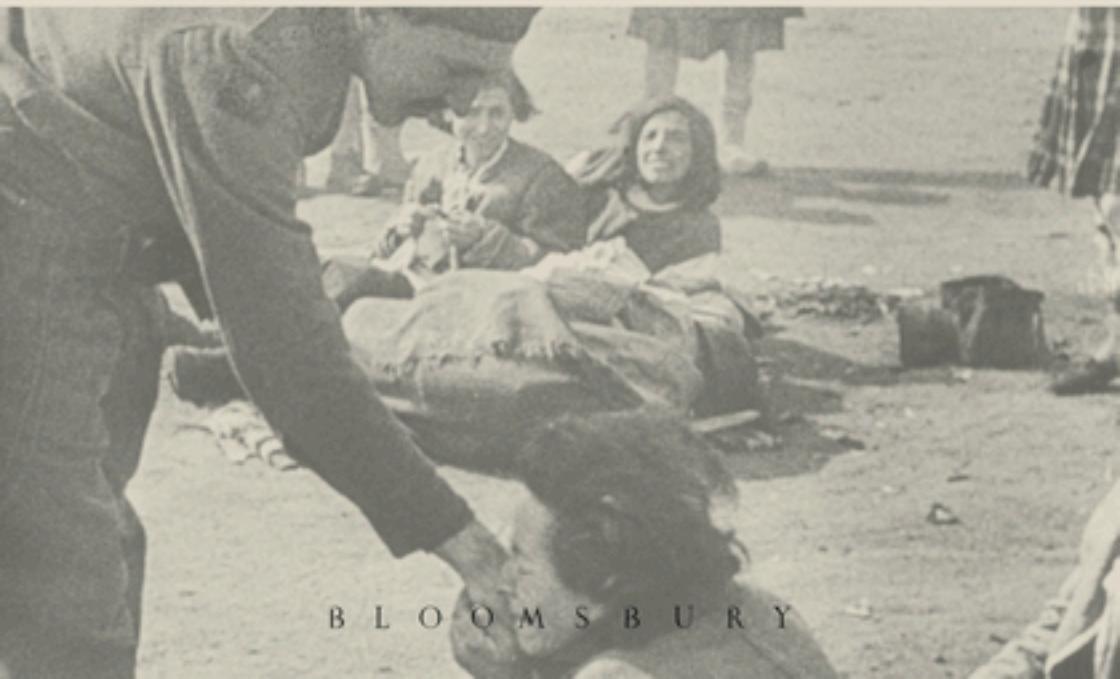


WAR,
CULTURE
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SERIES

JOHN J.
MICHALCZYK

FILMING THE
END OF THE
HOLOCAUST

ALLIED DOCUMENTARIES,
NUREMBERG AND THE
LIBERATION OF THE
CONCENTRATION CAMPS



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Filming the End of the Holocaust

Allied Documentaries, Nuremberg and the Liberation of the Concentration Camps

John J. Michalczyk

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*To Susan, whose remarkable sense of justice
has guided me along the right path*

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Foreword

Raymond G. Helmick, S.J.

This book, a culmination of what John Michalczyk has done over several decades about the Holocaust, much of it in films and publications, deals in the most practical way with the effect of the film medium in dealing with this horror. The Allies employed film at the end of World War II as they sought a process to come to terms with the mass killings. The International Military Tribunal, which they established well before the end of 1945 to conduct the trials at Nuremberg, made extensive use of evidentiary film, and since then that same film has held the attention of interpreters and commentators. The screening of these films has played a key role in shaping public response to the Holocaust, in the United States, Germany and elsewhere.

As a Jesuit who did his theology studies in Germany somewhat later, 1960–4, I can attest myself to the impact the raw data that films of which you will read in this book made on my fellow students. Attending the Frankfurt Auschwitz Trial (1963–5) I witnessed that the Holocaust was still most relevant. Frequent occasions were also still found to show films about the concentration camps to remind Germans of this tragedy. When I reflect now on the study by Donald Shriver¹ on the ways today's German culture embodies remembrance of Nazi crimes, I am reminded how these films will have been shown, throughout their education, to generations of younger Germans.

Eventually the images of the atrocities and serious violations of human rights worked their way into such films as *Schindler's List*, *Amen.*, and *The Pianist*, which have made this fearful chapter of our history intelligible to the people of more recent times. But their most important impact originally was as direct visual evidence against the Third Reich during the Nuremberg Trials of 1945–6 to reinforce the countless records and other National Socialist Party documents produced by the leaders. The attitudes of the three commanding powers toward the Nuremberg Trials differed enormously. The British would have been happier simply to execute the foremost Nazi leaders out of hand, reminiscent perhaps of the way they had confronted colonial uprisings. It was for the Americans, eventually Roosevelt at Yalta and then Truman, to insist that there must be trials and a legal process for judgment on the perpetrators of these staggering crimes. The Soviets

agreed casually because, like the Nazis themselves, they were thoroughly cognizant of the uses of show trials. They approached the International Military Tribunal as simply a pretense for executions that would be a foregone conclusion.

This mindset affected the quality of the films that were shown during the trials. They were offered as both pedagogical and evidentiary. While it was easy enough to edit film at that time, there were not the sophisticated ways of manipulating images that are familiar to filmmakers today. Chief Justice Robert H. Jackson of the United States Supreme Court, who would be the leading figure in the court, insisted on the use of authenticated film, features as well as documentaries produced by the Nazi Party. Jackson, asked by Truman to accept the role of US Chief of Counsel, had become familiar with the work of Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress*,² and his striking new term to describe these crimes as “genocide.” Jackson was fully aware of the dangers of instituting a mere instrument of victors’ justice, of which these trials would be suspect since they would institute new international laws in the aftermath of victory. He would not yet have been aware of the observation by Guy Liddell, head of counter-intelligence in Britain’s MI5, that the Soviets, who would sit in judgment on the Nazis, had been doing the same things for twenty-eight years that the Nazis had done for fourteen.

What sort of films, then, had Jackson and the other masters of the proceedings to work with prior to the establishment of the International Military Tribunal? The Nazis themselves, in their meticulous way, had preserved scenes of episodes of the brutality of the camps, as well as the Warsaw Ghetto, and show trials like that of the July 20 plotters in the assassination attempt against Hitler. Much of the material, unfortunately for the prosecution, was later destroyed by the Nazis in order to eliminate traces of their evil deeds. The Allies, as they liberated one death camp after another, had filmed extensively the handiwork of the perpetrators, including the famous spectacle of dead bodies being bulldozed, tumbling one over the other, into mass graves at Bergen-Belsen. Scenes of decomposing bodies so horrified General Dwight D. Eisenhower that he wanted the civilized world to know about it, as will later be discussed in detail. These images would eventually become the climactic horror in countless films on the Holocaust. The films of liberation were crucial as visual testimony and were not to be tampered with in any way. The Soviets had similar experience, with their master filmmaker Roman Karmen recording every detail of Nazi atrocities, and each film carried a sworn affidavit of authenticity. The Soviet film in the eyes of the West, however, had to be treated generally with the suspicion that it had been edited in the ways familiar for show trials and so reduced to propaganda.

Propaganda use of such film footage was and remains a constant hazard. The Nazis themselves had known how to use film as propaganda for their campaign against the Jews, especially with *The Eternal Jew* and *Jud Süß*, both released in 1940. The brilliant films of Leni Riefenstahl had been staples of the Nazi presentation of themselves as icons of Germany's rebirth after the humiliations of World War I and the Versailles Treaty. Riefenstahl's films, considered as art, historical documentation, and/or propaganda, were produced hand-in-hand with the political planning of the various National Socialist congress rallies. Given this close rapport of Riefenstahl with the Nazi hierarchy, Budd Schulberg would eventually consult Riefenstahl herself as he prepared his historical film presentation on *The Nazi Plan* for the trial. Even the showing of the short film, *That Justice be Done*, an abbreviated form of the lengthy *The Nazi Plan* and *Nazi Concentration Camps* to the American public on the very eve of the trial, would in our own time be seen as a prejudicial preparation of the public for a guilty verdict.

Raphael Lemkin's influence would strongly affect the trials themselves. This dedicated Polish activist had devoted a lifetime to his effort to concentrate the forces of the law and public opinion on the crimes against humanity that had characterized much of the twentieth century. His invention of the new term, "genocide," a neologism which combined the Greek root term for a people, *genos* (*genoj*) and the Latin for to kill, *occidere*, for the extermination of a whole people, provided an intelligible name for this crime no one knew how to designate or deal with in assessing its horror.

Forced, as a Jewish member of the army that attempted to defend Warsaw in 1939, to flee his native Poland before the conquering Nazis, Lemkin sought refuge in Sweden and eventually in the United States. In Poland, he had been a respected jurist, public prosecutor and secretary to the Committee on Codification of the Laws of the Polish Republic. At a 1933 conference of the Legal Council of the League of Nations in Madrid, he presented a paper on *Crimes of Barbarity* as a theme for the development of international law. Here, with reference to the massacres in Armenia and elsewhere, was the germ of his genocide idea. Forced, because of his paper, to resign his position in Poland and return to private practice, he further pursued his idea of defending the peace through criminal law as a member of the Polish delegation to the Fourth Congress on Criminal Law in Paris in 1937.

Systematic extermination came quickly to the Jewish community in Poland with the 1939 Nazi invasion. Lemkin lost forty-nine members of his own family among the three million Polish and Lithuanian Jews murdered by the Nazi

regime. Once in the United States, he taught at Duke University in North Carolina, lectured at the School of Military Government at the University of Virginia, and by 1943 became consultant to the US Board of Economic Warfare and Foreign Economic Administration. Later he served as a special adviser on foreign affairs to the US War Department due to his expertise in international law.

When his monumental work *Axis Rule in Occupied Europe* was published in 1944, it included and defined his new term “genocide.” His idea of it as an offense against international law was so widely accepted by the international community that it eventually became one of the legal bases of the Nuremberg Trials, although little referred to at that time. His work attracted the attention of Justice Robert H. Jackson, who made Lemkin adviser to the Supreme Court of the United States and to himself as Chief of Counsel at the International Military Trial in Nuremberg.

Lemkin proposed a Convention on Genocide to the Paris Peace Conference in 1945, without success. He pursued the idea with various countries, seeking their sponsorship for the resolution. In 1948, with the support of the United States, he was able to put it before the General Assembly of the United Nations, where it was formally proposed and adopted, as the Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948, actually coming into force as treaty law after the twentieth country had ratified it in 1951.

Lemkin’s long battle, though, was only partially won. The Convention itself regarded only physical aspects of genocidal actions:

1. Killing members of a group.
2. Causing serious bodily or mental harm to members of a group.
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
4. Imposing measures intended to prevent births within the group.
5. Forcibly transferring children of the group to another group.

This was at once too much and too little. Many actions covered by the Convention simply did not look like the horrors of the Holocaust, which was the prime analogue. The Convention carried an obligation, on the part of signatory nations, to act in prevention of an act of genocide, and the nations in fact scrambled to find excuses not to fulfill that obligation.

The crimes that could be prosecuted under the Convention were not only genocide itself, but conspiracy to commit it, direct and public incitement to

genocide, attempt to commit genocide or complicity in the crime. To Lemkin's mind, the term genocide ought also to have covered other psychological aspects of the attack on peoples or groups in a society. In his *Axis Rule in Occupied Europe*, he had defined it so:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group. Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain or upon the territory alone, after removal of the population and the colonization by the oppressor's own nationals.³

Lemkin also included among the techniques of genocide, political, social, cultural, economic, religious, and moral forms of oppression, besides the actual physical acts of endangering health or mass killing. This was a broad menu, lending itself easily to evasion of the obligations undertaken by signatory nations.

The United States, after supporting Lemkin in the presentation of the Convention to the General Assembly, was reluctant to ratify it for fear of its application to the cases of Native Americans and African slaves. The country agreed and signed the Convention only in 1986,⁴ but then only with the proviso that no prosecution against it or its citizens could be made without its consent.

In the most flagrant cases when mass killings of whole ethnic groups were under way, those of Rwanda and the countries of the former Yugoslavia, the nations found a loophole to spare them their obligation to intervene: they invented the new designation, "ethnic cleansing," a term evoked even most recently in the ethnic tensions in the Central African Republic.⁵ As the Rwanda genocide was actually taking place, the Security Council chamber of the United Nations rang with the denials by US Ambassador Madeleine Albright that this

was genocide, or that the international community had any obligation to respond to it. Only some years later did President William Clinton find himself required, on a visit to Rwanda, to offer his apology and recognize that this had indeed been genocide. The term “ethnic cleansing” has been used by choice, also, in the case of the Palestinians, if only because it would seem too rude, after the Holocaust, which indeed was more extreme, to use the term genocide to describe Israeli actions.

Where then do we stand now? In the face of mass killing in Iraq, in Afghanistan, in Libya, in Syria, in Egypt, we hardly hear anyone invoking the term genocide or the Convention. Is it entirely forgotten? Nations, the “High Contracting Parties,” which have, in some sense, formally ratified the Convention, are at least morally stirred, and have to make apologies, even to their own people, for their inaction.

Acknowledgments

Like many tributaries that merge into one larger river, the sources for this book are numerous. I am grateful to my Boston College colleagues, Maxim Shrayer for pointing me in the direction of Russian material that enlightened me significantly, and Devin O. Pendas who not only led me to fresh documentation on the Nuremberg Trials, but also thoroughly reviewed the manuscript. Raymond Helmick, S.J., my mentor since our conflict resolution film work in Northern Ireland in 1997, has always been a dedicated colleague, guiding me to new heights in the understanding of global issues. Jeffery Howe of the Fine Arts Department provided most practical technical support. The staff in the film areas of the US Holocaust Memorial Museum and the National Archives most generously assisted me with Holocaust-related visual material, as did Thomas W. Mills of the Cornell Law Library. At the O'Neill Library at Boston College Adeane Bregman, Lopamudra Williams, and Eugenie M'Polo provided me with films and texts that advanced my research in a major way.

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Introduction

The concept for this book originated while collaborating with Raymond Helmick, S.J. on the subject of genocide and film, resulting in *Through a Lens Darkly: Films of Genocide, Ethnic Cleansing and Atrocities*. In our research we have seen how film has the power to move, shock, entertain, and educate; but the films of atrocities have also called for revenge, as in the minds of the Soviets who documented the criminal action of the Nazis soon after their occupation of Russia. For Americans viewing the weekly newsreels of the liberation of the camps in theaters in late spring 1945, the images sparked in their minds the sense of collective guilt of all Germans for allowing this tragedy to happen, paralleling the conclusions of Daniel J. Goldhagen in *Ordinary Germans: Hitler's Willing Executioners*. In a very balanced manner, for Chief American Prosecutor at the Nuremberg Trials, Robert H. Jackson, the atrocities demanded above all justice, and it became the hallmark of his decision-making prior and during the eleven month-long Nuremberg Trials. Jackson wished to utilize in Nuremberg the Nazis' own films against them and simultaneously produce a documentary record of this historical moment in the development of international law.

Since this text primarily focuses on the use of film as visual testimony at the International Military Tribunal (IMT) in Nuremberg, the documentaries presented in court and other relevant films are also transcribed here in detail with commentary to help understand the experience of the audience upon viewing them in 1945. Many graphic scenes from these films shocked the viewers. Some remained in disbelief that humans could torture fellow human beings in such a ghastly manner. The visceral impact of such images remains undeniable.

The text proceeds chronologically, coming to grips with the subject of atrocities and their representation as supplementary visual documentation. Not long after the US entry into World War II following the Japanese attack on Pearl Harbor, the Allied Powers of the US, Great Britain and the Soviet Union were gravely concerned about the Nazi rise to power and the occupation of a greater part of Europe. Atrocity after atrocity ensued throughout Europe resulting in intense Allied discussion on the global level—in London, Moscow, and eventually Yalta. The issues at hand were the documenting of the criminality of the perpetrators, as well as the eventual judgment of them in court. A new

system of law would have to be established and agreed upon by the Allies, an international law that called for a just reckoning of atrocities across geographical boundaries in Europe.

The Soviets were the first to grasp the power of film as visual testimony to the war crimes committed by the Nazis. Soon after the Nazi invasion of Russia on June 22, 1941, Soviet cameramen produced newsreel footage of the massacres of innocent civilians left in the wake of the Nazi occupation; these were shown in theaters across Russia to portray the victory of the Red Army and the violence the Nazis perpetrated on civilians. Eventually the compiled footage would make its way to the Nuremberg Trials.

On April 12, 1945, the same day that President Roosevelt's death shocked Americans, General Eisenhower's visit to the Ohrdruf concentration camp in Germany traumatized the hardened US Army troops who came into contact with the piles of dead prisoners lying about the barracks. Eisenhower's immediate call to action in light of these atrocities included an invitation to US politicians, the media, and all servicemen in the area to bear witness to the atrocities. The US Signal Corps filmed the tragic scene which would be used as testimony at the Nuremberg Tribunal seven months later. American producers included some of the footage in the US government-sponsored *Nuremberg: Its Lessons for Today* which would have its own peculiar history and will be discussed later.

A few days later, on April 15, a British unit liberated Bergen-Belsen, a concentration camp located near Hannover. The British soldiers were unprepared for what they encountered—thousands of corpses or walking skeletons in the midst of extremely foul conditions, many suffering from typhus. The footage shot here, especially of the German guards carrying and dragging naked corpses for mass burial and bulldozers plowing heaps of bodies into pits, was seen as the most distressing of images. The shocking footage would appear at the Nuremberg Trials, in Alain Resnais' short documentary *Night and Fog*, and once again at the Eichmann Trial in 1961. At each screening it created a sense of revulsion and distress among the viewers. The 1985 PBS Frontline broadcast of the Hitchcock-related *Memory of the Camps*, whose footage lay dormant for forty years, has shed new light on the Bergen-Belsen concentration camp where Anne Frank died shortly before its liberation.

Of the various films presented as evidence at the Nuremberg Trials, the Soviet documentary on Nazi atrocities in Eastern Europe has had the least attention paid to it because the Cold War tensions erupted even prior to the end of World War II. Jeremy Hicks' pioneering work in this area of Holocaust Studies has enlightened scholars about the use and abuse of film during the Great Patriotic

War in the Soviet Union. Americans especially had always been skeptical about the veracity of Soviet films, yet their documentation of Nazi atrocities with significant personal family references made the American and British footage pale in comparison. By filming the German occupation of the USSR, the Soviets already had in mind a legal condemnation of Nazi criminality. Given the power of film, as in the recording of Nazi atrocities throughout Europe, the Soviets prior to Nuremberg already symbolically indicted, convicted, and sentenced the perpetrators to death. For the Soviets, it would appear that one was guilty unless proven innocent. This legal perspective contradicted everything Justice Robert H. Jackson believed in—a fair trial for every defendant, even potentially a Hermann Göring.

The prosecutors' presentation of film as documentary evidence at the International Military Tribunal (IMT) heralded a new step in law and paved the way for its use in international law, as can be seen in the international criminal courts for the former Yugoslavia, Cambodia, and Rwanda. As Samantha Power has developed in *"A Problem from Hell": America and the Age of Genocide*, the tragedy of genocide, as other scholars have noted, has continued on in the twentieth century well after World War II and the Nuremberg Trials. The phrase "Never Again" seems to ring hollow in light of the global reoccurrence of genocide and ethnic cleansing. It has been a scar on the conscience of society in the twentieth century, beginning with the Armenian Genocide of 1915. This text hopes to elucidate the relation of film to the war crime trials of those Nazi war criminals who were responsible for widespread atrocities throughout the term of the Third Reich. It will show how the Allied prosecutors attempted to utilize visuals as graphic proof of the evil deeds of the Nazi perpetrators for pedagogical and political reasons, educating Germans about the evils of their National Socialist past. In the larger context of the trial, the film testimony would provide supplementary data to help bring the criminals to justice in Nuremberg in order to preserve civilization, as Chief Prosecutor Robert Jackson stated in his opening address on November 21, 1945, the second day of the IMT: "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."

Prelude to Nuremberg: The Allies Seek Justice

On Tuesday, January 20, 1942, in a villa at 56–58 Am GroßenWannsee on the outskirts of Berlin, Reinhard Heydrich, Chief of the Nazi Reich Main Security Office, gathered together the heads of fifteen departments of the Third Reich. The best known among them today, Sturmbahnführer Adolph Eichmann, selected as “Transportation Administrator,” would make certain that the railroad system worked efficiently to transport the specifically targeted Jews to their fate.¹ These Nazi officials focused on carrying out a carefully designed plan for the annihilation of Europe’s 11 million Jews—the “Final Solution of the Jewish Question” (*Endlösung der Judenfrage*). The Protocol of the Wannsee Conference marked a key stage in the commitment of the coordinated Reich offices to resolve once and for all the Jewish presence in Europe, first by deportation to the East, which would then eventually lead to extermination.² What the government representatives would subsequently engineer over the next three years would be the most heinous act of mass killings ever recorded. Mark Roseman, in *The Wannsee Conference and the Final Solution: A Reconsideration*, refers to the minutes of this mysteriously-called session as “Perhaps the Most Shameful Document” in light of its blatant, clinical description of the Final Solution. He writes, “Despite using the language of evacuation, the minutes unmistakably contain a plan for genocide, formulated in sober bureaucratic language, deliberated on in civilized surroundings in a once cosmopolitan suburb of Berlin.”³ To the thousands of labor camps and satellite camps as well as death camps such as Auschwitz, Treblinka, and Majdanek, Jews, along with partisans, homosexuals, Jehovah’s Witnesses, Roma, and prisoners of war, were transported, and many perished at the hands of the Nazis. The lives of the Jewish victims especially were counted as worthless if unfit for work on behalf of the war effort and then exterminated.

Even prior to Wannsee, in the USSR the Soviets began to film the tragic outcome of the campaign of the mobile execution squads—the *Einsatzgruppen*—as they massacred Jews wholesale, so that the perpetrators could be brought to justice. The Allies, looking toward the eventual defeat of the European Axis

powers, now with their new partner, the vast and powerful Soviet Union, gradually began taking steps in creating peace throughout Europe and judging those responsible for the atrocities committed in the name of the Third Reich. Following the initiatives of Polish and Czech governments in exile, President Franklin D. Roosevelt on October 7, 1942, announced a plan for the creation of a commission to begin to investigate war crimes.⁴ He had been receiving documentation about “barbaric crimes” of the Nazis committed on European civilians and declared that it was the intention of the US at the war’s end to provide for the surrender of war criminals to the UN. Roosevelt then acted to create the organization that could take the first steps toward the prosecution of war criminals:

With a view to establishing responsibility of the guilty individuals through the collection and assessment of all available evidence, this Government is prepared to cooperate with the British and other Governments in establishing a United Nations Commission for the Investigation of War Crimes. It would be referred to shortly as the United Nations War Crimes Commission (UNWCC) and be constituted on 20 October 1943.⁵

The Commission could not prosecute war criminals but had as its mission the gathering of evidence against them to be utilized in a report to a tribunal for a future trial. Despite the lack of staff and adequate resources, the UNWCC still made significant contributions, according to the associate prosecutor at the Nuremberg Trials, Telford Taylor; notably the Commission decided important issues relating to the punishment of war criminals, but these had to be agreed upon by the Allied governments—the United States, the Soviet Union, Great Britain, and less participatory until the end of the war, France.⁶

In the wake of the UNWCC’S objective of tracking down war criminals, representatives of the four Allied governments met in Moscow to discuss concrete action about war management plans and post-war goals. Emanating from this October 30, 1943 conference, the Moscow Declaration, formally titled “Declaration of the Four Nations on General Security,” provided a foundation for the application of law to the criminality of the Third Reich leaders. The Allied representatives strongly affirmed the need to punish the perpetrators for breaking the peace of Europe and carrying out egregious atrocities against civilians and prisoners of war. The final section of the report addressed the war crimes committed by the Nazis and other collaborators. The “Statement on Atrocities,” signed by the three Allied leaders—Franklin Delano Roosevelt, Winston Churchill, and Joseph Stalin—read in part:

The United Kingdom, the United States and the Soviet Union have received from many quarters evidence of atrocities, massacres and cold-blooded mass executions which are being perpetrated by Hitlerite forces in many of the countries they have overrun and from which they are now being steadily expelled. The brutalities of Nazi domination are no new thing, and all peoples or territories in their grip have suffered from the worst form of government by terror . . . At the time of granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi party who have been responsible for or have taken a consenting part in the above atrocities, massacres and executions will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of free governments which will be erected therein . . .⁷

The Declaration concludes with a final warning: “Let those who have hitherto not imbued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three Allied powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done.”⁸

In February 1945, at Roosevelt’s final wartime conference at Yalta in the Crimea, the Allied leaders discussed the unconditional surrender of Germany and plans for the partition of Germany into four zones. A further discussion included the hunting down of war criminals and trying them, as well as the creating of a denazification program.

On Thursday, April 12 1945, the world was stunned by the sudden death of President Franklin Delano Roosevelt, who had seen America through the Great Depression and the ongoing world war. A day later, Supreme Court Justice Robert H. Jackson spoke at the Carlton Hotel in Washington, DC to members of the American Society of International Law. He reiterated Roosevelt’s stance about the honest judgment of the Nazi war criminals. The concepts of fairness and truth dominated his presentation:

The ultimate principle is that you must put no man on trial under the forms of judicial proceedings if you are not willing to see him freed if not proven guilty. If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect to courts that are merely organized to convict. I am not arguing against bringing those accused of war-crimes to trial. I am pointing out hazards that attend such use of the judicial process.⁹

Jackson believed that a court of law using a sound, legal basis should judge the innocence or guiltiness of the accused war criminals. It should not be a

type of mock trial where the criminals are judged in advance, as with commonly staged trials in the USSR in the 1930s during the “Great Purge” of 1934 to 1939.

Britain was not interested in a war crimes tribunal but in the summary execution of select, high-ranking Nazi officials and the imprisonment of others without trial. At Yalta, Roosevelt, Churchill, and Stalin had different agendas concerning the fate of the war criminals, according to the newly released account, although this was common knowledge to many historians earlier.¹⁰ *The Guardian* reported some British government officials’ concern about a potential tribunal: “The British eventually agreed to the war crimes trials despite the misgivings of some senior government officials who believed the decision to prosecute the surviving Nazi leadership for waging a war of aggression would set a dangerous precedent. They also feared the prosecutions would be on a par with the high-profile show trials in Stalin’s Russia.”¹¹

In the US government, the opinions of Secretary of the Treasury, Henry Morgenthau, Jr., about justice in the treatment of war criminals differed from Roosevelt’s plan and paralleled Churchill’s call for a summary execution.¹²



Figure 1.1 Justice Jackson making an argument for the United States at the Nuremberg War Crimes Trials (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

Roosevelt, although he initially approved Morgenthau's plan, had reservations about it, never fully rejecting it. (President Truman later abandoned this "eye for an eye" approach.) US Secretary of War Henry Stimson argued for a fair trial.

Guy Liddell, head of counter-espionage at MI5, during the 1940s and 1950s kept a diary called "Wallflowers," chronicling his activities in this period. In it Liddell discusses a plan from the Director of Public Prosecutions (DPP), Sir Theobald Mathew, to handle the issue of war criminality and eventually to eliminate certain Nazis. Mathew wanted a committee to handle the task of judgment and liquidation. Liddell further provides an insight into the Allies' thinking about the eventual prosecution of war criminals:

Winston had put this forward at Yalta but Roosevelt felt that the Americans would want a trial. Joe supported Roosevelt on the perfectly frank grounds that Russians liked public trials for propaganda purposes. It seems to me that we are just being dragged down to the level of the travesties of justice that have been taking place in the USSR . . .¹³

Churchill did not want a self-serving forum for the criminals to spout their Nazi propaganda. Furthermore, he felt that in light of all of the suffering the Nazis inflicted upon the British, the perpetrators should be taken out in the courtyard and shot.

During the course of the trials, Liddell commented in his diary on the judgment of criminal activity in light of the Russians' previous history under Stalin:

One cannot escape the feeling that most of the things the 21 [high-ranking Nazi officials] are accused of having done over a period of 14 years, the Russians have done over a period of 28 years. This adds considerably to the somewhat phoney [*sic*] atmosphere of the whole proceedings and leads me to the point which in a way worries me most, namely, that the court is one of the victors who have framed their own charter, their own procedure and their own rules of evidence in order to deal with the vanquished.¹⁴

A plan for the establishment of a tribunal continued to move ahead. Through Judge Samuel Rosenman, President Truman approached Justice Jackson to accept the position of US Chief of Counsel for the prosecution team and to lay out the groundwork for a tribunal to judge the Nazi war criminals. Jackson's memo to Truman on April 29—coincidentally the same day as the discussion over adopting a UN Charter—noted his mutual desire to take charge of the legal matters of a tribunal with the understanding that his opinions on international law would be in accordance with Truman's perspective. Jackson writes:

Those acts which offended the conscience of our people were criminal by standards generally accepted in all civilized countries, and I believe that we may proceed to punish those responsible in full accord with both our own traditions of fairness and with standards of just conduct which have been internationally accepted. I think also that through these trials we should be able to establish that a process of retribution by law awaits those who in the future similarly attack civilization.¹⁵

On May 2, 1945, with Executive Order 9547, President Truman formally named Jackson as US Chief of Counsel for the prosecution of Nazi war criminals. Immediately Jackson went about selecting the best legal team possible:

For the most part, Jackson recruited people from elsewhere in the government, including military service, to constitute his "Office of Chief of Counsel" (the OCC). In a few instances, however, Jackson pursued non-government personnel. In particular, he considered and ultimately pursued and recruited, for litigation and advocacy prowess, the best of the lawyers who had been arguing cases before him and his Supreme Court colleagues.¹⁶

On May 7, Jackson, searching for his team of counsel, focused on Herman Phleger, one of California's foremost attorneys. Writing to a mutual friend, Eugene Meyer, owner, editor, and publisher of the *Washington Post*, through whom he could set up contact with Phleger, Jackson showed himself hoping to be surrounded by a cadre of more progressive lawyers, prepared to face the fresh challenges of international law dealing with atrocities:

No one knows better than you the difficulties that lay in our way and the very large chance of failure. I think I have taken account of all of these and can see our way through. It will take a great deal of imagination and courage to plow into new fields in procedure and in international law and, of course, it would not do to use in top positions men who are . . . too much bound to the *status quo* in these matters.¹⁷

One of the "new fields in procedure and international law" would be the use of photographic and film documents to support charges against the European war criminals. On May 30, 1945, Lt. James B. Donovan, under the direction of Justice Jackson, championed this idea of using such evidence and wrote a memorandum to Jackson's Associate Counsel, Sidney S. Alderman, about the development of the visual evidence program already in place:

Field Photographic Branch has organized a program, in cooperation with the Army Signal Corps, Navy Photo-Science Laboratory, OWI, etc. under which it will cooperate with the War Crimes Office in correlating and processing all

motion picture evidence of war crimes. The basic Field Photo Program is designed to prove all five charges in the indictment by photographic means.¹⁸

Donovan's note highlights the importance of film as visual evidence at the trials, "to prove all five charges" against the defendants. It went on to state that qualified personnel in London, Paris, and Germany had already been viewing German newsreels, captured enemy film, and any other photographic evidence which could be introduced as proof of the charges. The Russians had already been contacted about evidence as well.¹⁹

Donovan further made a point of recording the trial which later would have its own peculiar history: "A script for a documentary film is being prepared, for final integration after the trial in a permanent documentary film of the entire international prosecution."²⁰ In the meantime, the memorandum indicated that a short film was being prepared in Washington to be released for public viewing in the US as well as for the armed services.²¹ The images for the film had already been selected and only needed final approval. This was all part of a larger "General Policy" supported by Justice Jackson and recorded in the "Plan for Public Relations Organization for the Trial of the Major War Criminals": "One of the primary purposes of the trial of the major war criminals is to document and dramatize for contemporary consumption and for history the means and methods employed by the leading Nazis in their plan to dominate the world and wage an aggressive war."²²

In the outskirts of a war-ravaged Berlin, the Potsdam Conference of July 17 to August 2, 1945 began to make more specific recommendations for the war criminals. In attempting to bring control and justice to post-war Germany, the Protocol of the Proceedings called for the arrest and internment of a range of the Nazi Party members responsible for the atrocities:

II, 5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.²³

In Section VI, "War Criminals," the proceedings stated:

The Three Governments reaffirm their intention to bring these criminals to swift and sure justice. They hope that the negotiations in London will result in speedy agreement being reached for this purpose, and they regard it as a matter of great importance that the trial of these major criminals should begin at the earliest possible date. The first list of defendants will be published before 1st September.²⁴

The Charter of the International Military Tribunal—Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis, also called the London Charter or Nuremberg Charter—began to hone in how these war criminals would be tried justly. Chief Justice Robert H. Jackson assisted in the drafting of it, and would later be influential in demanding visual documents to bolster the testimony of witnesses. Jackson would work closely with the Office of Strategic Services' Field Photographic Branch headed by Hollywood director John Ford. He would be the driving force in making certain that this evidence would be presented in court, despite the naysayers, like General William Donovan, who insisted that eyewitnesses serve the prosecution the best. The representatives of the Allied governments signed the Charter on August 8, 1945, to handle war criminals of the European Axis powers. It would be endorsed between the two dates of the atomic bomb drops over Hiroshima and Nagasaki respectively, bringing a conclusion to war with the Asian Axis power of Japan.

In this Charter, Article 1 calls for the establishing of an International Military Tribunal to pursue justice with respect to the Nazi war criminals:

In pursuance of the Agreement signed on 8 August 1945, by the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called "the Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis.²⁵

Article 6 of the Charter provided the four counts for the indictment of Nazi war criminals; utilizing the visual documentation, eyewitness accounts, and written documents, the prosecution attempted to prove the defendants guilty of some or all of these counts:

The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- (a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties,

agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

- (b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.²⁶

Articles 14 and 15 of the London Charter laid out the objectives for the Chief Prosecutors including the final designation of the war criminals and the indictment as well as the documents to support it. At this point, the prosecutors were primarily considering written documents that indicated Nazi policies which eventually resulted in the investigation, collection and production of material in three areas of criminal activity: crimes against peace, war crimes, and crimes against humanity. A fourth charge in the indictment included participation in criminal organizations.²⁷

Article 19 described the need for evidence in more general terms: “The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and nontechnical procedure, and shall admit *any* evidence which it deems to be of probative value.”²⁸ This last statement prepared the way for the introduction of visual material, already affirmed in Robert Jackson’s eight-page report to President Truman on June 6, 1945. Jackson therein described succinctly the actions of the murderous regime and then underlined the fact that some may challenge the accusations against the Third Reich.

Jackson’s report, with respect to the war criminals’ murderous regime, reads in part:

Our people were outraged by the oppressions, the cruelest forms of torture, the large-scale murder, and the wholesale confiscation of property which initiated the Nazi regime within Germany. They witnessed persecution of the greatest enormity on religious, political and racial grounds, the breakdown of trade unions, and the liquidation of all religious and moral influences. This was not the legitimate activity of a state within its own boundaries, but was preparatory to the launching of an international course of aggression and was with the evil intention, openly expressed by the Nazis, of capturing the form of the German state as an instrumentality for spreading their rule to other countries. Our people felt that these were the deepest offenses against that International Law described in the Fourth Hague Convention of 1907 as including the "laws of humanity and the dictates of the public conscience."²⁹

In late 1942 and early 1943, there may have been only a minimum of public interest in a military tribunal in the midst of war with no apparent end in sight. Peace then seemed far off to most. Following the Nazi defeat at Stalingrad in February 1943, however, the situation changed for the Allies. Since his



Figure 1.2 London Conference in session (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

appointment as US Chief Counsel for the Prosecution at Nuremberg, Jackson pursued the objective of establishing an international court of justice nonstop, shuttling back and forth from war-torn Germany to London and back to America. In grasping and developing the notion of “The Nazi Master Plan,” and the decision to try those who committed atrocities, Jackson, knowing what he was up against in Western public opinion in their disbelief, wished to make certain that the judges of the four Allied nations would have sufficient trustworthy documentation to indict the Nazis. The Chief Justice also desired to dispel any disbelief of the general public in the magnitude of the criminal activity of the leaders of the Third Reich. Peter Novick, in *The Holocaust in American Life*, offers the rationale of why Westerners failed to realize the enormity of Nazi atrocities. Some early reports of the criminal deeds in 1940 and 1941 were contradictory, while others could not be properly substantiated. There were few Western journalists who could verify the accounts of atrocities, and the British and American peoples felt that the Soviets must be exaggerating the scale of the massacres or lying, as they did with the Katyn Forest massacre where Nazis were blamed for the Soviet execution of close to 22,000 Polish nationals. On the other hand, Novick points out that since 1942 the West had already been receiving indications of the severity of the problem:

It has often been said that when the full story of the ongoing Holocaust reached the West, beginning in 1942, it was disbelieved because the sheer magnitude of the Nazi plan of mass murder made it, literally, incredible—beyond belief. There is surely a good deal to this, but perhaps at least as often, the gradually emerging and gradually worsening news from Europe produced a kind of immunity to shock. A final point on disbelief. Accounts of the persecution of Jews between the fall of 1939 and the summer of 1941 often spoke of “extermination” and “annihilation.”³⁰

Substantiation of Nazi atrocities arrived from various quarters to provide further documentation for the need of a war crimes tribunal. Jan Karski and Raphael Lemkin, two Poles, one Roman Catholic and one Jewish, were intrinsic to the build-up of information for the International Military Tribunal to be located in Germany, the nucleus of the National Socialist Party. Prior to their revelations, in 1941 and even 1942, reports about Nazi atrocities were considered “rumors.”³¹ To corroborate the tragic facts of Nazi violence, a member of the Polish Underground, Jan Karski, disguised as a Jew with a Star of David armband, clandestinely entered the Warsaw Ghetto in 1942 as well as the Izbica transit camp. What he discovered became one of the most authentic and credible sources for Nazi war

crimes possible. Once back in London he met with the Polish government in exile and concretely documented for them widespread Nazi criminal acts in Poland, some of which can be found in his insightful work *Story of a Secret State*.³² He subsequently came to America and met with President Roosevelt on July 28, 1943, to discuss the situation in Poland and the post-war Polish government.³³ During his visit to America, he met with Justice Felix Frankfurter; the latter maintained a high level of skepticism, finding it most difficult to believe Karski's description of what was happening to Jews in Poland—for example, in the liquidation of the Warsaw Ghetto. A later interview with Karski reveals a strong assertion on the part of Frankfurter that he knew humanity and that this destruction of innocent people could not be true:³⁴

Young man, I am no longer young. Men like me and men like you must be totally honest. And I am telling you: I do not believe you . . . My mind and my heart are made in such away that I cannot accept it. No! No! No! I am a judge of men. I know humanity. I know men. It is impossible.³⁵

The ambassador of the Polish government in exile, Jan Ciechanowski, witnessed the exchange and challenged Frankfurter, a Jew, about not believing the tragic situation occurring in Poland.³⁶

Raphael Lemkin, a Jewish attorney who lost many of his family to Nazi atrocities, used his legal skills to educate the world about Nazi criminal activity throughout Europe by employing his newly-coined word, “genocide,” to Nazi criminal activity. Robert Gale Woolbert in 1945 reviewed Lemkin's landmark text, *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress*, published a year earlier, prior to the Nuremberg Trials:

Dr. Lemkin, a Polish scholar, has performed a signal service in compiling and analyzing the laws, ordinances and decrees by which the Nazis and their satellites have governed the subject peoples of Europe. About half of this thick volume consists of documents which the author has selected as illustrative of Nazi-Fascist theory and practice. The rest contains Dr. Lemkin's own scholarly analysis of what all this evidence means, not only to our comprehension of the essential lawlessness and utterly cynical inhumanity of Nazism, but of the terrible problems which even a defeated Nazism will leave as a *damnosa haereditas* to the post-Hitler world.³⁷

Early on, Jackson felt that *all* types of evidence must be used to produce a strong case against the Nazi war criminals. He wished to make available as auxiliary evidence the films the Nazis produced in order that the prosecution team present a visual record of their deeds, as noted in his opening statement on

November 21, 1945. At the same time, he was aware of the allegedly incriminating liberation footage that was shown in American theaters immediately following the Allies' entry into the camps.³⁸ Crimes were so horrendous, the Western world might not believe it. If this were to be a just and balanced trial as Truman and Jackson desired, evidence against the criminals must be irrefutable. Visual evidence would provide a supplementary means of making a more solidly established case for the prosecution. This must be accompanied by taking the moral high ground and insisting on true justice during the entire legal process, no matter what the cost. Professor of legal history, Dennis J. Hutchinson, references the repercussions of this approach for Jackson and his legal team: "By insisting on documentary evidence and by requiring scrupulous attention to procedural fairness, Jackson created a nightmare for his prosecution team and prolonged what he and others hoped would be a month's exercise into a year-long affair. Jackson hoped that the trials would be a major first step in establishing an international rule of law."³⁹

A young American editor, Varian Fry, went to Marseilles, France, as the representative of a newly formed Emergency Rescue Committee, and already in 1942 understood how incredulous the West seemed even after the warning signs of Nazi violence against certain populations, especially toward the Jews, since 1933. Finding many "atrocities" sheer propaganda, Europeans and non-Europeans were hesitant to believe these horror stories:

One reason the Western world failed to rouse itself more promptly to the Nazi menace was surely this tendency to dismiss as impossible fantasy the many warnings the Nazis themselves gave us. We made the terrible mistake of judging the Nazis by our own standards, failing even after the war had begun to realize how completely they had renounced, if indeed they had ever espoused, those standards. Even today, after more than three years of the Nazi kind of war in Europe, and more than one year of direct experience with it ourselves, there are still far too many among us who do not understand the nature of the enemy—an enemy who will stop at literally nothing to achieve his ends. And his ends are the enslavement or annihilation not only of the Jews but, after them, of all the non-German peoples of Europe and, if possible, the entire world.⁴⁰

By late 1943, the West expressed a greater interest in a victory over the Axis forces than in the possibility of Nazi criminality against the Jews. Various early accounts of atrocities that "beggared description,"—to use Eisenhower's words upon his visit to the liberated camps—often fell by the wayside, given the fact that the mindset of the world previously included a positive view of a civilized Germany. The defeat of Fascist forces—the main objective of the

Allies—nonetheless would ensure a cessation of any and every form of Nazi barbarism, especially against the Jews, although this was not a high priority.

Once Truman announced that Jackson would be US Chief Counsel at the Nuremberg Trial on May 2, 1945, Lemkin wrote to Jackson two days later to introduce himself and his work on genocide. Jackson borrowed Lemkin's book from the Supreme Court Library, took it to London and then to Nuremberg to keep on hand. Throughout the extensive planning stage for the tribunal, Jackson's staff and other representatives constantly referred to Lemkin's newly-adopted term "genocide," although the term "crimes against humanity" was the more common expression used at the trials. It was the French and Soviet prosecutors who first referred to the term "genocide" in terms of Nazi atrocities in their respective countries. Lemkin's presence was thus felt throughout the preparation for the Nuremberg tribunal. Professor John Q. Barrett, a specialist on Jackson's work, writes of the influence that Lemkin had on Jackson and his staff:

Although Raphael Lemkin was not present in London during the four-nation Allied negotiations that ran from late June until early August 1945, his linguistic and conceptual contributions were present. The Americans knew Lemkin, they knew of his book, article and related press, and they knew his word "genocide." The British, Soviet and French delegations perhaps also knew Lemkin's word and his legal concept, from his writings and from the Planning Memorandum that Jackson distributed to each delegation as the conference began.⁴¹

Jackson determined to use substantial evidence of Nazi atrocities against Nazi war criminals. He saw the importance of full-proof evidence to indict the perpetrators, more notably after the camps were liberated, and wished to press into action the collection of both written and filmed material. Besides the 100,000 captured Third Reich documents presented as evidence in court, 25,000 still photographs⁴² and millions of feet of Nazi film and Allied footage of the camps would be used as "credible evidence," given the power of the visual image. On April 24, 1945, General Omar Bradley, present at the Eisenhower tour of the Ohrdruf concentration camps two weeks earlier, urged the recording of visual evidence to confirm the unspeakable horror of Nazi atrocities:

It is the desire of the Theater Commander [Eisenhower] that both still and moving pictures be utilized to the fullest extent practicable as exhibits in reports of investigations of war crimes committed by the Nazis with particular reference to Allied prisoners of war both in and out of camps and to concentration camps for the purpose of recording for civilization the history of horror written by over five years of German atrocities.⁴³

The West, duly warned about the plight of the Jews, at first failed to recognize that the Nazi plan of the Final Solution had already been well underway. Only gradually did the Allies in late 1942 and early 1943 recognize the severity of the atrocities and initiate a coherent strategy to address the situation with a proposed tribunal, whereby the criminality of the Nazis could be judged. The Nuremberg Trials thus had their seminal origins in the Allied final decision to halt the Nazi attempts to conquer Europe. Once appointed by President Truman following the liberation of the camps, Justice Robert Jackson undertook his position as Chief American Prosecutor seriously and gathered the range of evidence—written, oral, and visual—to indict the Nazi war criminals. The Planning Memorandum provided to the Allied representatives at the London Conference included “Assumptions,” “Admissibility of Evidence” (admitting any evidence which has probative value), “Outlines of Proof,” and “Source Materials.” Under the rubric of photographic evidence that could be used to prosecute the Nazi War criminals were included still photographs and motion pictures, while oral testimony could be derived from film and other recordings, as well as from witnesses. The use of film as evidence at the Nuremberg Trials was now closer to becoming a reality.⁴⁴

The US Signal Corps Encounters Atrocities

Hollywood and the US government enjoyed a symbiotic relationship during World War II. The government needed trained film producers, directors, animators, and well-known actors to promote the war via recruiting, as in the documentary *Negro Soldier*, or advance the sales of war bonds to support the conflict with stars such as Bing Crosby and Dorothy Lamour. For combat films starring Hollywood icons that required military equipment and authentic logistics, film producers relied on the US Army and its vast arsenal of weaponry.¹ The Office of War Information (OWI) served as a link between the two institutions, providing a watchdog approach to all media so that news of the war effort could be carefully controlled. This was especially true in light of the entertainment industry whose cinematic goals of education, morale-boosting, and propaganda became a priority during World War II.

Established in 1860, the US Signal Corps had the responsibility of communications and technology during World War II, focusing on film and photography, besides other pioneering activities in radar development. Given the technological demands of the European and Pacific campaigns, the Signal Corps grew to approximately 350,000 men and women by the last year of the war. The US Signal Corps attracted key Hollywood directors who became vital to both the general war effort and more specifically to the preparation of visual evidence for the Nuremberg Trials. With backgrounds in Hollywood, George Stevens, Billy Wilder, John Ford, Frank Capra, and soon to become a filmmaker, Sam Fuller, lent their technical filming, editing, and general production skills to the war effort.

In 1934, John Ford was commissioned as a lieutenant commander in the Naval Reserves, and, just a few weeks prior to the Japanese attack on Pearl Harbor, he announced that he trained some sixty technicians in case of a national emergency. He mentored many of them in filming techniques in the Twentieth Century Fox studios several nights a week. They would then be linked to the Field Photographic Branch of the Office of Strategic Services (OSS), later founded on June 13, 1942. It would be the forerunner of the Central Intelligence

Agency (CIA). On September 17, 1941, Colonel William J. Donovan requested the Secretary of the Navy to promote Ford to the rank of commander, insisting that he play a major role in the visual coverage of the war even prior to the Japanese attack on Pearl Harbor. Seeing the importance of film for government purposes during the Depression with Pare Lorentz's documentary work on *The River* and *The Plow that Broke the Plains*, the various sectors of the government would come to use the skills of the Hollywood directors and trained cameramen and editors to provide intelligence for the OSS; train the military as with the SNAFU animated shorts; support the morale of both troops and civilians; as well as document historical events during and after the war, such as the Nuremberg Trials and the Japanese surrender. Working with his gifted cinematographer Gregg Toland (*The Grapes of Wrath*) and technical right-hand man Ray Kellogg (*That Justice Be Done*), Ford would be an integral part of documenting key moments in the war, notably with his films the *Battle of Midway* and *December 7*. These documentaries, along with adaptation of *The Grapes of Wrath* and his Western classic *Stagecoach*, made him a household name in Hollywood and in the war effort.

George Stevens came to the US Signal Corps following great success as a director in Hollywood, showcasing Fred Astaire and Ginger Rogers in *Swing Time* (1936) and Cary Grant and Douglas Fairbanks, Jr. in *Gunga Din* (1939), among other feature films. Austrian-born Billy Wilder, primarily a writer up until World War II, had also directed *Bad Seed* (1934) and was catapulted to Hollywood importance with a film noir, *Double Indemnity* (1944). Frank Capra's "capracorn" or screwball comedies such as *It Happened One Night* (1934) and populist films like *Mr. Smith Goes to Washington* (1939) marked him as a prime recruit for the plan Army Chief of Staff General George Marshall had in mind—to create a documentary film series "Why We Fight"² immediately after the Japanese bombing of Pearl Harbor. Lastly, although not in the US Signal Corps, Sam Fuller, a freelance writer, stumbled into the filming of the camps on the orders of his commanding officer, Captain Kimble R. Richmond. Using a 16mm Bell & Howell camera his mother sent him, he filmed the array of corpses discovered the day after V-8 Day at Falkenau.³ His twenty-two-minute film documented the reverent burial of the bodies and the forced witnessing of the ritual by the townspeople. This coincidental film responsibility eventually led him into a long career in Hollywood, including the direction of a popular feature dealing with his unit, *The Big Red One* (1980).⁴

These filmmakers, notably Ford, Wilder, Stevens, and Fuller, often with their own 16mm cameras, documented their personal confrontation with evil and

death in filming the concentration camps in the spring of 1945.⁵ What they left was a lasting legacy of the horrors inflicted on vast amounts of diverse victims that will forever be embedded in our minds as a visual microcosm of the Holocaust. Their work, furthermore, served as a primary education of the public on the subject of Nazi war crimes. It would also be difficult for the prosecutors at the Nuremberg Tribunal *not* to have viewed their images and others filmed by the US Signal Corps that preceded movie screenings in news reports such as *Universal News* for April 26, 1945, just less than a few weeks after US troops began liberating Nazi concentration camps. The title reads “Nazi Murder Mills!” with the initial captions reading, “First actual newsreel pictures of atrocities in Nazi murder camps. Helpless prisoners tortured to death by a bestial enemy . . . HERE IS THE TRUTH.” Over images of emaciated US POWs, disfigured corpses, and torture instruments, the well-known, resonant voice of Ed Herlily bluntly tells audiences, “Americans can’t believe what they thought was impossible propaganda. Here is documentary evidence of sheer mass murder . . . murder that will blacken the name of Germany for the rest of recorded history.”⁶

Although the Western Allies knew since 1942 that atrocities were occurring throughout all of Europe, they had only a slight knowledge of the degree of horror that the victims of the Nazis experienced from reports from governments in exile. It would only become clearer when the Soviet Red Army liberated Majdanek and Sobibor in eastern Poland in the summer of 1944, and then Auschwitz in south-western Poland, in the vicinity of Krakow, in January 1945. However, when the US Army came upon the recently abandoned slave labor camp at Ohrdruf, near Gotha, Germany on April 4, 1945, the encounter with death became overwhelming. Ohrdruf, part of the Buchenwald camp network, was the first concentration camp liberated by the US Army, and the experience shocked and disturbed the hardened veterans of intense combat fighting following D-Day. Bruce Nikols, on patrol that day as a member of a platoon attached to the Headquarters Company of the 354th Infantry Regiment, of the 89th Infantry Division, 3rd Army, recounts his eye-opening experience:

As we stepped into the compound one was greeted by an overpowering odor of quick-lime, dirty clothing, feces, and urine. Laying in the center of the square were 60–70 dead prisoners clad in striped clothing and in disarray. They had reportedly been machine gunned the day before because they were too weak to march to another camp. The idea was for the SS and the prisoners to avoid the approaching U.S. Army and the Russians.⁷

Nikols proceeded to a shed near the “parade grounds.” He remembers this horrific tour: “Inside, were bodies stacked in alternate directions as one would stack cordwood, and each layer was covered with a sprinkling of quick-lime.”⁸ He concludes his report on Ohrdruf: “I recall becoming very upset when we got back to our quarters, but the whole experience was far beyond my understanding. I wrote a letter to my parents describing the experience which was read at a local gathering of business men. *It was widely disbelieved.*”⁹

A week later, on April 12, 1945, the day President Franklin Roosevelt passed away during his unprecedented fourth term, General Dwight D. Eisenhower arrived in Ordruf. Prior to noon Eisenhower visited the Merkers salt mine discovered to house the Nazi confiscated art collection and \$250 million in gold bars.¹⁰ Captain Alois Liethen, an interpreter in the XX Corp, G-2 Section of the US Third Army, one of the first American officers to encounter the tragedy of Ohrdruf several days earlier, accompanied Eisenhower, along with Generals Omar Bradley and George Patton on their visit the same day to Ohrdruf. The three generals toured the camp, both sickened by and enlightened about the dastardly and inhumane deeds of the Nazis. Eisenhower recorded his thoughts in a letter dated April 15 to General George Marshall:

On a recent tour of the forward areas of the First and Third Armies, I stopped momentarily at the salt mines to take a look at the German treasure. There is a lot of it. But the most interesting—although horrible—sight that I encountered during the trip was a visit to a German internment camp near Gotha. The things I saw beggar description. While I was touring the camp I encountered three men who had been inmates and by one ruse or another had made their escape. I interviewed them through an interpreter. The visual evidence and the verbal testimony of starvation, cruelty and bestiality were so overpowering as to leave me a bit sick. In one room, where they were piled up twenty or thirty naked men, killed by starvation, George Patton would not even enter. He said he would get sick if he did so. I made the visit deliberately, in order to be in position to give first-hand evidence of these things if ever, in the future, there develops the tendency to charge these allegations merely to “propaganda.”¹¹

Shocked by what he witnessed, General Patton, describing the tragic scene as “one of the most appalling sights that I have ever seen,” recorded in his diary:

In a shed . . . was a pile of about 40 completely naked human bodies in the last stages of emaciation. These bodies were lightly sprinkled with lime, not for the purposes of destroying them, but for the purpose of removing the stench. When

the shed was full—I presume its capacity to be about 200, the bodies were taken to a pit a mile from the camp where they were buried. The inmates claimed that 3,000 men, who had been either shot in the head or who had died of starvation, had been so buried since the 1st of January. When we began to approach with our troops, the Germans thought it expedient to remove the evidence of their crime. Therefore, they had some of the slaves exhume the bodies and place them on a mammoth griddle composed of 60-centimeter railway tracks laid on brick foundations. They poured pitch on the bodies and then built a fire of pinewood and coal under them. They were not very successful in their operations because there was a pile of human bones, skulls, charred torsos on or under the griddle which must have accounted for many hundreds.¹²

Already Eisenhower emphasized a notion that would play out in greater detail within several months—the horrible scene at Ohrdruf defies belief and might be considered a product of propaganda. This perspective paralleled the dismal reception of infantryman Bruce Nikols' letter to his parents describing the Ohrdruf horrors. Americans were far from convinced that these inhumane acts could have been practiced on innocent victims.

A few days later on April 19, Eisenhower wrote again to General Marshall. "I have visited one of these [camps] myself and whatever has been printed on them to date has been understatement."¹³ Eisenhower goes on to ask Marshall to have a dozen members of Congress and a dozen prominent editors to make a visit to this area. "I will arrange to have them conducted to one of these places where the evidence of bestiality and cruelty is so overpowering as to leave no doubt in their minds about the normal practices of the Germans in these camps."¹⁴ The not so subtle words of Eisenhower reinforced the idea that the American public would never comprehend nor believe the full extent of these atrocities. The US government officials and the media would thus have to play a part in communicating these scenes of evil to the American public. Eyewitness accounts and visual documentation would be the primary means of relating to the West the horrific evidence of the concentration camp.

When Eisenhower requested that George Stevens organize the Special Coverage Unit (SPECOU) of forty-five photographers and cameramen, called "Stevens Irregulars," to capture the D-Day landing in June 1944 and the North African campaign, the Hollywood director did not realize that beyond the images of combat he would soon be filming the most tragic images of man's inhumanity toward innocent human beings. Stevens' footage of Nazi atrocities such as the images filmed at Dachau with frozen corpses in railway cars shocked and angered the veteran troops and then the general public.¹⁵ Stevens' unit had

been given permission through SHAEF (Supreme Headquarters of the Allied Expeditionary Forces) to film anywhere and everywhere where they could document atrocities and without military impediments. These cameramen received precise instructions to take accurate footage and notes about any criminal activity by the enemy. Writers like Ivan Moffat, William Saroyan, and Irwin Shaw provided the details necessary to describe the location, the event, and the date.

The "Introduction" of the 1944 *Instruction Manual of the Field Photographic Branch* describes the rationale for filming any war crimes discovered by the Allied troops:

In the performance of normal duties, officers and men frequently encounter evidence of war crimes and atrocities that should be preserved for future consideration. Because human memory is faulty and because objects constituting physical evidence decompose, changes are lost, it is important that a contemporary record be made of the event in a form it will constitute an acceptable proof of the occurrence, identify the participants, and afford a method of locating principals and witnesses so far as may be possible at a future time.¹⁶

The manual further notes the procedures for documenting atrocities and alludes to the fact that the results of the field work must be acceptable in military tribunals or courts. By 1944, the end of the war was in sight, and the perpetrators of war must face justice. In the spring of 1945, the filming of the liberation of concentration camps would provide this concrete evidence.

On April 25, 1945, shortly after Eisenhower, Bradley, and Patton visited Ohrdruf, SHAEF issued a relevant memo signed by Colonel K.B. Lawton, to members of the US Signal Corps officers and SPECOU, regarding the filming of atrocities. The note requests that at the time of the liberation of the concentration camps, the Signal Corps cameramen should take immediate and complete coverage in still and motion pictures of the camps and the people therein. SHAEF further suggested the potential use of this footage. It would first be utilized as evidence for the Judge Advocate General War Crimes Commission. The resulting film could be shown to US troops, civilians in US theaters, and German civilians through the auspices of the Psychological Warfare Division. The Office of War Information could additionally release the footage for its own agenda. The memo further states that the filming is a number one priority and that the filming should be accomplished as soon as possible as a camp is liberated. These orders helped advance not only the plan for presentation of visual



Figure 2.1 A US Signal Corps cameraman, Joseph Wright of the 103rd Infantry Division, films evidence of Nazi atrocities in Kaufering IV (courtesy of the United States Holocaust Memorial Museum Photo Archive)

documentation in a criminal court but also the education of the German civilians in the post-war period.¹⁷

Following these requests, cameramen began filming during the liberation of each camp when possible, and every evening, a Master Caption Sheet provided a list of the atrocities, the scene of the criminal activity, participants, and other important details when available. Ivan Moffat's notes for May 2, 1945 read: "Master Caption Story: Bodies Lying by Railway Track at Dachau" and provide a summary of the film footage shot by SPECOU. In this segment, the Red Cross inspects the box cars with bodies partially frozen and covered by snow.¹⁸ Seeing the mounds of corpses at Dachau, one wonders how could one human being do this to another human being? How does one justify this mass murder? The film footage was shot by Stevens' crew in 35mm while he himself supplemented the gruesome images with his own 16mm camera with Kodachrome color film stock. Before Stevens recorded the stacks of bodies at Dachau, he had already filmed Operation Overlord on D-Day, June 6, 1944, and noted in his son's film

about the director's wartime filming, a captain quoting the king's speech from Shakespeare's *Henry V*:

We few, we happy few, we band of brothers;
 For he to-day that sheds his blood with me
 Shall be my brother.¹⁹

Stevens further filmed the liberation of Paris in August 1944, the crossing of the Rhine River, the Nordhausen camp of slave laborers and V-2 rockets, and the jubilant linking of Allied forces (American and Soviet) in Torgau at the Elbe River. One of Stevens' major objectives was to convince the Americans of the authenticity of the evidence gathered by his unit. Many did not believe the stories of mass killings of anti-Nazi Christians and Jews, a major concern for Jewish organizations such as the World Jewish Congress and the American Jewish Committee, who later met with Justice Jackson on June 12, 1945, about their long-time understanding of Jewish massacres.

As the US Signal Corps continued to film throughout Europe following the D-Day invasion in northern France and the landing in Sicily, "the soft underbelly of Europe," one unit with Stevens on May 3 filmed the door and sign over the showers, "*Brausebad*," as well as the piles of bodies, now bones and ashes, remaining in the ovens. Local citizens are photographed viewing the horrors of the camp. One GI leads them into the barracks laden with corpses, and with a note of sarcasm remarks to them, "Here is the Dachau Museum of Culture." A note of irony hovers over the bath area—"Cleanliness is a duty here, therefore do not to forget to wash hands." Ivan Moffat's Master Caption Story reads: "Gas Chamber and Crematory at Dachau Camps," which was filmed with nine rolls of "Agfa Supreme" film. Moffat's notes supplement the visual images, describing the population of Dachau—estimated at that time at 30,000—plagued with typhus. Some 450 cases of typhus daily are recorded.²⁰

One of the more symbolic events recording concentration camp activities just a week after the liberation of Dachau was the first Jewish religious service coming after years of religious persecution. Chaplain of the XVth US Army Corps, Captain David Max Eichhorn, prays for those lost in the concentration camps. On a windy day the international flags fill the air, as do the refrains from "God Bless America" sung by some liberated prisoners. American soldiers reverently stand nearby and observe the ceremonies, while Military Police watch vigilantly in case of disruption. Rabbi Eichhorn prays with the survivors:

In our holy Torah, we found these words:

“Proclaim freedom throughout the world to all the inhabitants thereof a day of celebration this day shall be for you, a day where every man should return to his family and to his rightful place in society.”

In the United States of America, in the city of Philadelphia, upon the exact spot where 169 years ago a group of brave Americans met and decided to fight for American independence, there stands a marker upon which is written these very same words:

“Proclaim freedom throughout the world to all the inhabitants thereof.”²¹

Rabbi Eichhorn’s prayerful message emanating from Philadelphia, “The Cradle of Liberty,” would have some resonance on this occasion of the liberation of the camps. He further acknowledges that he plays a dual role here at Dachau—as an American soldier and as an American rabbi who represents the Jewish community in America, emphasizing the notion of being free and peace-filled. Eichhorn said that Dachau was the “shame” of our civilization and that the criminals should be hunted down. He continues by acknowledging the plight of the survivors of the camps: “We know your tragedy; we know your sorrow; we know that upon you was centered the venomous hatred . . .”²² He concludes the solemn ceremony with these words: “You shall go out with joy, and be led forth in peace.”²³ Rabbi Eichhorn went on to be a key consultant for the Army in the area of the Jewish military relations and was later well respected for his many books and pioneering work in interfaith marriage, a controversial subject.

Ivan Moffat’s May 6 US Signal Corps caption describes encounters with the victims of Nazi aggression: “Atrocities—First Hand Witnesses,” an important testimony to those who lived through the harrowing experiences at the Dachau concentration camp.²⁴ While his camera unit filmed the camp scenes, George Stevens interviewed the former prisoners with three translators. Using synch sound with 35mm film stock, Stevens heard personal testimonies of a Polish priest, a doctor, and a lawyer, as well as a Belgian Jew and a Czech Ph.D. among others. This recording of eyewitnesses parallels that of the oral accounts of the British who liberated the Bergen-Belsen camp a few weeks earlier. We will see shortly that the Soviets would be unable to capture the eyewitness accounts because the cameramen accompanying the Red Army lacked synch sound.

The US Signal Corps documented extensively the results of the Nazi atrocities, producing photos and films that were designed to document history as well as inform an incredulous world that lay unaware of the concentration camp

nightmare.²⁵ Bodies burned on railroad ties, pits with skeletons of human bodies, a mass of corpses, victims of Nazi machine guns prior to the arrival of the Allies—all of these visually reveal the Nazis' last minute efforts to obliterate traces of their crimes. The US Signal Corps photos and film footage, however, would reveal the discovery of Ohrdruf and similar camps and prove that this was not fiction. The British photographic units would be right behind them to reinforce this message.

The British Liberation of Bergen-Belsen: *Memory of the Camps (1945/1985)*

On the same day that General George Patton wrote to General Dwight D. Eisenhower about his profound experiences at Ohrdruf on April 15, 1945, further north in Germany above Hanover in Saxony, the Allied 21st Army Group, a combined British-Canadian unit, marched into an area called Belsen.¹ It was a sunny day. Spring was in the air. The soldiers saw cows in the fields, charming orchards, and a mother and her children. All seemed very pastoral and tranquil . . . until the soldiers smelled a horrific stench lingering in the air. As they advanced further into the area, they came upon a concentration camp; the sight of the contents of the camp defied the human imagination. It could have been a scene from Dante's *Inferno* or from Hieronymus Bosch's graphic paintings of *Hell* or *The Last Judgment*. When the British troops entered the site, revulsion swept through the ranks of the liberators. They soon came to understand that the camp was a final attempt by the Nazis to relocate their prisoners from camps as far away in Poland as Auschwitz and Majdanek to this camp in Germany. The Russians in the meantime were fighting their way toward Germany, and closing in on Berlin, the heart of the Reich, which would soon be the final resting place of Fascism. The Nazis forced-march the prisoners near the Russian front lines to German camps like Bergen-Belsen for the most part. The Bergen-Belsen camp had passed through a number of stages, from a prisoner of war Stalag to a camp with a complex mixture of Jews, Roma (Gypsies), political prisoners, Jehovah's Witnesses, criminals, and homosexuals. Prior to the Allies' liberation of the camp, the population had risen to 60,000. With the exodus from Poland, however, came prisoners with typhus and other lethal diseases which infected the prisoners already located in the camp. The epidemic swept like wildfire through the camp, killing thousands of inmates already ravaged from hunger, tuberculosis, and dysentery. As the British army unit arrived at the gates, the corpses lay strewn on the ground in front of the barracks. The task ahead of the soldiers, separating the living from the dead, demanded extreme effort. Robert H.

Abzug describes this mammoth undertaking in his study of the liberation of the camps, *Inside the Vicious Heart*:

Awestruck by the awful challenge that faced them, British officers began clean-up and rehabilitation. Mass graves started by the Germans were filled and new ones dug. Distribution of food and water and medical aid to the forty or more thousand living souls began. But even so, day after day hundreds died from the raging typhus epidemic. It is estimated that, despite the best efforts of the British to feed and treat the inmates, some 28,000 died after the liberation.²

On that day when the British and Canadian soldiers set foot into the Bergen-Belsen camp, a British journalist, Richard Dimbleby, accompanied them, one of the first to be an eyewitness to the atrocities committed there on a massive scale. Dimbleby recorded what he gazed at with horror on April 15, 1945.³ One image that haunted him was that of a mother with a child who confronted a British soldier. He described the situation of a frantic woman screaming at the sentry to give her milk for her baby, thrusting the child into his arms and running off crying terribly. "When he opened the bundle, he found that the baby had been dead for days. This day at Belsen was the most horrible of my life."⁴ Dimbleby broke down crying several times in his attempt to complete the radio report. The BBC delayed broadcasting his eyewitness testimony of Nazi barbarity until several days later because the staff could not believe its veracity.⁵ The public had never heard of such devastating treatment of human beings either. Then other reports came through, verifying the ghastly accounts of inhuman treatment of the prisoners. "One of the British senior medical officers, Brigadier Llewellyn Glyn-Hughes, told the Reuters news agency he saw evidence of cannibalism in the camp. There were bodies with no flesh on them and the liver, kidneys and heart removed."⁶ British citizens could not believe their ears as they listened to the BBC broadcast.

Among the well-known prisoners rescued at Bergen-Belsen was the future Member of the European Parliament and French Minister of Health under Jacques Chirac and Raymond Barre, Simone Veil, who lost many of the members of her family during the Holocaust. She had earlier made the march in the transfer of prisoners from Auschwitz. Unfortunately, Anne Frank and her sister Margot were not as fortunate as Veil, having died of typhus in March, just prior to the liberation of the camp. The corpses of the victims of the disease numbered too many to offer a respectful burial, so bulldozers plowed them into mass pits, a horrific scene viewed at the close of Alain Resnais' documentary *Nuit et brouillard* (*Night and Fog*, 1955) and later screened and discussed at the 1961 Eichmann Trial in Jerusalem.

Memory of the Camps: Production history

The history of this very graphic film that lay dormant in the British archives for four decades dates back to February 8, 1945. President Roosevelt and other Allied leaders were seeking justice for the war criminals as reports began to trickle in about Nazi atrocities. Less than two weeks earlier, the Russians liberated Auschwitz and the Red Army cameramen a short time later documented the scene they encountered. In 1945, Sergei Nolbandov, a Russian-born writer, producer and director of a celebrated British war film (*Ships with Wings*, 1941), was working with the British Ministry of Information film division. On February 8, he sent a note to Sidney Bernstein, Chief of the Film Section of the Psychological Warfare Division of SHAEF. Nolbandov's memo indicates that the footage of the atrocities in various camps was extensive, "And this material, it emerges, was being collected with a view to preparing a film which will show the German atrocities in many parts of the world."⁷⁷ Bernstein understood the importance of the message and began acting on it. He had a serious objective in mind: "[The film] should be in the form of a Prosecuting counsel stating his case. It is of extreme importance that German audiences see the faces of the individual directly responsible. Efforts should be made to secure the names and personal background of all persons thus shown, attempting to establish that they were once ordinary people."⁷⁸

Bernstein, son of Jewish parents from the East End of London, had arrived in Europe on one of the first D-Day landing crafts. Making his way through Nazi-occupied areas of France and Belgium, he arrived in Bergen-Belsen a day after the troops liberated it in April 1945. Although Bernstein was just passing through with his unit, the vision of the corpses and walking skeletons haunted him throughout his life. Given his Jewish upbringing, he was able to converse with some of the prisoners in Yiddish. Based on his experience at the camp, shortly afterwards he prepared a nine-page document entitled "Material Needed for Proposed Motion Picture on German Atrocities." The jointly sponsored film of the Allies was to have three audiences—German citizens, German prisoners of war, and citizens of diverse liberated or occupied countries. The rationale of the Allies in the production of this documentary, as with other films and newsreels, was to alert various audiences to the horror inflicted on innocent Europeans at the hands of the Nazi perpetrators. Justice would be served, and the Allies wished to reinforce this notion with strong, visual images. The Psychological Warfare Department determined to create a legal case against the perpetrators and make certain that this cinematic documentation would prevent Nazis from disproving their criminal actions or minimizing them. As the Russians moved closer to

Berlin, the Nazis were already attempting to eradicate traces of their criminal activity by destroying as much evidence as possible. This can be seen in their demolition of the crematorium at Auschwitz-Birkenau in November 1944, viewed at the close of *Night and Fog*, and in some of the final scenes of Costa-Gavras' *Amen*. (2000) where German soldiers burn corpses in the woods in a surrealistic atmosphere.

The project had ambitious goals, but cooperation between the US OWI and the US Signal Corps with the British Psychological War Department would result in very dramatic results, with the massive amount of footage filmed at the liberation of the camps. The extensive filming at countless newly discovered concentration camps would become a blessing and a curse for the editing crew, further slowed down by its search for a movieola and other editing equipment. On July 9, the OWI, however, pulled out of the joint production agreement in order to create its own twenty-minute film, *Die Todesmuhlen* (*Death Mills*, 1945), directed by Billy Wilder and released in the American zone in January 1946.⁹ Another aspect of the rationale to cease collaboration had to do with the fact that already on June 15, 1945, the Anglo-German newsreel "*Welt im Film*" ("The World on Film") depicted the atrocities in a series of graphic scenes from concentration camps as part of the denazification plan with the message, "Dass ist Faschismus, dass ist Nationalsozialismus" ("That is Fascism, that is National Socialism").¹⁰ This left the original project solely in the hands of the British. Nonetheless, the OWI provided a significant amount of footage for the British endeavor, although submitted at a very slow pace due to duplication issues of footage shot by the US Signal Corps, as with the scenes of Dachau, that would be incorporated into the film. The images gradually flowed in as "rushes" from the camps, and those who worked with the material close up, especially editors, were sickened by what they viewed. The senior staff thus relieved the younger women working in the post-production facilities of this task to work on other projects. Despite their revulsion, the editors had as a first objective the establishing of some order to the material.

Sidney Bernstein, a committed anti-Fascist and member of the British Committee for Victims of German Fascism, utilized his film experience and media contacts in the service of the Ministry of Information throughout the war. In the midst of this project, he felt that his close friend from the early days of the British Film Society which he co-founded in 1924, film director Alfred Hitchcock, now located in the US, would be a perfect choice for a consultant on this ambitious project.¹¹ Bernstein was seeking an "imaginative" approach to the documentary.¹² He did not want a "straight documentary" but something other,

that would have a fresher look at this momentous and tragic event. Hitchcock had already produced a few World War II feature films¹³—*Foreign Correspondent* (1940), *Saboteur* (1942), *Shadow of a Doubt* (1943), and *Lifeboat* (1944)—as well as two lesser-known propaganda films with French actors for the Ministry of Information to boost the morale of the French resistance. Less known to American audiences are Hitchcock's non-feature works. Told from two diverse perspectives, the short film *Bon Voyage* (1944) recounts the escape of a downed Scottish Royal Air Force gunner through German lines, accompanied by a fellow escapee. It is later learned through the French intelligence office that the former prisoner was really a Gestapo agent. *Aventure Malgache* (1944), told in flashback, begins with actors of a Molière troupe who recall the tension of the Resistance and Vichy officials in Madagascar. Hitchcock's inspiration for the film emanated from his view of the factions among the various French groups in the UK.¹⁴ All of these World War II endeavors of Hitchcock indicate the use of his cinematic skills to support the Allied war effort.

Bernstein acknowledged that Hitchcock would have to get time off from the studio of David O. Selznick who brought the director to the US from England.¹⁵ Selznick released Hitchcock from his studio responsibilities, and the director eagerly came to the aid of Bernstein in London, spending from late June to late July 1945 on the documentary project. According to Bernstein, "he outlined and planned it."¹⁶ Hitchcock reviewed the footage of the various camps and believed that just showing a concentration camp would be too abstract and ambiguous for the audience. He suggested a wider geographical context with designs of maps offering a view of the general surrounding areas, for example, the largest nearby town or city.

Elizabeth Sussex, writing about the film project, reinforced what Eisenhower had discussed about the disbelief of the public that anything so horrific as what he viewed up close at Ohrdruf could have possibly transpired and noted:

Bernstein explained that even in England there were people who saw the service film unit material and could hardly believe it was true. "The imaginative way he [Hitchcock] was going to show it to the German people . . . He took a circle round each concentration camp [there were 11 filmed] as it were on a map, different villages, different places and the numbers of people—so they must have known about it."¹⁷

Hitchcock's counsel on this design assisted doubly in placing camps such as Buchenwald near Weimar and Dachau near Munich, but also inferred that civilians living within the maps' geographical perimeters had to know about the

prisoners' fate.¹⁸ This approach indicates that Germans were the bystanders with respect to the existence of the concentration camps. The narration, especially the opening of the film with the arrival of the troops in the area of Bergen-Belsen, indicates that the camps were nestled in the quaint countryside with orchards and farm animals. In a sense, this parallels a concept that Hitchcock used at the outset of *The Birds* and *Psycho*, establishing horror in the midst of a normal, everyday setting.

With Bernstein and Hitchcock's guidance over the latter's month-long participation in the project, the editors and writers set about to produce a documentary that would reveal the Nazi atrocities in a manner that would educate the German people about their collective responsibility for the epidemic of criminal activity by their government and further insist upon their role as bystanders. The film furthermore had to provide a solid rationale for exposing Nazi crimes. From the film footage shot by the US Signal Corps and the British Army Film Unit, established documentary editor Stewart McAllister began working on the first three reels of the documentary with a preliminary treatment worked on by Australian-born journalist Colin Wills, who had reported on the camps for *The London News Chronicle*. Collaborating closely with him was Richard Crossman, Assistant Chief of the Psychological Warfare Division, who had superior knowledge of propaganda disseminated by the Reich.¹⁹ On July 25, the crew viewed Leni Riefenstahl's tribute to the September 1934 Nazi Party Congress in Nuremberg, *Triumph of the Will* (1935). From Riefenstahl's epic they selected cuts that would reinforce the Nazi drive to power that would open the atrocities documentary. By mid-August, McAllister had completed the Bergen-Belsen sequences of the film in the first three reels, and editor Peter Tanner picked up the subsequent sequences, especially dealing with Dachau, Buchenwald, Ebensee, and Mauthausen that the US Signal Corps had shot. During the editing process, Peter Tanner met up with Hitchcock at Claridge's in Mayfair where the director was staying and later followed his counsel about making certain that there was no artificial cutting. Hitchcock advised how to create authenticity, which was used in the filming of the various clergy, a Catholic priest, a rabbi, a Lutheran pastor, and a British Protestant minister. Peter Tanner recalled to Elisabeth Sussex the influence of Hitchcock:

And it was all in one shot so that you saw them [the clergymen] coming along, going through the camp, and you saw from their point of view all that was going on. And it never cut. It was all in one shot. And this I know was one of Hitchcock's ideas and it was very effective. There was no way for somebody seeing it that it could have been *faked*.²⁰

This insistence on veracity of the image and editing process continued to support the idea that if the editorial crew were hesitant about the credibility of the footage, they would have to assure the audience that these scenes were not cleverly edited for shock effect and were indeed absolutely authentic.

The Film

After countless challenges and disappointments, the final result of the collaboration of Bernstein, Hitchcock, McAllister, Tanner, Wills, and Crossman came to naught by September 1945.²¹ What remained of their compilation of concentration camp footage was a fine-cut print and a script, having no music, narration, titles, or credits. Allied policies with respect to occupied Germany had already begun to shift, and the desire to impose the stark images of the camps upon the German civilians diminished. The British government sought to repair Anglo-German relations and not demoralize the vanquished peoples. The current national policy in England included rebuilding the German nation both physically and morally.

The five reels that McAllister and Tanner edited would survive the attempts for a feature-length documentary on the Nazi atrocities, but the sixth reel shot by the Russians went back to their country with the cameramen. The Russians had already produced their own two-reel special edition newsreel entitled *Auschwitz* in May 1945.²² The Soviet footage remarkably mentions Jews, but only on occasion, in contrast to the British and American footage which did not distinguish the ethnicity of the victims. Yet the Soviets normally downplayed the Jews as victims and attempted to universalize the suffering of all Soviet citizens at the hands of the Nazis. The British atrocities film, consisting of the five of the six original reels, was soon shelved and designated “F3080” at the British Office of War Information. A shot list dated May 7, 1946, accounted for the missing reel still in the hands of the Russian cameramen. Then in 1952 the film material was transferred to the Imperial War Museum and listed as F3080. In 1984, the rediscovery of the dormant film helped bring to light the documentary project, and the first screening took place at the Berlin Film Festival in February that year. It was the May 7, 1985 Frontline broadcast in the US, however, that signaled the importance of the film as an historical document. The negative could not be found, so the print used derived from a nitrate positive cutting copy or work-print. Ironically, even though the credits list Hitchcock only as “treatment adviser,” his advice was taken seriously, and his name helped bring attention to the forgotten treasure at the time of the broadcast.²³

Forty years after the war, an American researcher discovered in the vaults of the Imperial War Museum a rusty can marked "F3080" which contained five reels of film which were in poor condition. With a script intact that was unsigned, undated, and attributed to the writer Colin Wills, the producers of Frontline broadcast the film on PBS television for the 40th anniversary of the Liberation in 1985.²⁴ The British film and stage actor Trevor Howard narrated the film, which lasted fifty-five minutes, in a clinical manner, as the grisly scenes passed on the screen. The film opens with the euphoria of the participants in the 1934 Nazi Congress in Nuremberg, a scene from Leni Riefenstahl's celebration of the new Third Reich, *Triumph of the Will*. At the podium, Adolf Hitler and Rudolph Hess star among constant "Sieg Heil's." The National Socialist Party of 17 million plus has made many claims and promises. It is the Reich's "place in the sun at last." The Volk have come from chaos to triumph, with promise after promise fulfilled. The trade unions were lost and books burned, notes the narrator, but it was still a good bargain. There is still ahead the "promise of grandeur and conquest." In the motorcade with casts of thousands in celebration, frenzied and screaming lining the streets, Hitler becomes the model of apotheosis, revered by all as the savior of the nation.

These scenes from the Riefenstahl film can be considered highly significant, for they lay the foundation for the body of the film, especially as the narrator emphasizes that the villagers and their burgermeisters must see the human devastation in the concentration camps that their leaders produced in their name. Among the bodies strewn through the camps, the German civilians are forced to witness these atrocities and acknowledge that they were indeed bystanders while all of this occurred between 1933 and the present.

The scene suddenly changes to a tranquil German scene of "neat and tidy orchards and well-stocked farms" in the spring of 1945. The British soldiers did not fail to admire the pastoral beauty even as they entered the town of Belsen. Once they approached the concentration camp, however, they faced head-on the horror of mass human destruction. The narrator observes that the soldiers encounter people "listless, beyond hope, and astonished," ravaged with hunger. "What misery lived amongst such unmentionable filth?" The soldiers discover huts filled with tangled masses of bodies, some dead, others writhing in agony. They view "dead women like marble statues in the mire." The dead here numbered not in the hundreds but in the thousands. The narrator offers the figure of 30,000 as an estimate, many of whom lie in half-filled pits. "It is difficult to imagine the orchards now."

The soldiers confront the evil that brought this about in the person of the camp commandant Joseph Kramer, who is considered a war criminal to be tried

by the Allied military court. The British soldiers line up the SS guards and inspect their papers. Well-fed and well-dressed, the guards remain unashamed of their dastardly deeds. The armed British soldiers force the SS and the women who once volunteered for camp duty to begin the seemingly impossible task of burying the piles of corpses lying about the camp in various postures. They must work quickly. The 500 Hungarian troops captured aid them in the grave-digging detail to bury the people starved or beaten to death, as well as others who died from lethal diseases. The German guards throw the bodies onto trucks and then women guards help toss them into the recently half-dug pits, evidence of Nazis covering their crimes in haste. No reverence is shown to these human bodies which were once fathers, mothers, sisters, or brothers; as the guards drag the corpses toward the gravesite, the feet of the dead scrape the ground beneath them. In some scenes, the viewer watches as the head of a corpse being dragged, sadly bumps up and down on the ground. The British act quickly and efficiently, but without due reverence, in order to provide immediate burial for the masses of bodies, victims of typhus and starvation. Fear of the disease spreading to the survivors dominates their minds. The British soldiers assume the enormous task of keeping the survivors alive, a physically impossible task given what these emaciated skeletons endured at the camp. They provide a water supply for those ravaged prisoners dehydrated and starving, not having had food or water for the past six days. The prisoners view the water as their salvation as they gravitate to the hot water for bathing and the fresh water for drinking. At one point the camera voyeuristically lingers on the naked women bathers elated to have hot water.

Next we see the burgermeister and local officials, hats in hand, brought to the grim scene to witness the horror that their government perpetuated. As if to say, "Am I my brother's keeper?" "They shrugged their shoulders and beat their breasts and said it was none of their business." The British utilize a loudspeaker to reinforce a message in German about the collective responsibility of the civilians, the bystanders: "You, who allowed your leader to carry out this horrible madness; you, who couldn't do enough for this degenerate triumph; you who were a part of this camp . . ." These local citizens must now bear the shame and guilt of their government's transgressions.

As the Red Cross and the mobile typhus lab work diligently to suppress the disease and stall the countless daily deaths of the prisoners, the soldiers approach the children while the narrator asks what crime did they commit, these 200 or so children. "Where are their parents?" This is the narrator's rhetorical question, for all one has to do is to view the stark landscape of bodies inside and outside the barracks.

In late April, a British soldier addresses the camera and the audience. What he witnesses escapes any possible description. Understanding the vast scope of Nazi criminality, he remarks:

Today is the 24th of April 1945. My name is Gunner Illingworth and I live in Cheshire. I am present in Belsen camp doing guard duty over the SS men. The very things in this camp are beyond describing. When you actually see them for yourself, you know what you're fighting for here. A picture in the paper cannot describe it at all. The things they have committed, well, nobody could think they were human at all. We actually know now, what has been going on in these camps and I know, personally, what I'm fighting for.

To offer further eyewitness accounts, a Catholic chaplain, a Lutheran pastor, a rabbi, and a British Protestant minister also speak to the camera:

I am the Reverend T.J. Stretch, attached as padre to the formation concerning this camp. My home is at Fishguard. My parish was at Holy Trinity Church, Aberystwyth. I've been here eight days and never in my life have I seen such damnable ghastliness. This morning, we buried over 5,000 bodies. We don't know who they are. Behind me you can see a pit which will contain another 5,000. There are two others like it in preparation. All these deaths have been caused by systematic starvation and typhus and disease, which have been spread because of the treatment meted out to these poor people by their SS guards and their SS chief.

This testimony rings authentic on location by a neutral party, which will be important later to document the atrocities of the Reich leaders and oblige the West to believe that all of this really occurred. To further buttress the argument that these facts were credible, images of the gravesides appear on screen—Grave No. 2 (5,000), Grave No. 3 (5,000), Grave No. 4 (2,000), and so on, marked with the date, for example, April 23, 1945, and the number of corpses in each. “So they lie, Jews, Lutherans and Catholics, indistinguishable, cheek to cheek, in common graves.” One understands now the extent of the Nazi crimes. It would be difficult to refute the recorded facts.

With some reverence, the clergy recite prayers over the bodies, and the bulldozers expediently plow thousands of bodies into the mass graves to prevent typhus from spreading even further. As a further precaution, the soldiers torch the disease-ridden huts, creating the effect of a smoke-drenched inferno. This rids the camp of the devastating diseases that ravaged the bodies of thousands upon thousands of prisoners, many of whom had recently arrived from Polish camps.

Following this focus on the Bergen-Belsen camp, *Memory of the Camps* continues in a compilation manner, describing a series of camps, some more

recognized than others. In each case, as Hitchcock suggested, the viewer gets a glimpse of the camp in relation to a surrounding area, usually a recognizable town or city. The narrator creates the link with the other camps, as a dark spot lingers on the screen: "Do not imagine that this was the only black spot that was uncovered in Germany. There were over 300 others." Later findings indicate that this figure was just the tip of the proverbial iceberg. The film then focuses on each specific camp.

Dachau

First created in 1933 for political prisoners, this was a model camp. Here the diverse inmates, 32,000 of every nationality, suffered from hunger and disease. The narrator points out the brothel for the guards and special prisoners. More importantly to document the killing process, the mechanism of death, he indicates the sign for the shower ("*Brausebad*") where the prisoners entered unaware of their doom. A hand turns the wheel, the Zyklon B gas drops into the chamber, and stacks of bodies indicate the final stage of the prisoners. The ovens, specifically designed to burn large batches of bodies, are situated nearby. The prisoners' clothes are soon recycled. At the railway station, snow-covered, stiff bodies lie about. Seventeen men remain alive, but the other 3,000 met their untimely deaths. This sequence ends with a harsh indictment of these crimes against humanity—the Germans knew about Dachau! They did not care! The British thus reinforce their perspective of the collective guilt of the German people.

To expand upon the film sequence, we understand today the importance of Dachau, known as one of the more notorious camps not only for its horror chambers depicted above but also for its medical experimentation. The Nuremberg Physicians Trial held by the Americans subsequent to the International Military Tribunal prosecuting the major war criminals presented the documentation of the Nazis' inhumane experiments upon the prisoners, certainly crimes against humanity, all with the distorted rationale of bettering German society. Justice Jackson alluded to these horrific experiments in his opening address.²⁵

Eisenhower's call to bear witness to the Reich's policy of lethal violence upon the prisoners bore fruit, especially as visitors toured the camps of Dachau and Buchenwald. The bipartisan joint committee led by Kentucky Senator Alben Barkley viewed the human remains in the crematoria and stacks of bodies outside the barracks of the camps in late April. Californian

Ed Izac developed a sixteen-page report of the committee's findings to present to Congress entitled "Atrocities and Other Conditions in Concentration Camps in Germany":

The committee concluded by endorsing the war crimes proceedings then under way and with the hope that out of the camp experience and trials of the guilty parties would emerge "a firmer realization that men of all nations and all tongues must resist encroachments of every theory and every ideology that debases mankind and that a more just and enduring peace may arise upon the ruins and from the sacrifices which the human race has endured through one of the most crucial periods of its history."²⁶

Buchenwald

At the beginning of April, this camp was one of the earliest liberated. Approximately 20,000 international prisoners survived their brutal treatment at the hands of the sadistic guards. Thousands of the prisoners toiled in the armaments plant. The camera meanders through the throng of dead bodies, mouths agape, "so removed from humanity." Members of Parliament from Britain visit (on May 3, 1945) and become sickened by the sight. The commandant ordered 600 deaths daily, and hunger, beatings, and corruption helped produce the daily mortality rate. When the liberators entered the camp, very similar to those at Bergen-Belsen, the first thing that they sensed was the smell.

Expanding upon this situation in his later account of the liberation, Robert H. Abzug notes the experience of a soldier, John Glustrom (333rd Engineers):

My first impression of it was the odor. The stench of it was all over the place and there was a bunch of very bewildered, lost individuals who came to me pathetically at the door in their unkempt uniforms to see what we were doing and what was going to be done about them . . . Well, my feeling was that this was the most shattering experience of my life.²⁷

The Weimar citizens are forced to gaze upon "this chamber of horrors," viewing what they were fighting for and what we were against, notes the narrator.

In a very haunting scene a display table is set up for the civilians to view. They are disgusted by what they see—lampshades made of human skin and shrunken heads of two Polish prisoners who escaped and were recaptured. Human skin portrays erotic images.

When the ovens are shown, the designers' name appears—J.A. Topf & Söhne. The narrator points out: "All of this seemed so remote from humanity, so far

removed from behavior of man.” When the members of British Parliament arrive on May 3, the narrator further observes, “It had to be seen to be believed.” “German citizens from Weimar were brought into the camp to see what they had been fighting for and what we had been fighting against.” This echoes the words of the young British soldier at Bergen-Belsen.²⁸

The clock today permanently reads the time of the liberation of Buchenwald, at 3:15 p.m., April 11, 1945.

Ebensee

As with the introductory pastoral scene experienced by the British and Canadian soldiers entering Bergen-Belsen, this segment begins with a description of the Austrian area of Ebensee as a holiday resort locale in the mountains. A gentle peace floats in the clean air filled with the aroma of pines. A couple leisurely converses at the side of their boat on the lake. The Luftwaffe and Panzer officers once spent time in this tranquil, spa-like setting, but there was also a camp located here, an integral part of the German economic system. The prisoners offered slave labor to dig underground tunnels for the armament plants; starvation and disease depleted this population in unimaginable numbers. The area was “unfit for dogs.” All one sees are walking skeletons of the young men incarcerated here. With genitalia exposed, they are “exhibited” here by the soldiers as a type of proof of what their captors had done to them. Tuberculosis and slavery left their mark on their utterly wasted bodies.

We later learn of the history behind Ebensee, a sub-camp of Mauthausen in 1943 supervised by sadistic guards whose brutality and execution-style tactics helped solve the overcrowding problems in the barracks which housed 750 prisoners having been built for 100. American troops of the US 80th Infantry Division liberated the camp on May 6, 1945, discovering the emaciated survivors. The atrocities of the Nazis were etched on their bodies, as one witness recalls in Abzug’s documentation of the liberation of the camp:

We were taken through the crematoriums—and one of the attendants of the crematorium swore to us that he had seen several bodies put in there alive. We looked in the crematorium and there were piles of ashes and bones inside. And outside of the crematoriums, the bodies were stacked like firewood—like hides and carcasses you see hanging of half a cow in a butcher shop—the spine, you could count every vertebra, in the spine and every rib and these were the dead—but the living looked exactly like them.²⁹

Mauthausen

Situated near Linz, Austria, this camp had a very high death rate. Of the more than 190,000 prisoners, a minimum of 95,000 died. Approximately 40,000 prisoners alone met their fate here since the beginning of 1945. The crematorium handled 300 corpses per day, every day.³⁰

Ludwigshurst

A road sign points toward Hamburg in the north of Germany to offer the viewer geographical orientation. Dead bodies lie everywhere, many hurriedly murdered. Prisoners stagger about on the verge of death. Men slept on barbed wire, for the authorities made certain that the inmates would not live or die normally.

Ohrdruf

It was here near Leipzig that General Dwight D. Eisenhower pointed out that everyone should see and understand the extent of Nazi atrocities and urged the filming of results of the terror inflicted upon the inmates of the camp. The narrator observes, "Here was carnage and desolation." He emphasizes the Nazis' sense of guilt for their crimes: "There must have been some feeling of guilt, or presumably there would not have been an attempt to destroy the evidence." As the camera focuses on a charred body, the narrator points out, "This was a woman." In a factory near Leipzig, 300 workers were forced into a hut set aflame by the Nazis. The charred bodies remain fixed in their agony of death.

Gardelegen

In this camp we view further efforts of the Germans to destroy any trace of their dastardly deeds. As in the Leipzig factory, they burned the bodies of 1,800 victims they locked in a barn and set afire. The corpses still smoldered as the US troops arrived to liberate the camp.

Auschwitz

The original final reel for the liberation of Auschwitz by the Russian cameramen was taken back to Moscow.³¹ Nonetheless the script remains intact for the concluding few minutes of the film. This camp, marked by its "*Arbeit Macht Frei*"

“welcoming” sign, located a short distance from Krakow, is up to date as a killing factory. The mandate went forth throughout occupied Europe to bring those targeted for extermination to this site, which resembles “a great city.” The liberators are responsible for burying the dead, “now we must care for the living.” In Auschwitz the narration calls attention to the magnitude of human destruction—“4 million were murdered here.” (Critics later challenge this statistic.)

Over images of the dragging of bodies at Bergen-Belsen, *Memory of the Camps* ends with profound admonitions: “It remains for Germans to help to mend what they have broken and cleanse what they have befouled.” In this devastation, the narrator notes that the Germans have traveled backward, not for 12 years, but for 12,000 years. And finally, we hear the importance of documenting the depressing scenes of horror inflicted on the innocent, “Unless the world learns the lessons these pictures teach, night will fall, but by God’s grace, we will live, we will learn.” The camera lingers over the masses of dead bodies.

What may seem curious and disconcerting to the contemporary audience is only a minor allusion to specifically Jewish victims, the principal target of the Final Solution promulgated at the Wannsee Conference of January 20, 1942. Yet, they number the most among all those pinpointed by the Third Reich for incarceration or extermination. Part of the reasoning is that in April 1945, the liberators came upon hundreds of thousands of corpses, indistinguishable by race, country, or ethnicity. Their mission came down to aid the living and bury the dead without delay. As with films like George Steven’s *Diary of Anne Frank* (1956) and Resnais’ *Night and Fog*, universalizing the message of Nazi terror dominated the agenda, focusing on the victims’ innocence and humanity. At one point the narrator mentions men, women, and children “from every European nationality.”³²

The witness value of the film cannot be denied. Unlike the Soviet documentaries on atrocities which had no synch sound complementing the images, *Memory of the Camps* focuses midway through the documentary on the testimony of respectable, neutral individuals—clergy and military. They give evidence to the brutality of the Nazis as they stand in the midst of the horrors—pits lined with thousands of corpses of innocent victims. The Protestant minister, present for eight days within the camp, states that he has never seen such ghastly sights in his life and provides concrete figures of the interred while the camera lingers over the numbers lying in each grave. A few weeks prior to the conclusion of the war and V-E Day, May 8, 1945, the British soldier from Cheshire, England,

acknowledges what he is fighting for as he views the carnage of Belsen. If the final, edited film had been completed prior to the Nuremberg Trials, these credible witnesses would have been believed by the general public as well as those present in a tribunal judging war criminals.

Today, *Memory of the Camps* has lost its original purpose of documenting Nazi crimes against humanity for an upcoming tribunal as well as part of the denazification program in post-war Germany. The concluding lines of the script based on the Soviet filming at Auschwitz indicate that the goal of presenting the graphic images was to teach the world a lesson about power and domination of “the Other.” Nonetheless, the footage used in the film has remained as witness both at the Nuremberg Trials and in video archives and as a testament to a totalitarian government’s power to eliminate masses of innocent people in the hope of purifying a nation.³³ Several documentaries, such as *Death Mills*, *Auschwitz*, *That Justice Be Done*, and *Nuremberg*, however, would eliminate the need to castigate the Germans any further, given the Allies’ desire to rebuild a devastated Germany both in spirit and physical structure. The Allies further believed that they would eventually need to have solid relations with Germany as a potential ally against the developing Soviet power already seen at the Potsdam Conference. The USSR, a former ally that aided in defeating the Third Reich and producing unforgettable images of atrocity at the Nuremberg Trials, soon embarked on another path to domination. The Cold War was gradually heating up in post-war Europe.

The Soviets En Route to Nuremberg

In late 1938, Sergei Eisenstein directed *Alexander Nevsky*, dealing with the Teutonic Knights of the Holy Roman Order in 1242 as they invade a powerless and peaceful Russia in the wake of other foreign invasions. An obvious metaphorical film, Eisenstein's epic work alluded to the ominous threat of Nazi Germany. This modern, well-armed menace had appeared most evident in the military display in the 1934 Nuremberg gathering of the Nazi Party in Riefenstahl's *Triumph of the Will*. Early scenes in *Alexander Nevsky* clearly suggest a potential German invasion and above all, the committing of atrocities on the Russian people. The Teutonic Knights capture the city of Pskov and hang resisters; they callously snatch children from their mothers and cast them into a blazing fire, an unconscious portent of the Holocaust to come. Wearing a miter bearing swastikas, the Roman Catholic bishop blesses the Knights, thus sanctioning their acts of violence against the innocent civilians.¹ Greg Dolgoplov offers the rationale for this anti-German film:

It is impossible to view this film set in the thirteenth century outside of the context of the history of its production in the late 1930s. *Alexander Nevsky* is an allegory that projected present events and sensibilities onto the past in order to draw strength from Russian history. Propaganda in the Soviet Union was not considered an invective. The film was designed to mobilize and bring confidence to the worldwide struggle against Fascism. Throughout the 1930s, relations between the USSR and Germany were in a constant state of flux. Germany's rearmament, Hitler's avowed anti-communism and the weakness of the European policy of appeasement were cause for enormous anxiety.²

Other Soviet films of 1938 further marked the appearance of anti-Semitism while the pogroms against the Jews were occurring: *Professor Mamlock* (dirs. Adolf Minkin and Herbert Rappaport), *Peat Bog Soldiers* (*Bolotnye soldaty*, dir. Aleksandr Macheret), and *The Oppenheim Family* (*Sem'ia Oppenheim*, dir. Grigorii Roshal).³

Less than a year later, in August 1939, after great acclaim for Eisenstein's masterpiece, the Soviet government shelved *Alexander Nevsky* and other films

with an anti-German tone in light of the German-Russian non-aggression agreement, the Molotov-Ribbentrop pact. Just two years later, however, following the German Army's military incursion into Russia on June 22, 1941, the prophetic *Alexander Nevsky* was re-released as a rousing rallying cry for national unity in the face of the warring threat of Fascist Germany. The fate of other Soviet films dealing with Jewish-related subjects was not as fortunate.

When Operation Barbarossa was launched in 1941 against Russia to exterminate Jewish Bolshevism, the country lay vulnerable to a vicious onslaught of its soldiers and citizens.⁴ Hitler, however, underestimated the resistance and resilience of the Soviets who managed to create a strong defensive, and then, in the wake of the Battle of Stalingrad in February 1943, a major offensive. With an echo of the Napoleonic defeat in Russia in 1812, Germany faced severe losses at Stalingrad and undertook a challenging winter retreat. The Red Army then began to push westward toward Germany. Starting earlier in November 1941, as each of the occupied areas such as Rostov-on-Don became liberated, the Soviets documented the atrocities of the invaders. The filming of the murderous deeds of the German Army as well as the results of the marauding *Einsatzgruppen*, the lethal killing squads targeting the Jews, provided visual testimony to the criminal activity of the Germans.⁵

The treacherous *Einsatzgruppen*, the four major mobile killing units, accompanied the German Army through Poland on its march toward Moscow.⁶ In order to conquer the ideological enemy, the Soviet Union, the mission of the units called for eliminating any enemy of Germany—Jew, gypsy (Roma/Cinti), Soviet official, and, as part of the continued euthanasia war against the disabled, any mentally and physically challenged individual. Even prior to the January 1942 Wannsee Conference, Heinrich Himmler established the *Einsatzgruppen* to take this preliminary step in the “Final Solution” with this type of massive slaughter. He abided by the principle of creating a strong ethnic German presence (*Lebensraum*) in the East as part of the Third Reich's world domination plan. This would necessarily mean eliminating anyone who did not conform to this Aryan ideal. The operation first began with liquidating male Jews and then proceeded to include women and children as part of a more extensive genocidal attempt to eliminate all European Jewry, and in this phase of the war, Russian Jews. As the *Einsatzgruppen* units formed of SS and other police units relied upon informers and collaborators, the slaughter became widespread. Soviet cameramen filmed this extensive carnage after an area was liberated, to be shown on newsreels in theaters throughout Russia. Mass shootings and burials in vast graves served as the Nazis' normal means of execution and concealment with the

most well-known being the massacre of Kiev Jews at Babi Yar.⁷ When this form of killing damaged the perpetrators psychologically within several months of the Nazi invasion, mobile gas vans were utilized for execution, taking this pressure off the killers. These vehicles temporarily served as the prototype of the lethal gas chambers discovered by the Soviets, British, and Americans as they liberated various extermination camps and filmed them as documentation of the tragic level of the Nazi killing apparatus.

At the time of the filming of Rostov, Minister of Foreign Affairs, Vyacheslav Molotov, made note of Soviet goals of justice on November 7, 1941 and again on January 6, 1942, stating that the government must hold the leaders of Nazi Germany responsible for Nazi crimes committed by the occupying army.⁸ It would be a year later, in November 1943, that the three Allied powers, Great Britain, the United States, and the Soviet Union would reiterate this point in the Moscow Declaration and direct their condemnation of criminality at both the leaders of the Third Reich and the perpetrators committing the evil deeds. In order to prosecute the war criminals, there must be authentic documentation, and film would be the most visible and visual means to record these deeds.

Even prior to some of the formal planning of an international court of law to judge the war criminals, Stalin initiated a war crimes tribunal. Historian Robert Gellately, the editor of Dr. Leon Goldensohn's interviews during the Nuremberg Trials where he oversaw the prisoners until July 26, 1946, comments on the early Soviet trials leading up to establishing the International Military Tribunal:

... the Soviets were taking steps of their own to settle scores with the invaders. As they liberated their land from the Nazi yoke in the summer of 1943, they began carrying out their own trials, including trials of their own citizens, for participation in Nazi war crimes. In the first such trial (July 14–17, 1943) at Krasnodar, the Soviets made public to the world one of the first cases of mass murder of the Jews. There were eight death sentences, which were carried out in the city square in front of a crowd estimated at thirty thousand people.⁹

On September 29, 1941, the Nazis gathered the Jews from the Ukrainian city of Kiev and transported them to a ravine outside the city. There the German police and SS shot execution-style every person in the back of the neck, stacked the bodies in a pile, shot another group and stacked those on top of the earlier layer. On that day and the next, 33,771 Jews lay dead in the large pit at Babi Yar.¹⁰ No Soviet cameraman filmed the massacre, but photos do remain from German soldiers who captured the executions on camera. In 1944, Soviet investigators

opened a grave at Babi Yar and witnessed the masses of corpses remaining from the 1941 massacres.¹¹

Not too long after the Nazi invasion, two thoughts permeated the minds of the Soviet government and the civilians—vengeance and justice. It would take almost four years before both were attained. In order to arrive at these goals, Soviet cameramen began to document the atrocities inflicted on the Soviet citizens. In November 1941, the Red Army first liberated the southern city of Rostov-on-Don, which Hitler saw as an important conquest following Moscow and Leningrad/St. Petersburg.¹² The cameramen filmed the ruined city where the Nazis raped and pillaged their way through the civilian population for eight days. Bodies filled the streets, and ruined churches testified to the Nazi destruction of the body and soul of Mother Russia, as revealed in one of the first significant newsreels of the results of the Nazi occupation—*Soiuzkinozhurnal* no. 114—an equivalent to the period's English-language *Movietone News* or *Universal News*. From this moment on, the Soviet cameramen and editors would shape the message of the atrocities by first selecting the scenes to be shot and then composing them, while the editors, closer to the government officials dictating the final message, would make the final selection of what to include or exclude. In simple terms, the outcome of the filming should indicate that the Soviets became the victims of the crimes ordered by the Nazi High Command, and that the Soviets will be the ultimate victors against Fascism. The critical decision was to downplay the victimhood of the Jews and create a narrative that indicated that *all* Soviet citizens became victims during the Nazi occupation and persecution.

In one sense, as opposed to what was considered authentic filming at Dachau or Bergen-Belsen, the scenes of atrocities from Rostov in 1941 to Auschwitz in 1945 can be considered staged, or “shaped” by the political agenda of Moscow. In the American and British liberation films, survivor testimony spoken on camera indicated the veracity of the scene in order to serve as further documentation of criminal activity while negating any belief that the footage bordered on propaganda. At the same time, to assure the look of authenticity, the composition of an atrocity in the Allied-liberated camp was often carefully filmed to capture a shot of the surroundings, the bodies, and then US soldiers viewing the corpses, alluded to earlier in Alfred Hitchcock's suggestions about the Allied film of Bergen-Belsen which would become *Memory of the Camps*.¹³

The limitation of the absence of sound equipment greatly hindered the Soviets from incorporating the voices of the survivors of Nazi crimes in the diverse villages and towns liberated by the Red Army. These film technicians carefully

wrote notes similar to the US Signal Corps' "Master Captions," supplying the date, place, and key individuals in the sequence. Furthermore, the cameramen helped create the emotional appeal of a scene of mass murder by positioning weeping victims over the corpses of their loved ones. Shots of frozen corpses or hanging victims of the Nazis had to serve as visual proof of a specific atrocity. Jeremy Hicks further underscores the relationship of propaganda to the depiction of the Nazi onslaught with respect to the first footage of the wrath of the Nazi forces as they left in ruin village after village, and town after town: "The Russian footage thus established an important narrative that dominated Soviet images of Nazi atrocities, which were both preceded and followed by images of the triumphant onward march of the Red Army. Propaganda was inextricably entwined with atrocity; indeed, the latter would not have been shown without the former."¹⁴

Filming atrocities was part and parcel of the new mission of the cameramen accompanying the Red Army. The Soviet State Commission on War Crimes, created on November 2, 1942, already saw as its objective the collecting of documentation dealing with Nazi war crimes and crimes against humanity, although not necessarily discussed in those terms, for a potential trial of the Nazi perpetrators. The twenty-seven reports of the Commission provided the basis for the Soviet testimony at Nuremberg.¹⁵ Following the invasion of the German Army, the cameramen first focused on military activity. Once the Red Army liberated a previously occupied and destroyed area, their new mission aimed at producing a visual testament of what remained in the wake of the German retreat, that is, usually widespread devastation and death. Their footage appeared in the newsreels screened twice weekly in theaters as both morale boosting and a reminder of an injustice. The viewer ideally leaves the theater fully understanding the victimhood of the Soviets, but with optimism that the Red Army will triumph in the end.

The original Soviet film *Moscow Strikes Back* (1942) was made available to US audiences as part of a larger propaganda ploy to garner more attention for the plight of a Russia under siege. It provided the Americans with an idea of the Soviet Union's new ally in the war against Fascism, victorious in battle and, at the same time, vulnerable to the Nazis' lethal actions. The film would also be a harbinger of Frank Capra's *Battle of Russia* (1943) wherein the Russians swear vengeance on their Nazi enemies:

For the burned cities and villages
For the deaths of our children and our mothers

For the torture and humiliation of our people
I swear revenge upon the enemy
I swear that I would rather die in battle with the enemy
Than surrender myself my people and my country to the Fascist invaders
Blood for Blood!
Death for Death!¹⁶

From October 1941 to January 1942, Soviet cameramen thus accomplished two priority missions—highlighting the victory of the Army and emphasizing the brutal crimes of the Nazis on the Soviet population. Leonid Varlamov and Ilya Kopalin directed the Russian version of *Moscow Strikes Back*, primarily underscoring the military might of the Red Army in battle as it defends the capital. At least fifteen cameramen filmed the various scenes, among them Roman Karmen (listed as R. Carmen in the credits) who had already made his reputation as a military cameraman during the Spanish Civil War.¹⁷ As the lead cameraman in many historical moments, he followed the basic propaganda principle in Soviet documentary filmmaking—film what supports the party line and omit anything that might alienate the power structure. And this he did with his comrades who recorded the atrocities early on during the Nazi occupation.¹⁸ The first sequences in the film salute the armed might of the Soviets. The latter part of the film brings to light the cruel tactics of the invaders—buildings bombed, cultural heritage (Tolstoy's home) pillaged and destroyed, women raped, and resisters hanged. Napoleon's defeat in 1812, recalled in passing here, finds a parallel in this Soviet victory over an invader. Roman Karmen went on to produce *Nuremberg Trials or Judgment of the People* (1946), which he shot and scripted, culminating in a compilation of the footage filmed at a host of concentration camps.

The English-language version of *Moscow Strikes Back* became an instant commercial success in the US, being awarded an Oscar for best documentary in 1942. Albert Maltz, later blacklisted, scripted the narration which Edgar G. Robinson dramatically narrated and reinterpreted for an American audience. In the American 55-minute remake, Robinson describes the epic-style youth parades as celebrations and not the normal propaganda emanating from the Soviet Union, suggesting that May Day was kin to our festivities on Labor Day. The narrator introduces the audience to the heroic military tactics of the Soviet Army as well as the disheveled and humiliated faces of the German POWs. Above all, the voice-over acknowledges for the first time early in the war for the American audiences the widespread atrocities of the Nazis. Women weep over the frozen bodies of their loved ones while a soldier removes his cap in respect

to the dead. Lifeless bodies of the enemies of the Nazis swing from the gallows. Alluding to the German's beastly behavior, the narrator alludes to the rape of women and even a young girl who is being comforted. No one speaks on camera as testimony of the brutality of the Nazis; the emotion pours forth freely, however, not unlike the elderly *babushka* in Eisenstein's *Battleship Potemkin* (1925), wailing in front of the body of the sailor Vakulinchuk in Odessa, following the mutiny aboard the battleship. Casts of thousands in orderly and rhythmic fashion come to pay their respects to the fallen dead in this classic Eisenstein film about the aborted 1905 revolution which may well have provided the template for ritualized mourning before the camera. In both *Moscow Strikes Back* and *Potemkin*, the camera raises the dead to the level of martyrdom. As in many of the Soviet classic films where the cult of the heroic dead permeates the narrative, the same is true for the filming of the pernicious Nazi crimes that ably fits the Soviet narrative of invasion and occupation. This same outburst of staged emotion can be viewed in Alexander Dovzhenko's *Battle for Our Soviet Ukraine* (1943). Within three minutes of the opening of the film, women wail in sorrow and attempt to jump into the grave with their beloved. The narrator mentions that there are many common graves like this now. In an ironic scene of parallel editing, Dovzhenko films the smiling German soldiers marching, quickly cutting to the bodies of murdered children, a theme of lost innocence being common to many Soviet newsreels and features during the war. In his idyllic manner, the director shows the beauty of the country, rich in resources and history . . . now in flames.

The other reaction sought by the use of newsreels and documentaries about Nazi crimes is revenge.¹⁹ Watching the evil inflicted upon the Soviet people, the Soviet viewers develop a keen desire for retaliation. The Rostov footage would only be the first to anger the Soviets, but as the siege of Stalingrad and other destruction during the occupation continued, lust for destroying the invader built up and would reach its acme in the triumph in Berlin. Anthony Beevor, author of *Berlin: The Downfall 1945*, describes in graphic detail how the Red Army, sanctioned by the Soviet officials to revenge the Motherland, raped their way through the conquered site of the Third Reich government. The Soviets transported the German women and girls to slave labor locations in the Soviet Union where they toiled for up to sixteen hours a day. When they returned to the Soviet sector of a divided Germany in 1947, half of them had been raped, and were placed in hospitals for venereal disease or tuberculosis.²⁰ The Red Army did not forget the devastation that lay in the wake of the German Army and *Einsatzgruppen* during the occupation. For the Russian soldiers, the looting,

rape, and burning of German homes served as acts of pure retribution, all recorded in reports to Moscow, and tolerated by the Soviet leaders.

When films such as *Moscow Strikes Back* (1942) and *Defeat of the Germans Near Moscow* (1943) reached the West through international distribution, most often by Artkino, Americans began to hear of the Nazi atrocities committed in Russia. The films indicate that the Nazi genocidal program had already allowed for the mass murder of countless Soviets, including Jews, even before or not long after the Wannsee Conference of January 1942 got underway. Yet the British and Americans did not take to heart the seriousness of the lethal campaign in the Soviet Union due to skepticism about propaganda and the high level of anti-Semitism prevalent in both countries, but especially the United States. The American Experience PBS film *America and the Holocaust: Deceit and Indifference* (1994) offers a concrete example of the anti-Semitic sentiments in the American government and widespread public in the late 1930s and early 1940s in the attempts to bring a Jewish family out of Germany. With respect to the Soviet films, even though Jews were only tangentially mentioned, the viewer can still grasp the murderous activity of the Nazis. Americans were feeling the lingering effects of the "Red Scare" of the 1920s and 1930s and hesitated to believe that the images were authentic. They considered the footage propaganda and failed to understand the extent of the atrocities. The Russians (and the Poles) felt the brunt of Nazi power first during the occupation, while the West did not face that experience, thus originally resulting in further disbelief.

Following the bloody and lengthy siege of Stalingrad, the Germans retreated under heavy fire from the Soviets who pursued them all the way back to Poland and then Germany. At each village, town, or city liberated by the Red Army, the devastating effects of the Nazi presence were visible. The Red Army's sights were set on Berlin. On July 23, 1944, however, a tragic discovery momentarily halted the army. Right outside of Lublin, Poland, the army came upon a Nazi camp, one designed for the extermination of the Jews and Poles, among other nationalities. The enemy had hastily fled given the imminent arrival of Soviet troops and left the camp almost perfectly intact. A report, however, indicates that the perpetrators tried to erase any trace of the dead bodies which were exhumed and burned.²¹ By the end of 1944, the committee in Moscow drew up the Polish-Soviet record of the horrors of the Majdanek extermination camp with extensive written details based on eyewitness accounts. One section of the report provides statistics and concludes with laying the guilt at the feet of the Nazi government and leaders:

The Polish-Soviet Extraordinary Commission finds that during the four years the Majdanek Extermination Camp was in existence the Hitlerite butchers, on the direct orders of their criminal government, exterminated by means of wholesale shooting and wholesale asphyxiation in gas chambers of about one million five hundred thousand persons—Soviet prisoners of war, prisoners of war of the former Polish Army, and civilians of different nationalities, such as Poles, Frenchmen, Italians, Belgians, Netherlanders, Czechs, Serbs, Greeks, Croatians and a vast number of Jews. The Polish-Soviet Extraordinary Commission for the Investigation of the Crimes Committed by the Germans in Lublin finds that the principle culprits in these crimes are the Hitler government, chief executioner Himmler, and his underlings of the SS and SD in the area of the Lublin Wojewdstwo.²²

Besides the written documentation to support the lethal work of the Nazis at the Majdanek camp, films also create an authentic view of the atrocities. Aleksander Ford, a pioneer of Polish film and head of the Polish Army's Film Unit, directed *Majdanek: Cemetery of Europe* in the spirit of the Russian newsreel. In a dramatic and emotional Polish voice, the narrator places the viewer into the historical moment of the liberation of the first concentration camp run by the Nazis and shortly afterwards. The documentary first chronicles the liberation of Lublin, marked with jubilation at the victory over Fascism, then depicts the ruins of the city, and finally directs attentions to the extermination camp. Here the camera captures the aftermath of the Nazi torture and executions of the prisoners: passports, eyeglasses, ovens with remnants of bones, the showers, and Zyklon gas canisters—enough evidence to condemn the perpetrators to death as they did their victims. The countless pairs of little shoes serve as a touching witness to the massacre of the innocents and a microcosm of the extent of the Nazi barbarism, while these first images of the gas chamber indicate physically and symbolically the mass production of death. A display of passports reflects the wide range of nationalities murdered in the camp. What is unique about the film is that the documentary offers the first visual accounts of life in a concentration camp and serves as initial documentation of the proceedings of a war crimes tribunal. The latter segment of the film chronicles the exhuming and identifying of the bodies in the large common graves. The joint Soviet-Polish committee establishes a memorial to the victims, as the Catholic hierarchy presides over an outdoor Mass for the victims in honor of the Polish protector, Our Lady of Czestochowa, known as "The Black Madonna."

Ford's film, using footage shot by Roman Karmen and his Soviet cameramen, follows the normal Soviet narrative, a blend of triumph and tragedy. During the

production of the documentary, the Jewish, Kiev-born filmmaker Ford collaborates closely with the Red Army photographic unit and Central Documentary Film Studio in Moscow, following his escape to Russia in the wake of the Nazi invasion of Poland. The film at the close, however, differs in content from earlier Soviet propaganda work. Religion rarely appears in the Soviet newsreels and documentaries, and *Cemetery of Europe* concludes with an epic scene on August 6 of the Mass of remembrance and dedication of the memorial to the dead, added later.²³ It commemorates the deaths of the 400 prisoners who were executed by the Nazis in the famous Lublin Castle as the Nazis were retreating from the Soviet forces on July 23, 1944. The Catholic priest speaks to the people, while religious women with their high coifs listen attentively. The defiant Polish national song “Rota” (“The Oath”) concludes the film triumphantly.²⁴ This is a far cry from the secular and political tone represented in the Soviet film documentaries and newsreels. Although it took several months to edit and add a soundtrack, the release of the film on November 27, 1944 still preceded the liberation of the most well-known death camp, Auschwitz, by exactly two months. *Majdanek: Cemetery of Europe* would thus become the first introduction to the industrialization of mass murder.

As noted earlier, Ford’s footage for *Majdanek: Cemetery of Europe* included the work of the Soviet cameramen, notably Roman Karmen. The material would also be featured in a documentary on the first Majdanek trial of Nazi perpetrators in Lublin, *Swastyka i Szubienca (Swastika and Gallows)*.²⁵ Stuart Liebman documents the significance of the film:

It was the first trial of German concentration camp personnel—four SS guards and two kapos—held on liberated Polish soil, and it commenced at a date, November 27, 1944, far earlier than the more well-known ones mentioned above [namely the Nuremberg Trials of the top Nazi officials of the Third Reich]. The trial may thus certainly be said to anticipate the first attempts by any of the Allied forces to keep their promise of holding *German* concentration camp personnel accountable for their nefarious crimes. Therefore, *Swastyka i Szubienca* arguably has the distinction of being the first cinematic portrayal of a trial [in documentary format] concerning what we would today call the Holocaust or Shoah.²⁶

Liebman further points out that the documentary has a distinction of being one of the first to highlight the fact that the Nazis primarily targeted Jews, along with the Soviet POWs, gypsies, and other victims. This differed from the Soviet gospel of preaching that the issue of Jews as victims should be downplayed and that

they only be referred to as “peaceful Soviet citizens.”²⁷ The film was finally released in July 1945, about the time of the first anniversary of the liberation of the Majdanek camp. The Soviet and Polish politics at that time prevented any wide distribution of the documentary.

Jeremy Hicks makes note of another film besides Ford’s, the edited work of Irina Setkina in a Soviet newsreel, *Majdanek*, that was released on December 18, 1944. Her edited footage follows more closely the Soviet narrative of “historical proof” with scenes also shot by the Soviet cameraman Roman Karmen. The subtitle reads, “Film Documents of the Monstrously Evil Deeds of the Germans in the Majdanek Extermination Camp in the Town of Lublin,” emphasizing the criminal notion of the Nazis’ activity in eastern Poland. The image of the Polish-Soviet Extraordinary Commission for Investigating the Crimes Committed by the Germans in the Majdanek Extermination Camp in Lublin dominates the central portion of this film in order to offer authenticity to the work and guide the viewer in understanding the Nazi murders. The Soviet rationale of documenting atrocities for legal purposes appears to be a priority. This is especially true as the committee observes the charred remains of burned bodies, indicating that the Nazis in haste attempted to destroy all the evidence of their crimes in order to conceal their guilt, but failed.

The 1986 documentary entitled simply *Majdanek 1944* by Bengt and Irmgard von zur Mühlen chronicles the situation in the camp as well as the aftermath of the liberation, using footage shot following the liberation.²⁸ The film begins with the testimony of a witness in a striped uniform speaking in German about what had transpired at the camp. As with many of the original newsreels, the film first addresses the military triumphs of the Red Army, here in collaboration with Polish soldiers, like Captain Kaminski, in charge of the Polish liberators, who assists with the military campaign to free this area of eastern Poland. Then the gruesome images appear, of helpless victims eliminated by the Nazis—450 shot execution-style in the back of the head. The bodies were cremated but later exhumed. Thousands of Soviet POWs starved to death or died of disease, as did the many Jews who came to the camp following the Warsaw Ghetto uprising. The thousands of pairs of shoes of the dead, especially of little children, are amassed in bins, testifying to the large numbers of women, men and children who briefly passed through Majdanek.²⁹ As with the later protocol of obliging German citizens to visit and see the results of the Third Reich’s genocidal policies in Weimar, the German prisoners of war pass by the piles of corpses, the crematorium, the execution area, and the gas chambers. One witness describes the process of selections as the trains arrived and the gassing of those are ordered

from on high. The prisoners were mostly Jews, insists the witness, but no POWs since it was against the law.

In assessing the deaths of thousands of Majdanek inmates, especially of the bodies exhumed from mass graves, a committee draws up a medical report marked "USSR 29." (It is eventually presented at Nuremberg by the Soviets and referenced on February 19, 1945.) The findings indicate that most of the prisoners died of gunshot wounds to the nape of the neck, although many prisoners also expired from typhus, tuberculosis, and dysentery due to unsanitary conditions. Polish officials dedicate a memorial to these victims of the "four-year Nazi reign of terror."

The final segment of the film deals with the first Majdanek trial of the six criminals—the four SS guards and two kapos whom the liberators discovered on the premises. During the trial that lasted from November 27 to December 2, multiple eyewitnesses, former prisoners of the camp, spoke candidly of the horrors inflicted by the guards on the inmates. The sentences were read out by the judge who further indicted all of the German people for this abomination (as did the British and Americans in the final stages of the war). The five SS and kapos were hanged in a public demonstration of both vengeance and justice on December 3.³⁰ One of the SS committed suicide prior to the hanging. There were over a thousand guards who presided over the prisoners at Majdanek but most escaped for the time being. Another trial would bring them to court. The narrator then authenticates the footage viewed in the film by stating, "All of the documents you have seen were filmed from July to December 1944."

The two films edited by Irina Setkina and Aleksander Ford lay the groundwork for fully grasping the intent of the Third Reich to exterminate with Zyklon B gas, like unwelcome rodents, Jews, gypsies, political prisoners, and any other enemy of the state. The Nazis only partially succeeded at Majdanek, killing 79,000 prisoners, 59,000 of whom were Jews, according to Lublin scholar Tomasz Kranz.³¹ This contradicts the highly inflated figure of 1,500,000 deaths released by the Soviets in 1944 as pure propaganda in order to accentuate more extensive victimhood.³²

Although the Red Army in its march toward Berlin witnessed countless atrocities and mass graves over vast areas throughout the Soviet Union, the Majdanek scene depicted in the two liberation films created a shock. It was the Army's first encounter with industrialized and mechanical death whereby the victims were "processed" from the selections to the crematorium via the "showers" in existence from October 1941 to July 1944. Although Majdanek has

the distinction of being the first of such liberated camps, it soon fell into the shadows in light of the more prominent liberation of Auschwitz in January 1945.

Auschwitz: Metaphor for the Shoah

On Saturday, January 27, 1945, Eva Mozes, a young Romanian girl who survived the lethal twin experiments of Dr. Josef Mengele, with her sister Miriam, remembers looking out the window of the barracks in the Auschwitz camp in Poland:

It was snowing, and I was so little that I did not see anything coming. I kept peering through the snow, and finally I saw them—the Soviet Army, wearing all white camouflage outfits, were approaching Auschwitz I. Because of their outfits and the swirling snow, I had not been able to see them until they were up next to the barracks. We ran out and everybody was hugging and kissing and shouting, “We are free. We are free.”³³

The freedom echoed in the words of Eva Mozes (now Kor) and her sister Miriam marked the liberation of the extermination camp of Auschwitz, following a raging battle with the last of the retreating German troops. Eva earlier that week had watched as countless prisoners made their way out of the camp on endless death marches toward Germany in the final days leading up to the liberation. Her instinct to stay helped her survive. Approximately a million others did not. Of the 60,000 on the forced march in the middle of winter, 15,000 fell by the wayside and were shot. When the Soviet soldiers of the First Army of the Ukrainian Front under the command of Marshal Koniev liberated the camp, only approximately 7,000 inmates from the three Auschwitz camps (Auschwitz I, Birkenau, and Monowitz) had survived the brutal cold, disease, and starvation. The Soviet army had no concept of what to expect in approaching the camp.

Among the survivors they encountered were children, especially the remaining 180 twin “guinea pigs” of the torturous medical experiments of Mengele and Schmidt.³⁴ Other children, the “useless eaters” to the Nazis, who were unable to work, had been gassed upon arrival at the camp following the infamous selections. Dr. Mengele took his turn at the selections ramp and had his SS charges look out for twins or unusual characteristics among the newly arrived prisoners.

The footage widely seen of the liberation of Auschwitz only appeared in late May 1945, after some of the other Allied reports had emanated from the German concentration camps in April, notably from Dachau, Buchenwald, and Ohrdruf.

The footage shot by the US Signal Corps made its way into newsreels that appeared in American theaters only a short time after the liberation of these camps. The Western understanding of the importance of Auschwitz as a major extermination camp, however, only came later as the statistics were gathered about death figures in each of the camps liberated, from Majdanek to the last of the satellites of major German concentration, labor, and extermination camps.³⁵

Soviet cameraman Alexander Vorontsov participated in the liberation of Auschwitz as part of the First Ukrainian Front unit allegedly at the moment of liberation and filmed consistently over several weeks. His footage appears central to the 1989 documentary *Holocaust: The Liberation of Auschwitz*, directed by Irmgard von zur Mühlen, wherein he comments upon the traumatic effect the contact with the survivors had on him and describes the various stages of filming. The passionate Nazi-hunter, Simon Wiesenthal, introduces the footage of the liberation hoping to explain to the world what happened at Auschwitz and the rationale for these evil deeds.

It took almost three months to edit all the footage that Vorontsov and his fellow cameramen shot, which included the history of the camp, using US aerial views in 1944, blueprints for its construction, the instruments of death such as Zyklon B, medical instruments for experimentation, and the storehouses of goods, called "Canada," wherein soldiers examine little children's clothing, and visiting inspectors observe the bales of women's hair to be sold in Germany to support the economy. The medical commission sets about examining the survivors on January 29. Noteworthy is the process or steps involved in the liquidation of the prisoners, primarily Jews. The film documents the stage of arrival of the inmates, the selection whereby the weakest are sent to the gas chambers, the working and living conditions, and finally their extermination in the gas chambers. The crematorium handles the corpses, and the ashes are used for fertilizer. The survivors describe their lives in the camp and bear witness to the torture, beatings, and executions. Since the film crew did not have sound equipment, the notes of the cameramen as they film interviews serve as information and are used in the narration, similar to the notes of US Signal Corps cameraman Ivan Moffat. This differs, however, from the British and American footage where survivors and others at the liberation of the respective camps further serve as eyewitnesses and testify on camera about the brutal camp life under the vicious SS guards. In their attempt to erase their crimes, the Nazis blew up the crematorium in November 1944, learning of the approach of the Red Army. The latter sequences then reveal the activity of the medical commission of four doctors as they examine the skeletal survivors. It is here that

we learn of the cases of experimentation occurring in Auschwitz. Men are castrated, women are sterilized by Dr. Clauberg, and prisoners are used to test various medications.³⁶ The Nazi doctors experimented with typhoid fever and leprosy on their involuntary patients.³⁷ Many died. The survivors now have a faraway look in their eyes as they undergo a medical exam and treatment.

Normally the Soviet newsreels and features disregard or downplay the plight of the Jews, as reiterated earlier, yet the camera captures a tender Jewish scene. A Jewish woman is laid to rest. The survivors offer a Jewish prayer at her graveside, and conclude by saying, "May she rest in peace in her grave."

As in many Soviet propaganda films, the cameramen followed the narrative of earlier atrocity filming, including scenes of bodies stretched out in the snow. The shots of religious women and nurses accompanying the children as they pass through the electrified fence of the camp, and children displaying their tattooed arms, however, were staged and filmed at a later date. Soviet cameramen filmed the well-known images of the women peering out at the camera in the barracks in early February since they had no lighting gear, and in midwinter light was necessary for indoor shooting. Polish women from the area represented the inmates as they filmed the barracks milieu. In one scene, women chat as if they were exchanging some recent news or rumor. The opening of the gates to the prisoners under the famous sign, *Arbeit macht frei* ("Work Makes One Free") also staged, appears absolutely artificial, since the inmates had been very malnourished and weak given the hasty departure of the SS and lack of a food supply. They normally would have had no energy to run to the gates to greet the liberators. The filming takes place at a time when there was no snow on the ground, but on the day of liberation, according to Eva Mozes, snow swirled around the barracks making it difficult to see. Furthermore, the Red Army wore white camouflage uniforms in her recollection, while the Soviet soldiers at the gates greeted the survivors clad in regulation, slightly dark-colored uniforms.³⁸

Critics of the Soviet liberators claim that all the footage shot at the liberation had one goal in mind, and it was far from humanitarian. The Soviets aimed to politicize the rescue of the victimized inmates by highlighting the fact that they were simply slave labor for the vast Nazi industrial complex, for example, I.G. Farben, shown in the Soviet newsreels.³⁹ The factory covered in snow dominates the early part of the film as the narrator describes the contract with the SS for the slave labor of prisoners who would work twelve hours a day. When these workers grew weak from hunger and exhaustion, the SS gassed them and replaced them with a fresh force of laborers. In the eyes of the survivors, contrary to what Alexander Vorontsov maintains, many of the Soviet soldiers had little or no

feeling for them. They had already witnessed brutal scenes of Nazi atrocities on their way westward toward Germany—villages burned, women raped, children mutilated, and mass graves exhumed. Of course, they did not observe the mounds of bodies being bulldozed as filmed at Bergen-Belsen. The film crew basically filmed the usual Soviet narrative of the positive exploits of the Red Army as well as the horrific effects of Nazi governmental policies, above all including the graphic scenes of death. Decades after the liberation, Ivan Martynushkin, a gunner in the Red Army's 322nd rifle unit which helped liberate Auschwitz, is described as recalling his attitude toward the experience of encountering the instruments of death:

The few thousands left behind were thought too weak to march but by some luck escaped being shot in the chaos of the rushed exodus. Martynushkin turned 21 just days before arriving at Auschwitz, but by that time he had already spent three years at the front. Desensitized by the scale of suffering he witnessed over the war, he did not realize the full horror of the death camp, he said.

It was only later, when the Nuremberg trials began, that he came to understand what had previously seemed unimaginable. "Back then when we saw the ovens, our first thought was: 'Oh well, so they are crematoriums. So people died and they didn't bury them all,'" he said. "We didn't know then that those ovens were specially built for the killing of people, to burn those who had been gassed, that kind of systematic killing."⁴⁰

The focus on the ovens with partially burnt bodies and piles of bones was a phenomenon not experienced by the soldiers nor viewed by the West until Majdanek footage from July of the previous year made it to the screen. When the camera films the A.J. Topf & Söhne brass name plate on the ovens in the camps, also noted during the Soviet presentation of documents at Nuremberg, it is to indicate how widespread the blame should be spread for the annihilation of the innocent victims and to reinforce the notion of an industry of extermination.⁴¹ The circle of the guilty widens as the viewer realizes that the ovens were designed specifically for their part in the death process.

The narrator introduces for the first time the survivors of the Mengele twin experiments, the 1,500 pairs of children used in the genetic research tests because they were ideal for comparison and contrast due to the same genetic makeup. As noted in the film, only 180 of the twins survived, but these children were severely traumatized, suffering from what we now recognize as post-traumatic stress disorder (PTSD). After these cruel experiments, the children were plagued with fears—barking dogs, screaming, the German language, and doctors in white

coats. Most of the survivors shared these symptoms well after their incarceration in the concentration camp, but the children were most vulnerable.⁴²

On February 28, 1945, the Polish community arranged a solemn funeral for those who had died at Auschwitz. With great reverence, they placed the bodies of 470 victims of the Nazis in a common grave and remembered them. The concept of memory held an important place in the hearts and minds of both the Russian and Polish peoples.

Much of the footage shot by the film crew at the liberation of Auschwitz and Majdanek found its way to the Nuremberg Trials, which will be discussed in a subsequent chapter. There the participants in the International Military Tribunal viewed the extent of the Nazi killing machine depicted in ghastly detail in the countless films shot by Allied cameramen, including the massacres of Jews by the “cleansing activities” of the *Einsatzgruppen* which Justice Jackson described in his opening statement.⁴³ In light of all the suffering and death that the Nazis had inflicted upon the Soviets and other nationalities, the Chief Soviet Prosecutor at the IMT demanded, “I ask the court to condemn all the accused to death!” Their capital punishment would bring about exactly what the Soviets had asked for from the first moment they encountered and filmed the Nazi atrocities shortly after the occupation in 1941: Vengeance and justice!

Film as Visual Documentation at the Nuremberg Trials

The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.

Chief Justice Robert H. Jackson, Opening Statement, November 21, 1945¹

Who can forget the electrifying drama surrounding the September 1934 National Socialist Party rally in the medieval city of Nuremberg as portrayed in Leni Riefenstahl's epic documentary *Triumph of the Will*? At the intersection of politics and aesthetics, the viewer watches casts of thousands greet their Messiah as he descends from on high to unite his people, hoping that he would restore their nation to its supposedly deserved grandeur prior to the devastating outcome of the Great War and the humiliating Treaty of Versailles. With the new leader, the Thousand Year Reich would have a chosen place in world history. Now, starting on November 20, 1945, the same officials of his government who marched alongside him find themselves once again in Nuremberg, not to be celebrated this time, but judged for the heinous acts they orchestrated in the name of the German nation. Their godlike leader would not join them, having taken his life seven months earlier in the tomb-like bunker of Berlin.

Prelude to Nuremberg

In October 1945, one month prior to the opening of the Nuremberg Trials, a ten-minute film distributed freely by Metro-Goldwyn-Mayer provided an

informational lead-up to the trials. It succinctly portrayed what Allied democratic justice meant as contrasted with Nazi so-called “justice.” *That Justice Be Done* (1945), produced by the Office of Strategic Services (OSS) Field Photographic Branch and directed by George Stevens, helped clarify what process the Allies were using to judge the Nazi war criminals.² Written and narrated by Navy Lieutenant Budd Schulberg of the OSS under Hollywood director John Ford, and edited by Robert Parrish, the short commentary on legal procedures included some of the same National Socialist and liberation footage as viewed in *The Nazi Plan* and *Nazi Concentration Camps*, two films that would be utilized as visual evidence against the Nazi defendants. *That Justice Be Done* placed a definite American stamp on the Nuremberg proceedings with its focus on the American form of democracy as contrasted with the totalitarian regime of the Third Reich. The film, also keeping in mind its potential German audience, had an alternate title: *Um dem Recht Genüge zu tun*.³ In September, Justice Jackson reviewed the film and believed that the short documentary would be a means of educating the public about the rationale for an international trial. Released in theaters on October 18, 1945, the film allowed Americans to view on screen the oppressive Nazi rule in the context of the ideals of the American system of justice.

The opening title of *That Justice Be Done* indicates the objective of the film as the scales of justice appear on screen with the statement of veracity of the images emanating from authentic German newsreels and official sources: “U.S. Office of War Information for the Office of Chief of Counsel for Prosecution of Axis Criminality and the War Crimes Office of the Judge Advocate General.”⁴ The Jefferson Memorial is highlighted, as we hear the narrator personify the American leader: “I, Thomas Jefferson, have sworn upon the altar of God, eternal hostility against every form of tyranny against the minds of man.” As a drafter of the Declaration of Independence, the third President of the United States, and a connoisseur of the European Enlightenment, he represented the democratic link of Europe and America, a wise choice for the icon of freedom and justice.

The narrator introduces Hitler as a contrast to Jefferson. In his inimitable piercing voice, Hitler claims he has the right to exterminate certain humans: “If I don’t mind sending the pick of the German people into the hell of war without the regret for the shedding of precious German blood, then naturally I have the right to destroy millions of men of inferior races who breed like vermin.” The narrator emotionally cries out, “This is murder! Deliberate murder.” This murder carried out by official decree includes that of children and extends to US soldiers

shot in the back while in uniform, against established rules of warfare. From US Signal Corps footage of witness testimony, Lt. Jack Taylor of Hollywood testifies to Nazi violations by displaying the dog tags of one of his comrades shot by the Nazis who gas, shoot, beat, starve, expose, or shove off a cliff their innocent victims.

Over images of the Buchenwald gate, the interrogation of the alleged chief physician at Hadamar and the shower (*Brausebad*) of Buchenwald, the Allies state that they will take the high moral ground, not doing what the Nazis did to others by strangling or poisoning. The Allies' answer is the law, based on the Moscow Declaration of 1943: The representatives of Great Britain, France, the USSR, and the US agree that, "the Germans who take part in wholesale shootings, executions, and have shared in the slaughter inflicted on innocent people will be judged by the people they have outraged in order that justice may be done." That justice is not Hitler's. The Allies intend to act democratically: There will be a public trial, equality before the law, and the right of the defendants to prepare their own defense, a "trial so orderly, so thorough, so free from passion, that no would-be martyrs would be able to point to themselves as victims of enemy lynch law."

To assist the public in understanding the various types of trials, three are singled out:

- **National traitor trials:** traitors to democracy like Vidkun Quisling, the Nazi collaborator of Norway, will be sent back to their countries to be tried.
- **Local minor trials:** accused war criminals who committed crimes in specific locations will be sent back to where the crimes were committed, as in the case of the Germans tried at Kharkov.
- **US military trials:** the Gestapo, SS, and Stormtroopers who abused American soldiers will be tried by American Army courts under the supervision of General Weir, Office of the Judge Advocate General.

These minor trials are not to be confused with the UN's International Military Tribunal where the major Nazi war criminals will be tried. "This trial will be of war criminals whose crimes are so all-embracing, they cannot be assigned to any one geographical area." It will be a trial of "the ringleaders, the Nazi engineers who conceived of the master plan of world domination." To create this tribunal, President Truman appointed Supreme Court Justice and former Attorney General Robert H. Jackson along with William Donovan and a prominent team of jurists. They would apply international law with a specific goal in mind: "Not only to punish Nazi murderers at Buchenwald, but the Nazi hierarchy who

planned 100 Buchenwalds, a million murders, a systematic enslavement of Europe, the domination of the world.” Thus, the year 1945 will mark not only the Nazis’ defeat “but also their public trial to serve as an unprecedented warning to those who might plunge the United Nations into another criminal war.” This goal is reiterated by Justice Jackson in the film: “I am convinced that we have an opportunity to bring to a just judgment those who have thought it safe to wage aggressive and ruthless war.”

In order to bring this justice to the Nazi war criminals, the chiefs of counsel of Great Britain, France, Russia, and the US in London signed an International Military Tribunal Charter to establish the laws by which the major war criminals would be tried. An image of the Nuremberg prison concludes the film with the superimposition of the names of the Nazi war criminals indicted, with Göring, Hess, and von Ribbentrop most prominently situated at the head of the list.

Using a phrase from the “Declaration of the Four Nations on General Security” about the need for justice in the trial, the film *That Justice Be Done* sets the stage for the International Military Tribunal. The counsels from the four Allied countries earlier agreed, even prior to the war’s end, to try the Nazi hierarchy for their war crimes with their signing of the Moscow Declaration of 1943, and then, according to the London Agreement of 1945, to establish the international laws by which these criminals would be tried. The film serves as a microcosm of legal history behind the Tribunal through its citing the steps taken to put on trial those guilty of war crimes and crimes against humanity. The tragic images of the camps furnish concrete evidence of these crimes while illustrating the extent of the horror inflicted upon the lives of innocent European civilians and even American prisoners of war. The classification of the various types of trials makes clear that the most significant of the trials will be the International Military Tribunal which will serve justice to those who created and executed the industrialized and systematic process of murder.

In the first days of May 1945 as the Soviets entered Berlin, Germany was on the verge of defeat and ultimately surrender. The task that lay ahead challenged the Allied leaders: to bring to justice the perpetrators that brought destruction to the world in the committing of war crimes and crimes against humanity as briefly shown in *That Justice Be Done*. In June, just a month after President Harry S. Truman appointed Robert H. Jackson as the chief prosecutor for the US in the proposed trials of the Nazi war criminals on May 2, 1945, Jackson delivered to the President his preliminary report about his plan to prosecute the high-ranking officials of the Third Reich, as noted earlier:⁵

Those acts which offended the conscience of our people were criminal by standards generally accepted in all civilized countries, and I believe that we may proceed to punish those responsible in full accord with both our own traditions of fairness and with standards of just conduct which have been internationally accepted. I think also that through these trials we should be able to establish that a process of retribution by law awaits those who in the future similarly attack civilization.⁶

Committed to establishing international law to prosecute the Nazi criminals, Jackson planned out with his legal team the charges against the accused perpetrators, with the objectives in mind to show that the Nazi defendants would receive a fair trial, and to film the trial as an historical event that could make an impact on future legal cases. Jackson therefore had the US Signal Corps take responsibility for filming the proceedings of the Tribunal. Marine Corps Sergeant Stuart Schulberg undertook the writing and direction of the Nuremberg filming. Jackson would later protest that the US film of the trial was not released in the US subsequent to its conclusion.⁷ Meeting in London, Jackson told the Allied representatives from the other nations, "What we propose is to punish acts which have been regarded as criminal since the time of Cain and have been so written in every civilized code."⁸ Following the preparation in London for the trial, concretely he had to first assist in setting up the venue for the international trial. His travels to war-torn Europe took him to Frankfurt, Salzburg, Wiesbaden, and Frankfurt am Main, in an attempt to scout out a possible location in Germany for the trial. His July visit to Nuremberg's Palace of Justice and the adjacent prison provided him with concrete information about the potential site. While the Allied diplomats and representatives were setting forth the structure and process for the trial at the Potsdam Conference (July 17 to August 2) and elsewhere, the location was being selected and the courtroom constructed for a unique trial that would be able to accommodate the use of film as visual testimony.

At the close of the war, Nuremberg still remained in rubble in the wake of the Allied bombing raids over most of Germany on January 2, 1945. Following the division of Germany into four zones (Russian, British, French, and American), the Americans decided for political reasons that it would be best if the Tribunal held court in their zone; the Russians preferred to have the international court held in Soviet-occupied Berlin. The Palace of Justice, however, seemed one of the more logical sites. In 1916, the Palace of Justice was inaugurated by the last Bavarian king, Ludwig III. The historical building had great potential given its relatively good condition, despite being bombed several times, with an adjacent

prison from which the Nazi defendants being tried could readily pass into the courtroom. Beyond that, the symbolic value of having the Tribunal situated in the soul of Germany where the rise of the Nationalist Socialist Party with its rallies once took place could be very significant. Furthermore, the stigma of the 1935 Nuremberg Laws oppressing the Jews still lingered in the minds of the prosecutors who knew the logical conclusion of these laws in the enactment of the “Final Solution of the Jewish Question.” In Jackson’s opening statement he clearly described the Nazi policy of exterminating Jews:

Let there be no misunderstanding about the charge of persecuting Jews. What we charge against these defendants is not those arrogances and pretensions which frequently accompany the intermingling of different peoples and which are likely, despite the honest efforts of government, to produce regrettable crimes and convulsions. It is my purpose to show a plan and design, to which all Nazis were fanatically committed, to annihilate all Jewish people. These crimes were organized and promoted by the Party leadership, executed and protected by the Nazi officials, as we shall convince you by written orders of the Secret State Police itself. The persecution of the Jews was a continuous and deliberate policy.⁹

To support this statement, the results of the Nazi program of extermination would be graphically revealed to the court in tragic imagery the Allied troops filmed as they liberated the camps from the summer of 1944 in Majdanek, in eastern Poland, until spring 1945 in the heart of Germany. The prosecutors would soon project these images in the Palace of Justice.

In order to accommodate 500 participants at the International Military Tribunal proceedings, the challenge of reconstructing the Palace of Justice and the courtroom, the centerpiece of the trial in the east wing, fell to a young American architect from Boston.¹⁰ Dan Kiley, an architect in the Presentation Branch of the OSS and soon transferred to the Office of US Chief of Counsel, was selected to design and oversee the renovations of the courtroom from July to November.¹¹ Kiley’s responsibility came down to creating the entire infrastructure for the “city within a city,” with the 650 offices as well as press, medical, dining, PX (store), and housing facilities. He had a battery of engineers to collaborate with him in this enterprise, as well as 500 Germans, of which 250 were former SS troopers under guard and 250 civilians.¹² With personal letters from Truman and Eisenhower giving him *carte blanche* to “requisition” anything he needed for the trial, he did so, including plush red, comfortable seats from a German theater that he could use for the courtroom.

Christian Delage and Peter Goodrich discuss the challenge that Kiley faced in designing the courtroom, which included devising a setup whereby the films used as evidence could be projected on a pull-up screen for all to see. He would have to produce a new physical plan by which the trial could be filmed for historic reasons, and secondly, where a screen could be positioned front and center so the defendants could face the screen which would soon display their atrocities.¹³ The projection of films as potential documentation was already well established since Eisenhower ordered the filming of the liberation of the camps to indicate the extent of Nazi atrocities, as did the Soviets very soon after the German Army's invasion of Russia. Kiley would simply assist in making this concept a physical, architectural reality. His goal: "What I was trying to do was have a unified and orderly and dignified [courtroom]—that's what the courtroom should be, and it should reflect the scales of justice, you might say, too."¹⁴ His sense of integrity and pragmatism left its mark on the design of the Nuremberg Palace of Justice and courtroom.



Figure 5.1 In session at the Nuremberg War Crimes Trials—screen in use (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

The International Military Tribunal began its proceedings on November 20, 1945. On the second day of the trial, Chief Justice Robert H. Jackson reiterated the need to present to the court the visual documentation prepared to prosecute the twenty-three most important military and political leaders of the Reich, including Martin Bormann *in absentia*. Robert Ley committed suicide a week prior to the proceedings and Gustav Krupp appeared too sickly to withstand the ordeal.

Justice Jackson stated before the court:

We will not ask you to convict these men on the testimony of their foes. There is no count in the Indictment that cannot be proved by books and records. The Germans were always meticulous record keepers, and these defendants had their share of the Teutonic passion for thoroughness in putting things on paper. Nor were they without vanity. They arranged frequently to be photographed in action. *We will show you their own films. You will see their own conduct and hear their own voices as these defendants re-enact for you, from the screen, some of the events in the course of the conspiracy.*¹⁵

Jackson's lengthy opening statement of sixty-one pages in transcript included some spontaneous inserts and other edits, lasting until late afternoon of the second day of the trial.¹⁶ His statement would set a high standard for international law, maintaining a different, more conciliatory tone compared to that reflected by the Soviets who sought vengeance along with justice. The Soviet prosecutors desired a simple show trial with a given, presumed outcome, "guilty." Jackson did not wish to incriminate the entire German population by imposing collective guilt on the citizens and further noted that Americans felt no hatred toward the German people. The leaders were the focus of the Tribunal, not the people, and these criminals would be judged accordingly. Nonetheless, to prove the present case against the Nazi officials on trial, some eyewitnesses, as well as visual and written documentation, would be utilized to convict them. Jackson saw the important psychological effect that graphic images would have over written documents, and perhaps at times even over eyewitness accounts. Physical documents and records would, however, be the backbone of the prosecutors' arguments. The film footage of the concentration camps would offer a strong defense against what the general public and the media believed were propaganda stories or exaggerations of the truth, as General Eisenhower maintained in his tour of the Ohrdruf camp. Transparency in revealing the atrocities committed by the Nazis in their rise to power would presumably make a watertight case for the prosecution team.



Figure 5.2 Prisoners at the Nuremberg War Crimes Trials. Göring and Hess are located to the left, in the first row of defendants, situated by order of importance (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

The defendants in the dock would be forced to view their deeds over and over again during the screening of the several films presented as evidence.¹⁷ The accused included:

- Karl Dönitz: Supreme Commander of the Navy (1943) and German Chancellor.
- Hans Frank: Governor-General of Occupied Poland.
- Wilhelm Frick: Governor-General of Occupied Poland.
- Hans Fritzsche: Head of the Radio Division of the Propaganda Ministry.
- Walther Funk: President of the Reichsbank (1939).
- Hermann Göring: Reich Marshal.
- Rudolf Hess: Deputy to the Führer.
- Alfred Jodl: Chief of the Operations Staff of the Armed Forces.
- Ernst Kaltenbrunner: Chief of the Security Police, SD, and RSHA.
- Wilhelm Keitel: Chief of the High Command of the Armed Forces.
- Konstantin von Neurath: Minister of Foreign Affairs; Reich Protector of Bohemia and Moravia.

- Franz von Papen: Chancellor (1932).
- Erich Raeder: Supreme Commander of the Navy (1928–43).
- Joachim von Ribbentrop: Reich Foreign Minister.
- Alfred Rosenberg: Party Philosopher; Reich Minister for the Eastern Occupied Area.
- Fritz Sauckel: Plenipotentiary for Labor Allocation.
- Hjalmar Schacht: Minister of Economics; President of the Reichsbank (1933–9).
- Baldur von Schirach: Head of the Hitler Youth.
- Arthur Seyß-Inquart: Minister of the Interior; Reich Governor of Austria.
- Albert Speer: Minister of Armaments and War Production.
- Julius Streicher: Founder and editor of the Party newspaper, *Der Stürmer*.

Document after document of the 3,000 tons of material evidence made its way into court, a tedious affair, including the Jürgen Stroop Report of May 1943 dealing concretely with the annihilation of the Warsaw Ghetto. With precise detail and a collection of fifty photos of the Aktion, the report to Heinrich



Figure 5.3 A German photograph of the evacuation of Jews, used in the Nuremberg Trials (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

Himmler proved to be damning evidence of Nazi policy to exterminate Jews.¹⁸ Of the data presented, 1,000 documents were admitted as evidence, besides eyewitness reports and details of the *Einsatzgruppen* excursion into Russia.

Navy Commander and Associate Counsel James B. Donovan assumed responsibility for the visual presentation of evidence which included the projection of the films used to corroborate the indictments of the defendants. In his memorandum of November 19, 1945, Donovan outlines his strategy about the screening of visual evidence at the trial:

The general plan for presentation of the motion picture evidence is based upon the premise that because the films speak for themselves, the introduction of them should be as simple and brief as possible. The films will be introduced at whatever stage of the trial the Planning Committee directs. The films supporting affidavits and (in reserve) our expert witnesses, will be on hand. I will make a simple introductory statement (one paragraph) which I shall submit in advance to the Committee. There will be distributed throughout the courtroom a script of the film, properly translated containing all narration on the sound track and any other matter which should be translated over the IBM system (e.g., German newspaper headlines in the "Nazi Plan"). This and the films will have been previously reviewed by the interpreters, under arrangements with Colonel Dostert's office,¹⁹ so that they can keep up with the film narration.

At the end of the film, if any arguments are made by defense counsel or any questions are asked by the Tribunal, (a) if the questions or arguments pertain to the particular aspect of the case in proof of which the film is submitted, they would be answered by the particular trial counsel in charge of that aspect of the case, and (b) if the questions or arguments pertain to the film itself, its making, etc, they would be answered by me.²⁰

Donovan further suggested that five films be included as evidence to support the prosecution:

- **Concentration camps:** the *Nazi Concentration Camps* film, to be completed by November 23 and to be shown with physical exhibits after the screening—a shrunken head and tattooed human skin.
- **SS-filmed concentration camp film:** a short film that was the "most gruesome evidence" Donovan had seen.
- **SS-filmed Warsaw Ghetto:** A film dealing with the misery of the Jews in the Ghetto. The Nazis forced the Jews to participate in the film. (A Nazi propaganda film such as *The Eternal Jew*, 1940, would suggest a similar

subject matter and perspective of forced participation.) The Warsaw Ghetto film was not shown at the trials.

- **Trial of July 20 plotters:** a twenty-minute version of the three-and-a-half hour German original. The film clip was to give a succinct idea how the People's Court operated and how Hans Frank manipulated the judicial system. Donovan suggested using it when Frank's case appeared in court. It was not screened.²¹
- ***The Nazi Plan:*** this lengthy film would be screened in two parts of approximately one-and-a-half hours each, the second part starting at 2 p.m. It would be a "photographic summation of the American case."²²

Nazi Concentration Camps

In mid-afternoon on November 29, following tedious presentations of documents and detailed commentary, the atmosphere changed in Court Room 600. Instead of eyewitnesses or official Nazi records, the prosecutors submitted the documentary *Nazi Concentration Camps* as evidence of the Third Reich's policy of the elimination of the Jews and other undesirables—enemies of the state. This visual testimony was long in development. From the moment General Eisenhower experienced the horrors of the concentration camp phenomenon at Ohrdruf seven months earlier, the decision was made to film and screen images of the Nazi atrocities at a potential International Military Tribunal where the perpetrators would be tried. Eisenhower's statement, "The things I saw beggar description," reinforced the resolve to film the liberation of the camps so that the scenes could be documented in order to refute any possible denial of the atrocities or the attributing of this to propaganda. Yvonne Kozlovsky-Golan discusses how these first images of the camps formed our early understanding of the Holocaust and highlights the lasting influence of the visual image through the screening at the trials: "As visual exhibits, films can offer incontrovertible proof of a reality that might appear invented or exaggerated if it were represented as written evidence—let alone as oral testimony, which could be attacked or undermined."²³

Lawrence Douglas, in a most comprehensive analysis of the use of the film *Nazi Concentration Camps* at the Nuremberg Trial cites Primo Levi's comment by Nazi hunter Simon Wiesenthal in *The Drowned and Saved* in his conversations with his fellow captors who all agreed that if they survived no one would believe their stories: "And even if some proof should remain and some of you survive,



Figure 5.4 An exhibit (map of concentration camps) at the Nuremberg War Crimes Trials (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)²⁴

people will say that the events you describe are too monstrous to be believed: they will say that they are the exaggerations of Allied propaganda and will believe us, who will deny everything, and not you.”²⁵

Jackson prepared the audience for these films in his opening statement as he described in grim detail many of the criminal activities of the Nazis, including experiments, especially at Dachau. He continued by alluding to the campaign of General Eisenhower to notify the West of the horrors of the concentration camp:

We will show you these concentration camps in motion pictures, just as the Allied armies found them when they arrived, and the measures General Eisenhower had to take to clean them up. Our proof will be disgusting and you will say I have robbed you of your sleep. But these are the things which have turned the stomach of the world and set every civilized hand against Nazi Germany . . . I am one who received during this war most atrocity tales with suspicion and skepticism. But the proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied.²⁶

For the first time, film would be used in this first-ever international trial, creating a strong visceral effect on the audience.²⁷ The Department of Defense originally requested the film footage for the potential Military Tribunal. Hollywood film director George Stevens assembled the graphic Allied footage from the liberation of twelve camps in Austria, Belgium, and Germany: Leipzig, Penig, Ohrdruf, Hadamar, Breendonk, Hannover, Arnstadt, Nordhausen, Mauthausen, Buchenwald, Dachau, and Belsen. The six reels, lasting approximately two hours, reflected 6,000 feet of the 80,000 feet shot by the Americans and British cameramen during the liberation of the camps.

At the afternoon proceedings, Colonel Robert Storey informs the court that at the request of the defendants' counsel made in writing, the *Nazi Concentration Camps* film was screened the day before yesterday (November 27) in the courtroom on that evening. Eight members of the German defense counsel came to the viewing of the film. Dr. Rudolf Dix advised Col. Storey that he would only attend if forced to do so. Thomas Dodd, in charge of the projection of the film, notifies the court that the prosecution intends to prove that all of the defendants knew that these concentration camps existed as instruments by which they retained their power as well as suppressed any opposition to their policies. Dodd then concludes the attempt to link the horrors of the concentration camps to the defendants:

Finally, we ask the Tribunal in viewing this film to bear in mind the fact that the proof to be offered at a later stage of this Trial will show that on some of the organizations charged in this Indictment lies the responsibility for the origination, the control, and the maintenance of the whole concentration camp system: Upon the SS, the SD—a part of the SS which tracked down the victims—upon the Gestapo, which committed the victims to the camps, and upon other branches of the SS which were in charge of the atrocities committed therein.²⁸

At that point Associate Counsel James B. Donovan states that the film to be presented as evidence (Document 2430-PS, Exhibit USA-79) had been compiled from motion pictures taken by Allied military photographers, while the narration was based on the reports of the military photographers filming the camps at their respective liberation.²⁹

The United States will present to the Tribunal with its permission a documentary film on concentration camps. This is by no means entire proof which the prosecution will offer with respect to the subject of concentration camps. But this film which we offer represents in a brief and unforgettable form an explanation of what the words "concentration camp" imply.³⁰

Following the darkening of the court room, the film opens with a written statement by Chief Counsel Robert H. Jackson: “This is an official documentary report compiled from United States Army films made by photographers serving with the Allied armies as they advanced into Germany. The film was made pursuant to an order by General Dwight D. Eisenhower, Supreme Commander, Allied Expeditionary Forces. (Signed) Chief of Counsel, Robert H. Jackson.”³¹ On screen, George C. Stevens, then Colonel in the US Army, testifies that between March 1 and May 8, he participated in the US Signal Corp filming of Nazi concentration camps and prisons liberated by Allied forces. He testifies by a signed affidavit that on August 27, 1945 these motion pictures “have not been altered in any respect since the exposures were made.”³² Navy Lt. E. Ray Kellogg, Director of Photographic Effects, offers his affidavit affirming that not one image of the film was retouched or distorted in any manner, and that the original negatives lay in a US Signal Corps vault.

The emphasis on the affidavits introducing the documentary as well as the prologue to the film itself was an endeavor to ensure that none of the material evidence had been tampered with to maintain “victors’ justice.” Following these testimonies a map of the various concentration camps appears on the screen indicating the vast extent of the camp network.

Reel One

Leipzig: in a very matter-of-fact tone, the narrator introduces the first atrocities described to the Nuremberg Trial participants in vivid detail. At this camp, 200 prisoners were burned to death and 350 were shot by the guards. The prisoners—Russians, Poles, Czechs, and French—locked in a burning building, attempted to escape with some reaching the barbed wire fence, only to be electrocuted.

Penig: the US 6th Armored Division liberated the camp, finding young girls, sixteen years old, suffering from their ordeal. The soldiers have them soon afterwards examined by medical doctors. Many of the prisoners endured fever, tuberculosis, typhus, and hunger in appalling conditions. Survivors are removed by stretcher from their miserable surroundings to hospitals where German nurses care for them. Some liberated women smile for the first time in years.

Reel Two

Ohrdruf: as discussed earlier, it is here that General Dwight D. Eisenhower, on April 12, 1945, inspects the camp in Gotha where 8,000 political prisoners died

within eight months. Eisenhower invites American congressmen to view the atrocities. In encouraging witnesses to the tragedy of the concentration camp, Eisenhower states, “Nothing was covered up. We have nothing to conceal. The barbarous treatment these people received in the German concentration camps is almost unbelievable. I want you to see for yourselves and be the spokesmen for the United States.” The woodshed with the lime-covered bodies created an overpowering stench, and “the most gruesome of sights.” Upon exiting the barracks, one of the townspeople clasps his hands in disbelief. Made of railway tracks, the crude grill nearby still contained the charred remains of cremated prisoners. Colonel Sears from the 4th Armored Division forces townspeople including Nazi Party members to see all the horrors of the camp, including thirty freshly killed bodies of prisoners shot on the eve of the arrival of the American troops. The American officials take the townspeople and Nazi officers to a crematorium two miles outside of the camp where they read a list of atrocities and victims’ nationalities—French, Polish, Belgian, Czech, Russian, and German Jews, and political prisoners. (This would be the only mention of Jews found in the documentary.) As the list is read, images of charred bodies appear on the screen. In a final note about this site, the burgermeister and his wife, having visited the camp that day, commit suicide.

Hadamar: now known as one of the six euthanasia centers during the Reich, this institution operated under the guise of “an insane asylum.” Here in this “House of Shadows,” referred to by the townspeople, 35,000 Poles, Russians, and Germans met their untimely death. Forensics experts assisted in exhuming bodies of some of the 20,000 buried here. The Nazis gassed approximately 2,000 inmates and buried their ashes. Representatives of the War Crimes Commission inspect the lethal effect of the euthanasia policy.³³ Following the interrogation of the director of the euthanasia center and the head male nurse, the narrator ironically concludes by remarking that the Hadamar judge at the trial mentions that after the 10,000th victim was killed, the staff held a celebration.

Reel Three

Breendonk: this camp in Belgium held patriots who defied the Nazis during the occupation. This segment describes the inhumane beatings the guards inflicted upon the prisoners—a Berlin-made thumb-screw, a barbed wire stick, cigarette burnings, and chains with a tourniquet to tighten the pressure. A woman exposes her buttocks to indicate the scars from the vicious beatings she received.

Hannover: this camp held 10,000 Polish prisoners. Only 200 remained, too sick or too weak to move on the forced march prior to the arrival of the Allied forces. For some of the survivors, their minds have failed due to severe beatings.

Arnstadt: the Allied troops liberated the concentration camp in April, finding Poles and Russians surviving the horrors of life at the hands of brutal guards with savage watch dogs who guarded the area. German civilians are forced to dig up the bodies buried by the Nazis and view the brutal marks on the corpses resulting from violent deaths.

Reel Four

Nordhausen: the Third Armored Division, First Army, liberated the camp where 3,000 prisoners were killed, slaves at the various underground armament factories. Bodies cover the camp. Human skeletons, too weak to walk, stare out at the troops who transport them to the hospital. Unlike at Bergen-Belsen where the captured Nazis were put to the task of performing burial duty, the guards at Nordhausen fled. The American officers thus compelled the local burgermeister to provide 600 male civilians to bury the 2,500 bodies. As the brigade of men enter the corpses, a Catholic priest offers Last Rites for the dead.

Mauthausen: in order to provide testimony of the cruel treatment of POWs, Lt. Taylor from Hollywood, California, captured by the Gestapo, addresses the camera and speaks of the beatings that he and others received, resulting in the death of two prisoners who were condemned to death by the Nazi guards. He shows their dogtags. As survivors mill about, staring, and in a daze, the camera pans over two large stacks of bodies revealing the handiwork of the Nazis. The bulldozers, also present at Bergen-Belsen, push the scores of bodies into common graves. Sections of the film remain silent; no commentary is necessary, as the viewer observes corpse after corpse, mouth agape, at times with flies crawling on the face. The impact of this scene is powerful.

Reel Five

Buchenwald: at this camp established in 1933, a sign greets the liberators—“*Jedem das Seine*” (“To each his own”). Here a thousand young boys were among the 20,000 prisoners, of whom 200 died per day. At its peak, the camp, serving as an “execution factory,” held 80,000. Due to hard work, beatings, sickness, torture, and starvation, the European leadership and innocent civilians faced extermination. Following directions from Berlin (T-4 headquarters), Nazi camp doctors

performed medical experiments upon the prisoners, trying out new toxins and anti-toxins on the “guinea pigs.” Few survived the experiments. Cremation in the camp ovens, fueled by coke, accounted for 400 bodies processed in a ten-hour day. The gold teeth were then extracted from the corpses.³⁴

The American soldiers escort 1,200 Weimar citizens through the camp, forcing them to take note of “what their government had ordered.” They visit the barracks that give off a horrific stench, and view a table with lampshades made of human skin and drawings with obscene depictions on them. Their facial expressions change when they witness the bodies and the evidence of the Nazi inhumanity.

Dachau: this “factory of horror,” the oldest of the established concentration camps, earlier held 30,000 prisoners at one time, many of them political. An aerial view depicts the vast nature of the camp which incarcerated prisoners of German, Polish, Czech, French, and Dutch nationalities, and 1,600 of them, priests, survived. The death process initially unfolds as the trains arrive, some here with bodies abandoned by the Nazis. Under the pretence of bathing, the prisoners are led into the large room (*Brausebad*) with dummy shower heads. The cyanide fills the room suffocating the prisoners. The gassed bodies, sometimes in mounds of up to seven or eight feet high, are taken to the crematorium where they are incinerated. Bones still appear in the oven.³⁵

Reel Six

Belsen: the film *Memory of the Camps* documents much of the conditions depicted here. The burial process demands extraordinary efforts as 17,000 decaying bodies are first buried, 250 victims dying each day. Many survivors were starved, not having eaten in six days, some of whom resorted to cannibalism, as evidenced by body organs removed from the corpses. Typhus decimated the ranks of the prisoners as witnessed by the masses of bodies in the fields. A woman talks of the medical experiments held at the camp, notably sterilization on nineteen-year-old girls. The tattooed survivors with sunken eyes and hollow cheeks observe the SS guards, many women, cleaning up the camp area and disposing of the bodies in common graves. The sanitary conditions became so appalling with the continued death rate, that soldiers with faces covered by masks drive the stacks of bodies and mangled body parts into the open pits. “This was Bergen-Belsen,” the narrator concludes.

The *Nazi Concentration Camp* film built up to a crescendo in documenting the most horrific scenes of the liberation of the camps, the bulldozing of

thousands of corpses. Anyone viewing these scenes could hardly forget the bodies being shoved along the ground, some head over heels, and into the open pit. The film caused a severe reaction among the entire audience in attendance, and especially from some in the dock. Telford Taylor writes in his Nuremberg memoir:

Even for those who, like me, had had an earlier viewing, these pictures were hard to bear. The defendants were among the many who had not seen them, and the effect was stunning . . . Schact turned his back on the screen to show that he had had no connection with such bestiality. Göring tried to brazen it out; the weaker ones like Ribbentrop, Frank and Funk appeared shattered.³⁶

Taylor further describes the reaction of the Nazi officials: "Frank, Funk, and Fritzsche were weeping tears of shame and fear; Sauckel and Ribbentrop were also deeply stricken. The others were in better self-command, but visibly depressed."³⁷ This visual testimony, as Taylor observed, "hardened sentiment against the defendants generally, but it contributed little to the determination of individual guilt," a common complaint about the legal objective of linking the Nazi defendants with the specific atrocities.³⁸

The Robert H. Jackson website, describing the timeline of Jackson's involvement in the Nuremberg Trials, states the effect the film had on the audience:

After the excitement of the indictments and opening statements, the trial slowed in pace as the Americans began to admit enormous volumes of documentary evidence against the Nazis. But on November 29, the prosecution dropped a bomb with the showing of a documentary film titled "Nazi Concentration Camps." This film, created from motion pictures taken by Allied forces liberating concentration camps and from Nazi films discovered by the OSS, showed for the first time the horrible crimes perpetrated by the Nazis. The effect on the viewers was immediately apparent. Justice Lawrence left without adjourning and Hans Frank was left unable to move.³⁹

G.M. Gilbert, one of the two prison psychologists during the trial, maintained a close vigil on the prisoners and their morale.⁴⁰ Seated at the end of the dock he observed the effect of the film upon the Nazi leaders, jotting down his comments in one- or two-minute intervals.⁴¹ Gilbert thus offered a succinct description of the reactions of the defendants while they watched, or attempted to watch, the projection of the film. Some avoided looking at the unfolding dramatic scenes, as others, restless, squinted off and on as the images passed on screen. The scenes of women's bodies being cast into the pit disturbed some, as did the testimony of a

British soldier at Bergen-Belsen who says that they had buried 17,000 bodies thus far. Gilbert describes some of the reactions in his *Nuremberg Diary*: “Funk now in tears, blows nose, wipes eyes, looks down . . . Frick shakes head at illustration of ‘violent death’—Frank mutters ‘Horrible!’ . . . Rosenberg fidgets, peeks at screen, bows head, looks to see how others are reacting . . . Seyss-Inquart stoic throughout . . . Speer looks very sad, swallows hard . . . Defense attorneys are now muttering, ‘for God’s sake—terrible.’”⁴²

The damning visual evidence created ripples of disbelief, shock, and sadness, as all in attendance, save for some of the defendants, wondered how this absolute bestiality could be perpetrated on innocent civilians. The graphic images of the film had the power to sow seeds of regret in some of the Nazi officials while others remained bewildered by the sheer massive scale of the murders. Following the film, Hess denied the evidence, saying, “I don’t believe it.” Gilbert concludes his comments about the aftermath of the screening during this session: “Otherwise there is a gloomy silence as the prisoners file out of the courtroom.”⁴³

That evening in the prison, the defendants discussed the events portrayed in *Nazi Concentration Camps*. Speer’s reaction comes closest to the opening remarks of Jackson at the outset of the trial: “Speer showed no outward emotional effects, but said that he was all the more resolved to acknowledge a collective responsibility of the Party leadership and absolve the German people of the guilt.”⁴⁴

This compilation of tragic scenes in the film from a dozen camps indicates not only the wide range of Nazi techniques that reduced the camp populations but also furnishes details on the immense scope of the Nazi industrial system. Prisoners as slave labor kept the war industry functioning, while other inmates served as experimental subjects for medicine and science.⁴⁵

Thomas Dodd, one of the senior staff and Executive Trial Counsel, second in command to Justice Jackson, would on Day 19, December 13, reinforce the understanding of the nature of the concentration camp and describe in greater detail the lethal system in which it operated. This would assist in offering a more in-depth context of the camp system and its purpose:

May it please the Tribunal, we propose to offer additional evidence at this time concerning the use of Nazi concentration camps against the people of Germany and allied Nationals. We propose to examine the purposes and the role of the concentration camp in the larger Nazi scheme of things. We propose to show that the concentration camp was one of the fundamental institutions of the Nazi regime, that it was a pillar of the system of terror by which the Nazis consolidated their power over Germany and imposed their ideology upon the German people,

that it was really a primary weapon in the battle against the Jews, against the Christian church, against labor, against those who wanted peace, against opposition or non-conformity of any kind. We say it involved the systematic use of terror to achieve the cohesion within Germany which was necessary for the execution of the conspirators' plans for aggression.

We propose to show that a concentration camp was one of the principal instruments used by the conspirators for the commission, on an enormous scale, of Crimes against Humanity and War Crimes.⁴⁶

To bolster the evidence presented in court, the session on this day thus utilized documented material pertaining to the Mauthausen concentration camp in Austria including the shocking mortality records.

The Nazi Plan

Jackson in his opening statement pledged that "We will show you their own films. You will see their own conduct and hear their own voices as these defendants re-enact for you, from the screen, some of the events in the course of the conspiracy." He promised to admit as convincing evidence against the defendants "undeniable proofs of incredible events." The prosecutors' motivation was to follow the evolution of the National Socialist Party from its inception to incriminate those in the dock of Count One, referring to conspiracy. It is found in the charter under the rubric of "NAZI PARTY AS THE CENTRAL CORE OF THE COMMON PLAN OR CONSPIRACY."⁴⁷ Jackson, in his twenty-two-page report on war crimes to President Truman on June 7, 1945 addressed the need to demonstrate that the conspiracy of the defendants was part of a grand plan. A potential film assembled from Nazi footage would illustrate this fully. Jackson writes:

4) Our case against the major defendants is concerned with the Nazi master plan, not with individual barbarities and perversions which occurred independently of any central plan. The groundwork of our case must be factually authentic and constitute a well-documented history of what we are convinced was a grand, concerted pattern to incite and commit aggressions and barbarities which have shocked the world. We must not forget that when the Nazi plans were boldly proclaimed they were so extravagant that the world refused to take them seriously. Unless we write the record of this movement with clarity and precision, we cannot blame the future if in days of peace it finds incredible the accusatory generalities uttered during the war. We must establish incredible events by credible evidence.⁴⁸

The film of *The Nazi Plan* fulfills Jackson's desire for documentation of the Nazis' conspiratorial design for world domination and further describes the participation in a criminal organization that intended to commit war crimes and crimes against humanity. Although much of the footage filmed by the US Signal Corps did not emphasize the Jewish nature of the victimhood of those murdered in the camps, Jackson did point out in his opening address to the Tribunal that Jews were indeed the target of the Nazi regime. *The Nazi Plan*, the next documentary projected at the trial, would emphasize the anti-Semitic spirit and policies of the Nazi Party. In hindsight, this film should have preceded *Nazi Concentration Camps* in order to expose the policies that led to the "Final Solution of the Jewish Question." At Nuremberg, however, the scope of the persecution of the Jews (the Shoah) had not yet been closely deciphered. A major step would be taken by Raul Hillberg only in 1961 with his galvanizing text, *The Destruction of the European Jews* that would be a pioneering step in Holocaust Studies.⁴⁹

On the seventeenth day of the Trial, December 11, 1945, the Tribunal focused on the National Socialist Party history, from its beginnings in the center of ultra-nationalist politics in Munich to the final stages of its war and aggression as depicted in Nazi films. Navy Commander James Donovan, Assistant Trial Counsel, supervised the production of *The Nazi Plan* while Budd Schulberg oversaw the technical part of the lengthy documentary. Schulberg was earlier assigned to the OSS Field Photographic Branch/War Crimes under director John Ford to track down footage shot by the Nazis. Just as Frank Capra had used many clips from Leni Riefenstahl's epic Nazi propaganda film, *Triumph of the Will* (1935) in his series "Why We Fight" (1942–5), Schulberg would do the same in order to chronicle the Nazi evolution toward attempted world conquest. Philip Kennicott of the *Washington Post* interviewed Budd Schulberg at age ninety-one and learned more about the details surrounding the production of *The Nazi Plan*:

Between June 1945 and the opening of the trial on Nov. 21, Schulberg's team worked through 10 million feet of film. They would fly regularly from Berlin, where they had set up a studio, to Nuremberg, where they were coordinating their material with the prosecutors preparing the U.S. part of the Allied legal case. They were, in many ways, helping to define what the Nazi era had meant—the ideology, the ambition, the racism and the mechanics of the National Socialists' rise to power.⁵⁰

Schulberg and his team foraged for every possible piece of German celluloid that could assist them as evidence for the forthcoming trial. They consulted the

massive collection of German news items from the Fox Movietone News, the films at the New York Museum of Modern Art with the assistance of the research of film historian and theorist Siegfried Kracauer,⁵¹ and the confiscated propaganda newsreels from the Alien Property Custodian who had removed the films from locations like German communities in the US such as Yorkville, NY, some of which were sympathetic to the German-American Bund. From the OSS film library Schulberg's crew obtained further footage. The search teams scouting out further material throughout Germany to be used as evidence earlier came upon other Nazi films that were being destroyed in order to hide the evidence of their deeds, as in the Grasleben salt mine in the vicinity of Bergen-Belsen and Rüdersdorf, where more than a million feet of film were burned to dispose of evidence of Nazi activity since 1933. At times, Schulberg and his editors screened 20,000 feet of newsreels and other footage a day, translating and cataloguing the results.⁵²

Some of the events and participants, especially from the 1920s, were unknown to the prosecutors, and Schulberg needed to identify them in order to situate them correctly in the Nazi ascendancy. Dressed in his Navy uniform, he drove from Nuremberg to a chalet in Kitzbühel, Austria, where recently "denazified" German director Leni Riefenstahl had edited her works and kept her film library of original material, now confiscated by the Allies.⁵³ Shocked at his official-looking appearance at the chalet, Riefenstahl was reluctant to get involved. Philip Kennicott writes:

But he [Schulberg] needed her to identify the seemingly endless gallery of faces on film that he had been collecting. So, very much against her will, he drove her to Nuremberg in an inelegant open-air military vehicle and listened to a sad and defensive argument that would define the rest of her life, and that no one would ever believe.⁵⁴

Yet this director, so closely associated with the rise of the National Socialist Party, constantly reiterated that she was not political and certainly not a member of the Nazi Party. Later she would be classified as a "Fellow Traveler."⁵⁵ Once in Nuremberg, Schulberg asked Riefenstahl to identify the Nazi leadership in her films as well as in the other Nazi films and newsreels captured by the OSS. In the meantime, Budd Schulberg's brother, Stuart, supervised the still photo evidence, largely based on the work of Heinrich Hoffmann, Hitler's personal photographer.⁵⁶

From the millions of feet of the located Nazi films, Budd Schulberg created a four-hour film including eighty-four clips that would define the essence of the Nazi Party, its ideologies, and its criminal activities, amidst many that were

anti-Semitic. Under the supervision of Navy Commander James B. Donovan, Schulberg wove the original Nazi footage including newsreels and historical material from 1919 to the close of the war into a panorama that captured the essence of the National Socialist Party. The documentary captured its rise to its international prominence as a powerful war machine. The US Counsel for the Prosecution of Axis Criminality and the US Office of the Chief Counsel for War Crimes would thus utilize the resulting film, *The Nazi Plan*, to reinforce the claim that the Nazis participated in genocidal activity, although the term was not in common use during the trial.

A document related to the film indicates the historical importance of the use of the film in court:

For the first time in the history of legal procedure and jurisdiction, it has become possible to present in sound and picture the significant events of an historical period. In the case of the present war crimes trial, the International Court is in the position to found its examination of the responsibility and guilt of the Nazi leaders, their accomplices, and organized followers on the basis of factual evidence presented in the form of documentary photographs and original speeches. Newsreels, made on the spot, started and prolonged the Second World War.⁵⁷

As with *Nazi Concentration Camps*, an affidavit, signed by E. Ray Kellogg preceded the film submitted in evidence as PS-3054. Based on the four-hour documentary originally presented at the Tribunal, Twentieth Century Fox produced a two-hour abbreviated film with English narration and titles. The long version would be screened at the Tribunal in two parts with a lunch break in between. The abridged version described here provides the essence of the longer documentary. For the sake of brevity, paraphrasing is necessary—however, the essence of the content is obvious. Occasional commentary clarifies what the prosecutors attempted to show visually, although scholarly research in the wake of the trials further elucidated the preliminary, hastily prepared, and in some cases simplistic presentation in court. The power of the film lies in the cumulative effect that the chronologically presented newsreels have in reflecting the evolving Nazi dream of overtaking the world.

The Nazi Plan Screening

1. “The Rise of the NSDAP, 1921 to 1933”: the film opens with upbeat music emanating from Riefenstahl’s *Triumph of the Will*.⁵⁸ The narrator of *The Nazi*

Plan states that the charges against the Nazis include conspiracy to commit crimes against peace, war crimes, and crimes against humanity. Kellogg's affidavit affirms that since May 1, 1945, the search teams were sent forth to locate German motion pictures. He testifies that all the footage is from German newsreels and other original files and not retouched. The film producers have only added English titles and translations.

The Nazi Party members need an introduction to a national audience. The Reich Party Day of 1927 offers one opportunity to familiarize the growing membership with some key personalities. Rosenberg, the Party philosopher, describes the historical struggle for power and the bitter fighting that ensued after the birth of the Party. Hitler spends time in prison (in Landsberg where he will write *Mein Kampf*). Joseph Goebbels, the Minister of Propaganda and Enlightenment in the Third Reich, is introduced as is Baldur von Schirach, Head of the Hitler Youth, and Ernst Röhm, the leader of the *Sturmabteilung* (SA), the paramilitary brownshirts. The slogan "Germany Awake!" (*Deutschland erwache*) rings through the crowd.⁵⁹ Another Party member, the bald-headed and mustached Julius Streicher (later editor of the anti-Semitic paper *Der Stürmer*) is introduced.⁶⁰ The striking figure of Rudolf Hess, Hitler's lieutenant who remains at his side at almost all historic events, dominates the crowd.

Part One of the compilation thus provides the origins of the National Socialist Party in the pre-election years as it grows in the wake of the Munich Beer Hall Putsch in 1923, which resulted in Hitler's imprisonment. The history of the Party is woven into the events of the period following World War I and the Treaty of Versailles. By introducing the leadership of the Nazi Party, the producers can trace the Party political goals to the leaders in the 1920s depicted in this first segment of *The Nazi Plan*. Of this early leadership featured in *The Nazi Plan*, Hess and Streicher, among others, will find themselves before the International Military Tribunal in 1945. These officials labored to make the National Socialist Party the only viable political party in Germany, and some of their operational procedures will be viewed in Part Two.

2. "Acquiring Control of Germany, 1933-1935": the first title reads "The Opening of the Anti-Semitic Campaign," and this segment proceeds to document the brutal tactics that the Nazis, once in power in January 1933, utilized against the Jews. Images of Jewish stores painted with signs of the Star of David or slogans of "*Achtung Juden*" flash across the screen.⁶¹ Goebbels at a press conference speaks of the new revolution which has just started in January and will not stop at anything. One aspect of the revolution includes a battle against international Jewry. On May 10, 1933, in Berlin and other university towns, in a

carefully orchestrated manner, students burn books that are *un-Deutsch* (un-German), those of the enemies of the Reich.⁶² In festive celebration around large bonfires, students hurl volume after volume in a type of purge of ideas alien to the current government. Echoing the idea of a National Socialist revolution, many Germans participate in a night rally filled with band music and song, celebrating an ominous Phoenix rising.

Hitler's Reichstag address on disarmament rings hollow in light of the events of the next several years on the road to total war. The Führer states that Germany has disarmed according to the peace treaty, which may be considered ironic when one views the array of military personnel and equipment at the Nuremberg rallies. During the Fifth Party Congress in September 1933, Hitler proclaims, "Most precious to us is our people." The crowds swell to massive numbers in the glorification of the new leader. Several months later, on February 25, 1934, close to a million Nazi Party members commit themselves to their new leader in an oath of allegiance: "I swear to Adolph Hitler and to the appointed leaders, fidelity and unquestioned obedience." By June 1934, the Storm Troopers (SA), the enforcers of the Nazi Party, had grown to massive numbers and alienated Himmler, Göring, and Goebbels. In early July, Hess addresses the purge of the SA in the bloody "Night of the Long Knives," warning of the threat of a second revolution. He acknowledges the need for Hitler to punish them.⁶³

Hitler offers a powerful, carefully orchestrated speech to the youth, endearing himself to young boys many of whom at war's end will be part of the feared SS. "We want you to work for the future . . . You must steel yourself while you are young . . . Germany will live through you." The innocent faces turn to Hitler as an icon of salvation. As with other orations of Hitler, he begins slowly and reflectively, then gets more enthusiastic about his beliefs, and finally concludes with a passionate crescendo that evokes a frenzied audience's "*Sieg Heil!*" ("Hail Victory!").

The next segment of the film focuses on one of the major Nazi assemblies, the Sixth Party Congress, September 4–10, 1934. With *Triumph of the Will* Leni Riefenstahl produced her most important documentary film dealing with the events of this gathering.⁶⁴ In order to get international recognition of the Third Reich, Hitler invited the leaders of several countries. They are first greeted by Rudolph Hess in the vast assembly of National Socialist supporters: "I welcome the esteemed representatives of foreign nations who honor the Party by their presence, and the Party, in sincere friendship, welcomes especially the representatives of the military forces now under the command of the Führer." The representatives seated at the rally have arrived from Imperial Japan, Fascist

Italy, and Fascist Spain. Hess then addresses the Führer, equating him to Germany and bestowing upon him all the power of the people: "You are Germany. When you act, the people act. When you judge, people judge." In an ironic manner, Hess portrays Hitler as the "guarantor of victory" and "guarantor of peace." The remainder of *The Nazi Plan* only reinforces Hitler's hidden agenda of the lust for land and power.

The following sequence of *The Nazi Plan* serves as an introduction to the assembly of the new Reich's leadership: Alfred Rosenberg, Reich Leader of the Foreign Policy Office and Party philosopher; Otto Dietrich, Reich Press Chief; Fritz Todt, General Inspector for the Reich Autobahn system; Fritz Reinhardt, Chief of the Official NASDP School for Oration; Walter Darré, Reich Minister of Agriculture; Julius Streicher, Gauleiter of Upper Franconia; Robert Ley, Leader of the German Labor Front; Hans Frank, Reich Minister of Justice; Joseph Goebbels, Minister of Propaganda and Enlightenment; and Konstantin Hierl, Chief of the Reich Labor Service Corps. Each offers the essence of his position, from Rosenberg who refers to "the stormy years of the 1918 revolution" as he calls upon the youth to prepare for the future, to Hierl, who introduces the new Reich Labor Service. Julius Streicher's message reinforces the Nazi racial beliefs that will soon blossom into a full-blown anti-Semitic campaign: "A people that does not protect its racial purity will perish!"

The Hitler Jugend rally brings the youth of Germany from all regions to hear their Führer address them. Richard Wagner's overture from the opera *Rienzi* sets the tone with trumpet fanfare.⁶⁵ Hitler's address to the youth embodies a message for the future; avoiding classes and cliques, they must prepare themselves for deprivations and steel themselves, for the Reich should not be soft but hard. The Führer, using military imagery, urges the youth to join the columns of the National Socialist movement that will continue to march through Germany victoriously. In this way, Hitler assures that the legacy of the Reich will continue beyond the present, in essence soon revealed as the "Thousand Year Reich."

To demonstrate the military might of the Reich, Hitler, Hess, and Göring review the newly-formed Wehrmacht, as military music accompanies a display of the armed forces' might. A cortège of cavalry, armored vehicles, and troops parade through the stadium, making quite obvious that Germany remains no longer weakened by the disarmament terms of the Versailles Treaty. Since this film would be translated into several languages for export, other countries would soon witness the formidable threat of Germany.

In a brilliant extravaganza of light and motion, 250,000 political leaders, banners in hand, approach the podium where Hitler, Hess, Göring, and Ley

review the troops. Hitler's passionate speech affirms that "the Movement is alive and stands firmly as a rock." He further alludes to divine inspiration as the origin and evolution of the Party: "All of this would not be possible were it not given to us by a great command—and it is God Himself who created our Reich!" After the Führer pleads that every German should join the Party and carry the state, pandemonium breaks out as Hess screams his final tribute to Hitler, "Hitler is the Party." This segment of *Triumph of the Will* included in *The Nazi Plan* concludes with the ranks of German soldiers marching in cadence as the National Socialist anthem or Horst Wessel song, *Die Fahne hoch* ("The Flag on High") rings out triumphantly.

In the afternoon session of the Tribunal, the second part of *The Nazi Plan*, indicating the Reich's control over Germany, thus illustrates Hitler's power to manipulate the people, the youth, and the army. His apotheosis at the various rallies reveals him as the focal point of the Reich when he introduces his political leaders to the German citizens, some of whom will be tried for their early and continued commitment to Nazi policies. The excerpts from Riefenstahl's documentary furnish concrete evidence of the early stages of the Nazi Party's quest to develop national unity and demonstrate the military power of Hitler. At the same time other key Party members are introduced, for example, Hess, Göring, and Himmler. In filming with a tilt upward, the director construes a glorified image of the Führer who believes he has a divine calling to lead his people. This inspires blind obedience to his disciples who follow him to the brutal end in 1945.

3. "Preparation for Wars of Aggression 1935–1939": in 1935, Schirach, head of the Hitler Jugend, addresses the youth by imploring them to follow the principles of Hitler's *Mein Kampf*, which, in a sense, is the Führer's blueprint for aggression. Göring's announcement of Germany's rearmament reinforces this as a montage of military drills ensues. Tank maneuvers, parachute jumps, aircraft in flight, and soldiers along with youth in parading units—all exemplify the newly-armed Germany.

At the Seventh Party Congress in 1935, the Nazi leadership reiterates the need for laws as well as the reliance upon purity through blood relations.⁶⁶ Once again Hitler reviews the troops with aerial and tank demonstrations. The cavalry gallantly pass as do the vehicles transporting heavy artillery. A display of power highlights the new direction Germany takes after its World War I humiliation.

One evident step toward full aggression and war is Germany's reoccupation of the Rhineland which takes place on March 7, 1936. Also in March, Minister von Neurath expresses confidence that all Germans will vote to approve Hitler's

policies. To reinforce this, Hess is viewed voting as is Goebbels and his wife Magda. Hitler's address to the Krupp munitions plant workers on May 28 indicates a preliminary step toward war. At the Eighth Party Congress, September 8–14, 1936, the Army and Navy are extremely well represented, fueling the idea that Germany has an extremely well-prepared military force.

By 1937, the Reich's armed forces reach a significantly high number. Hitler reviews the parade of might, represented by the Navy, Army, and cavalry. The artillery, tanks, and half-tracks proceed along the avenue emphasizing the military preparedness of the Reich. One of the uses of the newly-developed weaponry was to support Franco's army in Spain during the Spanish Civil War. The newsreel announces, "*Der Deutschland in der Heimat*" ("Der Deutschland Returns Home"), as the bodies of the soldiers killed in combat in Spain are brought back to Germany aboard the ship *Der Deutschland* on June 18, 1937.⁶⁷ These soldiers died doing their patriotic duty. Hitler greets the families amid the coffins draped with swastika flags.

The Ninth Party Congress, September 6–13, 1937, follows a similar pattern as the earlier gatherings in Nuremberg. Hitler reviews the growing parade of troops from his car and then drives among the crowd, addressing them about the new Germany. More noticeable, Japanese dignitaries attend the assembly.⁶⁸

The year 1938 marks a crucial turn toward German expansionism on the road to war. Appearing before the Reichstag on February 10, 1938, Hitler calls for the protection of German homes and German coasts. With this in mind, the Führer sees the need to rearm more completely, rebuilding the Army and Air Force. A montage of Nazi symbols fills the screen. Then, just a month later, in March 1938, Hitler's armed forces cross the border into Austria with the rationale that Austrians possess German blood and should be linked to Germany, resulting in the *Anschluss*, the annexation of Austria.

At the Tenth Party Congress, September 5–12, 1938, the usual march of banners and a more formal connection of the Hitler Jugend to Hitler occur. Hitler places a wreath on the monument for those who have fallen in the ranks of the Reich.⁶⁹ A majestic long shot of the parade ground with the solitary figures of the three prominent leaders walking among the ranks fills the screen.

On September 26, 1938, Hitler declares his policy on Sudetenland, the next aggressive step following the *Anschluss*. Hitler's offer is "peace or war," for the Reich must free those of German heritage in the Sudetenland. An Agreement among the representatives of Germany, Great Britain, France, and Italy is concluded in Munich on September 29. Two days later, the Reich's armed forces, crossing into Czechoslovakia, occupy Sudetenland.

The year 1939 appears as the prologue to war. On January 30, Hitler, seeing the potential of war, predicts the annihilation of the Jewish race in Europe if war occurs. By March 15, the German armed forces occupy the remainder of Czechoslovakia, and a week later, on March 22, the Lithuanian port of Memel, incorporating it into Germany's territories. After twenty years of suffering, according to Nazi propaganda, Memel can now return to the Reich, as 130,000 citizens become liberated.

On May 21 the signing of the European Pact takes place. Italy and Germany form a coalition—"we extend a hand of peace." Just a few weeks prior, on April 28, Hitler replies to Roosevelt that Germany would avoid aggression. At the Reichstag, in reading a list of countries to which he would not display aggression, Hitler creates a scene of laughter and mockery. Göring, seated behind Hitler, joins heartily in the amusement, as he would in the dock at Nuremberg once again in 1945.

The conclusion to this segment of *The Nazi Plan* includes a tribute to the German forces that fought with General Francisco Franco during the Spanish Civil War. On June 6, 1939, Hitler and Göring review the parade, highlighting the presence of the elite Condor Legion returning from the war.

The footage compiled in this part of the film from various newsreels from 1935 to 1939, just prior to the outset of World War II, reflects the desire of expansionism, *Lebensraum*, in the mind of Hitler and his close associates. Step by step through the Nazis' own films and newsreels the Nuremberg prosecutors portray the Reich leadership as consumed with the desire of power and territory. The Rhineland, Sudetenland, Austria, and the remainder of Czechoslovakia—all fall victim to the vast, highly developed military power of the Germans. The references to the Spanish Civil War and the Condor Legion today evoke a Germany that immorally bombs a civilian population (in the town of Guernica) in an attempt to experiment with its newly-designed plan for *blitzkrieg* that will admittedly be used later as war approaches.⁷⁰

4. "Wars of Aggression, 1939–1944": the final segment of *The Nazi Plan* shows the unfolding of a strategy for German conquest, starting with Danzig on September 1, 1939. Here, the flag with the swastika waves freely for the first time over official buildings, a first step in the plan of German occupation. The Army and Air Corps, then crossing the border into Poland the same day, are praised by Göring for their advanced technology.⁷¹

Scandinavia follows next in the German plan for occupation. On April 9, 1940, German aircraft drop leaflets over Denmark notifying the Danes that they come as friends and not as enemies in order to assure Danish neutrality. German

planes then bomb sections of Norway and take over Oslo. A month later, German forces invade Holland, Belgium, and Luxembourg, bombing military objectives. Battle scenes reveal a Rotterdam under siege, and with upbeat and triumphal music in the background, a newsreel chronicles the surrender of the city.

June finds the German army on the doorstep of France, and on June 22, the German and French representatives sign France's surrender at Compiègne in the same railway car where the armistice of World War I was signed in November 1918. The elderly Marshal Philippe Pétain signs for France.

Germany expands its power base by creating a new alliance on September 27, 1940. Italy and Japan join the coalition, which Foreign Minister von Ribbentrop calls a pact of the mightiest three countries on earth. Bulgaria becomes a further extension of Germany's power as it joins the Axis forces on March 1, 1941. The united armies are now strong and "will beat England wherever she shows up."

Further occupation takes place on April 6, 1941 as Germany invades Yugoslavia and Greece. The German Army takes over key strategic position while the Air Corps systematically bombs Greek fortifications.

On June 22, 1941 Germany moves further east as it invades the USSR.⁷² Goebbels takes care of the propaganda announcement to the German citizens. Then Germany casts its shadow south to France and Spain. First Hitler meets with Pétain and Laval in October 1941 and then proceeds to the French-Spanish border. There he meets "El Caudillo," General Francisco Franco, with whom he discusses issues concerning the future of Europe in light of a Spanish-German alliance.

Just several days after the Japanese attack on Pearl Harbor and the US declaration of war on Japan, Germany enters the fray on December 11 by declaring war on the United States and England, "for the freedom of Japan and Germany." Hitler refers to President Roosevelt as a "war-mongering hypocrite." The declaration of war seals the military alliance of Germany and Japan and includes stronger economic relations as well.

Following the unsuccessful bomb plot against Hitler on July 20, 1944, Major Otto-Ernst Remer is decorated for his role in the suppression of the uprising.⁷³ The People's Court under Judge Roland Freisler tries the conspirators, during which he offers a severe tongue-lashing to a defendant.⁷⁴ This depiction indicates the injustice of the German courts.

The Nazi Plan concludes with images of a Germany in ruin. This final segment of the documentary presented by the prosecution highlights the gradual steps of the National Socialist blueprint for world domination through invasion and occupation. From the opening salvo against Poland to the conquest of a series of

European countries, Germany reveals itself to be a potent military and political threat. Notably missing in the abbreviated version, however, is the Battle of Britain, where German Luftwaffe and rockets wreaked havoc on innocent civilians. The prosecutors use this final section of *The Nazi Plan* to support the charges against the defendants, as Telford Taylor suggests:

Donovan presented the film on the basis that “it sums up the case thus far presented under Counts One and Two of the Indictment.” That was true chronologically, but it would be hard to say that it added any new evidence of criminal guilt. However, the film portrayed the defendants, often in groups, in their public guise during the period of the conspiracy and perhaps added another dimension to the judges’ mental pictures of the alleged conspirators.⁷⁵

In Taylor’s view, the first part of the film reinforces the conspiracy charge against the defendants in their participation in a criminal organization right from the outset, while the latter part concentrates on the aggressive tactics the National Socialist leadership took in waging war in Europe.

The reactions of the defendants to *The Nazi Plan* differed drastically from their perspective on the earlier film dealing with the concentration camps. The leaders felt proud of the *Vaterland*, reminiscing about the rise of Nazism right before their eyes on the screen. They were entranced by the Nazi marching music, parades of banners, night rallies, furling flags, and views of the Führer on the podium. Nostalgically, it was as if they had re-entered the Golden Age of National Socialism. Gilbert, the prison psychologist, listened to the emotional reaction of the defendants to the film that evening:

Ribbentrop was completely overwhelmed by the voice and figure of the Führer. He wept like a baby, as if a dead father had returned to life. “Can’t you feel the terrific strength of his personality?—Can’t you see how he swept people off their feet? I don’t know if you can feel it. It is *erschütternd!*” [“shocking”]⁷⁶

Göring appeared rather flippant, telling Gilbert that after watching the film even Justice Jackson would want to join the Party, and if Hitler came to him in his cell today, he would still follow him. “Can’t you really feel the terrific magnetism of his personality?”⁷⁷ Schacht’s eyes were watery as he viewed Germany arise with Hitler’s aid. Fritzsche mentioned that Germany was worth fighting for . . . until 1938.

In their voluminous work on the Nuremberg Trials, Ann Tusa and John Tusa record an omission in the defendants’ reaction to the film, the penultimate segment dealing with the conspirators’ trial before the notorious Judge Roland Freisler:

Not one of them commented on a sequence in the film that had particularly impressed others. It showed the trial before the People's Court in Berlin of the 1944 Bomb plotters. They had seemed abject men, clutching at their trousers from which the belts had been taken, deprived of the dignity of their false teeth and the aid of their spectacles. There had been no defending counsel and the accused had been literally dragged by SS guards before Judge Freisler. As soon as they tried to speak he screeched at them a torrent of abuse. The contrast between Nazi justice and the tone of the Nuremberg trial and its Charter was vivid and telling—to those sensitive enough to see it.⁷⁸

At the conclusion of the screening of *The Nazi Plan*, Thomas Dodd and Colonel Robert Storey from Jackson's legal team told the Tribunal that "the remainder of the American case would comprise two parts: the conspiracy to commit war crimes and crimes against humanity, and the guilt of the organizations."⁷⁹ Ironically, there was no discussion of *The Nazi Plan* on December 12, which could apply more directly and personally the evidence of conspiracy and aggression presented in the four parts of the film to the defendants in the dock. As it stood, the documentary made no correlation with the bulldozers at Bergen-Belsen filmed by the British or the gas chambers at Dachau documented by George Stevens. Thus far in the trial, on the seventeenth day, the film could not directly connect any of the war criminals on trial to the plethora of corpses viewed earlier in *Nazi Concentration Camps*. It did, however, provide the chronological basis for the conspiracy of the Nazi Party to develop a strategy to wage war in its aggressive military actions and occupation of other states.

An SS Film as Evidence

Thomas Dodd, on December 13, 1945, decided to use as further evidence of Nazi criminal activity on civilians a short amateur film shot apparently by an SS officer about the liquidation of a ghetto. According to an affidavit signed by Lt. Colonel Roland H. McIntire of the Corps of Military Police, it was delivered to him on or about May 1, 1945. McIntire swore in his affidavit which he presented to the US Chief of Counsel for the prosecution of the major European war criminals: "Examination of the film revealed, that it contained pictures of beatings and mistreatment of naked women and other atrocities, all in the presence of and with the apparent concurrence of armed German soldiers and S.S. men in uniform, as shown in the pictures."⁸⁰

Donovan submitted the following as evidence:⁸¹

COMMANDER DONOVAN: May it please the Tribunal, the United States now offers evidence Document Number 3052-PS, Gambit Number USA-280, entitled "Original German 8-millimeter Film of Atrocities against Jews."

This is a strip of motion pictures taken, we believe, by a member of the SS and captured by the United States military forces in an SS barracks near Augsburg, Germany, as described in the affidavits now before the Tribunal.

We have not been able to establish beyond doubt in which area these films were made, but we believe that to be immaterial.

The film offers undeniable evidence, made by Germans themselves, of almost incredible brutality to Jewish people in the custody of the Nazis, including German military units.

It is believed by the Prosecution that the scene is the extermination of a ghetto by Gestapo agents, assisted by military units. And, as the other evidence to be presented by the Prosecution will indicate, the scene presented to the Tribunal is probably one which occurred a thousand times all over Europe under the Nazi rule of terror.

This film was made on an 8-millimeter home camera. We have not wished even to reprint it, and so shall present the original, untouched film captured by our troops. The pictures obviously were taken by an amateur photographer. Because of this, because of the fact that part of it is burned, because of the fact that it runs for only 1 1/2 minutes, and because of the confusion on every hand shown on this film, we do not believe that the Tribunal can properly view the evidence if it is shown only once. We therefore ask the Tribunal's permission to project the film twice as we did before the Defense Counsel.⁸²

This short non-professional film, although in poor condition with scratches and markings, demonstrates the brutality of the Nazis, especially directed toward women. The prosecution offered a written copy of various scenes in the film since the film was so brief. It was therefore shown a second time. Key scenes of the seventy-eight included in the film strip are documented on paper for the court:

Scene 2—A naked girl running across the courtyard.

Scene 3—An older woman being pushed past the camera, and a man in SS uniform standing at the right of the scene.

Scene 5—A man with a skullcap and a woman are manhandled.

Number 14—A half-naked woman runs through the crowd.

- Number 15—Another half-naked woman runs out of the house.
- Number 16—Two men drag an old man out.
- Number 18—A man in German military uniform, with his back to the camera, watches.
- Number 24—A general shot of the street, showing fallen bodies and naked women running.
- Number 32—A shot of the street, showing five fallen bodies.
- Number 37—A man with a bleeding head is hit again.
- Number 39—A soldier in German military uniform, with a rifle, stands by as a crowd centers on a man coming out of the house.
- Number 44—Soldier with a rifle, in German military uniform, walks past a woman clinging to a torn blouse.
- Number 45—A woman is dragged by her hair across the street.⁸³

Following the second showing, Commander Donovan presented the strip of film to the Tribunal for its permanent records. Then, in lieu of discussing this evidence, Major Walsh offered the diary of Hans Frank, General Governor of Occupied Poland, as evidence. The note at the cabinet session in Krakow on December 16, 1941 bolstered the argument presented by the visual evidence in the film strip, that the German Army had the serious intention of rounding up the Jews and sending them to extermination camps. Frank's diary reads: "As far as the Jews are concerned, I want to tell you quite frankly that they must be done away with in one way or another."⁸⁴

Soviet Presentation of Nazi Atrocities

To understand the mindset of the Soviets in their submission of the next film as evidence at the Nuremberg Trials, it is important to return to a note about the atrocities committed by the Nazi aggressors from People's Commissar of Foreign Affairs Vyacheslav M. Molotov. The Soviet Embassy in Moscow sent it to all ambassadors and ministers of countries with which the Soviet government had diplomatic relations and released it to the public on January 7, 1942. The message reiterated that Nazi atrocities in Soviet territory would be carefully recorded and broadcast widely.

The Soviet Government and its organs keep detailed records of all the villainous crimes of Hitler's army, for which an indignant Soviet people justly demands retribution and will attain it.

The Soviet Government deems it its duty to bring to the knowledge of all civilized humanity, of all honest people in the world, its statement of facts illustrating the monstrous crimes committed by Hitler's army against the peaceful population of captured territories of the Soviet Union.

Wherever the German invaders have set foot on Soviet territory they have brought destruction and devastation to our towns and villages. They have devastated and even burned to the ground scores of towns and thousands of villages in temporarily occupied districts of the U.S.S.R.⁸⁵

Pushing westward in its counter-offensive against German troops, the Soviet Army arrived at countless towns and villages held by the occupiers, liberating them from the hostile forces. The military with their accompanying cameramen came upon example after example of pillaging, massacres, rapes, tortures, hangings, and general devastation of the noncombatant population.

The fourth film to be included as evidence against the defendants resulted from the Soviet filming of the above examples of brutality displayed by the Germans during the invasion and occupation of Soviet territory. On February 19, 1946, Day 62 of the trial, the Soviet prosecutors screened *Film Documents of the Atrocities committed by German Fascists in the USSR (Kinodokumenty O Zverstvakh Nemetsko-Fashiskikh Zakhvatchikov)*.⁸⁶ Chief Counselor of Justice, L.N. Smirnov of the Russian Delegation, introduced the film in the context of the crimes against civilians and humanity in general in the areas of Eastern and Southern Europe. As prisoner psychologist G.M. Gilbert viewed the compilation film, he described it "as a horrifying document of mass murder even more terrible than the one presented by the Americans."⁸⁷ The graphic images of torture, burning, rape, and execution were made even more personal by the identification of the families.

The Soviet film consisting of four reels was directed and compiled by M.V. Bolshinov from the footage shot by a host of cameramen who followed the Red Army, including the well-established cameraman, Roman Karmen, a veteran of the Battle of Moscow. At various times during the film, the footage is attributed to certain cameramen, as if to show them as concrete witnesses to the violence of the Nazis. Their notes about scenes shot alongside the Red Army during the liberation of Soviet territory and beyond assisted in the detailed description of the viciousness of the retreating German Army. Within a few months following the German invasion in June 1941 in Operation Barbarossa, these cameramen followed orders from Molotov's November 1941 note highlighting four concepts about establishing war crimes in the USSR, primarily, however, to film all



Figure 5.5 The Russian judges at the Nuremberg War Crimes Trials. From left to right: A.F. Volchkov and General Ion Nikitchenko. On the far right is British judge Norman Birkett (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

atrocities for potential legal cases that would develop. Jeremy Hicks provides the rationale for the filming: “The aspiration to legal address was widespread in the Soviet Union, which, having suffered more losses than any other state involved in the war, became an important force calling for retributive justice against the Nazis.”⁸⁸ Hicks argues that the Russian material lacked credibility to the Allies,

when in fact it makes a stronger point about Nazi aggression than *Nazi Concentration Camps*. The genocidal intentions of the Nazis become manifest in several segments of the film, especially dealing with the *Einsatzgruppen Aktions*. In the minds of the Soviets, the presentation of this footage of atrocities at the International Military Tribunal would further assure that their victimhood at the hands of the Nazis would be viewed in an international forum. This compilation of four reels of material, lasting approximately one hour, screened for the Tribunal, included the newsreels and documentaries already shown in Russian theaters as part of the propaganda efforts to rally the citizens against the Nazi occupying forces. Francine Hersch indicates how the Soviets wanted to continue with its investment in propaganda at the International Military Tribunal to highlight Nazi guilt for the atrocities inflicted upon Soviet citizens:

From Moscow's perspective the Nuremberg Trials, like the Moscow Trials, were to be an exercise in education and enlightenment—a show trial extraordinaire. The Soviets took it as a given that the Nazi leaders were guilty and deserved to be hanged. The Soviet Union's Great Patriotic War—the “Nazi-German war of aggression” described at Nuremberg—had devastated the USSR, leaving 27 million Soviet citizens dead and another 25 million homeless.⁸⁹

Hence the importance of closely documenting by film all traces of Nazi aggression against Soviet citizens.

As with the American films submitted as evidence in the trial, the Soviet documentary opens with sworn affidavits. The director and cameramen, in collaboration with the Central Documentary Studio in Moscow, testify that working alongside the Red Army during the Great Patriotic War, they filmed this footage between 1941 and 1945. They assert that the segments of the film compiled here provide a highly accurate report following the immediate liberation of Soviet territory from Nazi hands, and that no part of the film has been retouched or altered in any shape or form.

One by one the narrator lists the locations of the atrocities, describing them as well as the victims, consisting of a broad range of civilians and prisoners of war.

Reel One

Rostov-on-Don: this strategic city changed hands twice during the war, experiencing some of the worst violence inflicted by the Nazis. The German occupation lasted from November 21 to 29, 1941, and then from July 24, 1942 to February 14, 1943. The footage here covers the slaughter of intellectuals, workers,

housewives, and children during the first occupation. The bodies of the POWs lie side by side across the area with evidence of being tortured. The Nazis cut off the noses and ears of approximately 100 of the prisoners, following the orders of the German Kommandant. They also burned the bodies of some of their victims along with their clothes and documents. Doctors now catalogue the atrocities.

Kiln: the frozen bodies of children with their parents testify to the ruthlessness of the Nazis. They shot every collective farmer they met. In a tender scene, a mother comes upon the corpse of her daughter recently shot by the Nazis.

Lokotni: an orphaned family weeps over the dead body of the father.

Kaluga: this town in western Russia was occupied by the German Army in late 1941, with the school serving as the Gestapo headquarters. There the Nazis set up a torture chamber and mutilated their prisoners. Their hands were cut off and cast aside. The lampposts served as makeshift gallows. Over several days the Nazis shot the POWs just prior to the rout of the occupiers by the Red Army.

Kerch: the Nazis proved themselves merciless as they rounded up 245 children on the pretence of sending them to school on December 31, 1941. Then they shot them, their frozen bodies discovered by the liberating forces. Alongside the tank pits, the Nazis lined up the villagers and shot them so that they could fall into the pits. Approximately 7,000 inhabitants of Kerch were executed in a field outside of town. To indicate personal grief, the camera shows a man weeping as he discovers his wife, daughter, and son in a mass grave.⁹⁰

Barvenkovo: in the snow-covered areas of the town, the cameraman filmed the frozen bodies of the elderly, women and children, victims of torture and shootings. An elderly worker, I. Rengold, and his daughter Tatiana had their hands tied, were tortured, then shot. A farmer, P. Babich, identified the remains of his two sons, Alexander and Pavel, both shot to death. Many of the townspeople mourned the victims who were executed by the *Einsatzgruppen* units who were ordered to eliminate Soviet citizens.⁹¹

Sofino: the entire village is burned down with whole families inside who were either burned or asphyxiated. Other families are locked in the cellar and torched to death.

Nalchik: in this southern region of Russia, 600 inhabitants are discovered in an anti-tank ditch, their bodies tortured, bloodied, and bullet-ridden. One image from the section appears to be of a woman, dress pulled up high, perhaps raped.

Prokhladnoe: the German Army treated the Soviet prisoners of war worse than animals. The camera captures images of the prisoners starved and tortured, now lying frozen in the snow. Few prisoners survived the brutal treatment by their captors.

Pyatigorsk: in the fields were found body after body, of victims from all walks of life: professors, chauffeurs, doctors, engineers, typists, accountants, waitresses, guards, and housewives. There was evidence of torture, humiliation, and mutilation of these Soviet citizens. The Nazis shot the four-year-old Svetlana along with her parents.

Rossoch: in the German police station civilians faced torture and shooting. They were taken outside and eliminated with one bullet each. No one was left alive.

Rostov-on-Don: on February 14, 1943, the Red Army entered the city and found countless bodies of sisters, wives, and children massacred. During the second occupation of the city, the Nazis shot close to 1,000 civilians in the prison yard just prior to their withdrawal and the arrival of the Red Army.

Kharkov: using mobile gas chambers and executions by bullet, the Nazis killed close to 14,000 Soviet citizens in the area of Drobitski Yar. Skeletal faces of the corpses in the mass graves peer out at the viewer. A bullet through the head of the kneeling victim ended his or her life. In all of Kharkov, some 30,000 Soviet civilians met their fate at the hands of the Nazi occupiers.⁹²

Reel Two

Rzhev: the corpses of three women and three children lay in the street. The Sadov family was tortured to death, while Valentin, fifteen, was shot with a bullet through the eye. Twelve-year-old Ira was killed with a bayonet, and Zina, eighteen, was raped and strangled, her partially-clad body lay among the rubble. Mother and child cling to each other in death on the last day of the occupation of Viazma. The German machine guns mowed down others who could not find time to hide.

Makeyevka: a family of nine was slaughtered, each member captured on camera. Olga Medinskaya leans over her dead child whose throat had been brutally slashed.

Sergo: in a town reduced to ruins, the Germans took miners back to work in Germany. Those who refused to leave their homeland were executed, their bodies thrown down a mine shaft.

Stalino: the Germans executed 200,000 Soviet citizens in this area. The grieving families mourn their loved ones.

Taganrog: 1,000 Soviet civilians, their hands tied behind their back, were lined up next to a grave and then executed. Families view the bodies and attempt to identify the members who were shot and buried in this mass grave. A woman prays over a dead family member.

Slobodka Coast: the Germans shot members of the Sheludachenko family and left their bodies on the shore, next to the boats. Included in the slaughter were Paul, age three, Alla, age six, and their mother Maria Romanovna.

Ossipenko: a few days before leaving the town, the Germans conducted mass executions. They looted the homestead and massacred the Tolstoy family. The mother, Antonina Matveyevna, stripped naked, lies next to the three children, also executed. The Germans bayoneted the two-year-old Olya. The Germans decimated the Cheptstov family—the mother, her children, her parents, and her sister. The killer of the five-year-old Viktor carved a star into his head.

Kiev, Darnista: Germans forced thousands of prisoners of war in the prison camp in Ukraine to do backbreaking work, starved and humiliated them, and then shot them. The excavated bodies lie in rows, a testimony to Nazi atrocities. In Darnista, the Nazis executed 68,000 people. Footage recorded right after the liberation of Kiev on November 6, 1943 indicates that the Germans shot the residents throughout the town before they left. Babi Yar stands out as one of the worst massacres of the Soviets, where 100,000 men, women and children met their fate, many of them victims of the mobile gas chambers. In the city of Kiev, Red Army officials and others, some with masks because of the stench, survey the decaying corpses of the 195,000 people killed, now exhumed and placed in a long file.

Iziaslav: in this Ukrainian town the Germans wiped out entire households, like the six members of Efrassi Nikachel's family. Children, filmed lying in mud and debris, were killed with their parents. Red Army soldiers and forensic experts examine the bodies of those executed.

Ternopol area: Red Army soldiers and forensic experts further survey the extent of the Nazi slaughter. One half of the population of the two nearby cities was executed. Corpses in rows and the bones of skeletons testify to the Nazi massacre.

Pekalino: on February 28, 1944, the Red Army with its accompanying cameraman entered the village which the Nazis burned, incinerating 120 people, including the dentist Zoya Shiryaeva, along with his father, mother, children, and grandmother. Their burnt remains can hardly be identified. The schoolteacher Maria Filipova also died in the flames. The charred corpses of the six members of the family of Ivan Petrov provide evidence of Nazi brutality, especially as witnessed in the lifeless body of a small baby. Only grandmother Kurkova survived, but her daughter Valentina and grandchildren all died in the inferno.

Bolchevitchka: at this state farm, the Nazis burned the living quarters where thirty workers were lodged. All the residents and their families died in the flames.

Slonim area: on June 13, 1944, the cameramen with the Red Army filmed the piles of bones of tens of thousands of Soviet citizens who were shot then burned by the Nazis to cover up the traces of their crime. The Nazis further crushed the bones of the burned bodies.

Riga environs: eighteen miles outside of the city lay a Nazi concentration camp, to which were transported Soviet citizens from Leningrad, Kalinin, Vitebsk, and Orlov. Soviet soldiers carry the exhumed bodies on stretchers from the mass grave.

Salaspils: prisoners at this camp, totaling 66,000, died of hunger, torture, or beatings. The recently exhumed bodies lie next to the mass grave.

Tallin environs/Klooga: forty-four miles outside of the town, near Klooga, the Nazis built a concentration camp in 1943 for the Organization Todt, dedicated to military and engineering projects, basically relying upon slave labor. On September 13, 1944, the retreating Germans razed the Klooga camp. Some prisoners were shot in the barracks while others were taken into the forest, ordered to take logs and then lie on top of them face down prior to being shot. Another layer of prisoners and another set of logs were added. Then the Germans set the pyre ablaze, burning the corpses. Some of the pyres still remained unlit as the Red Army approached. At the Klooga camp, 2,000 prisoners lost their lives in this manner.

Reel Three

Lublin, Poland: outside the Soviet domain, in the sewing workshop of the Lublin prison, the inmates were shot in the back of the head as they worked at their machines. In the yard, others were machine-gunned to death, all totaled 700. Local civilians and Red Army officers survey the dead bodies from the prison. The skeletal faces of the dead, lined up in endless rows, provide a haunting image of those executed. In a warehouse 820,000 pairs of shoes were stored, along with countless pairs of glasses. The Germans snatched the children born in camp from their mothers and eliminated them. Hundreds of thousands of these children lost their lives.

Silesia: on March 25, 1945, the Nazis shot the Soviet prisoners of war in the barracks of prison camp No. 344 near Lamsdorff, just prior to the arrival of the Red Army. Since January 29, there had been no food for the prisoners, so the starved bodies lay in place for weeks. Those who lived, with empty stares, died

soon after their liberation. Out of the 4,000 prisoners of war in this camp, only a handful survived. The Soviet doctors examine the few that did manage to endure the hardships experienced in the camp. The mass of bodies of the dead prisoners, lying cheek to jowl, stretch as far as the eye could see.

Majdanek: this is the first major extermination camp liberated by the Soviet Army, and Roman Karmen and his colleagues filmed its liberation. In this camp, built in 1940, up to 45,000 prisoners were held in the 144 barracks. Two rows of electrified barbed wire ensured that no prisoner would escape. Mass exterminations took place at the camps, evidenced by the large quantity of skeletal heads. Countless corpses filled the nearby forest. In November and December of 1941, the Germans shot the bulk of Soviet prisoners. In 1942, at first, the new prisoners were shot, then also in 1942 the Germans used lethal gas (Zyklon B) in their six gas chambers. Prisoners entered the gas chambers thinking they were about to shower and were asphyxiated. Their captors then burned their dead bodies in crematoria that ran at 1,500 degrees centigrade, cremating 1,920 bodies a day. Enormous pyres also constructed in the camp and forest burned 700,000 corpses. The resulting ashes and piles of bones served as fertilizer for the cabbage fields. The warehouse filled with shoes, clothes, dolls, gloves, and eyeglasses offers an inkling of the many prisoners processed at the extermination camp. Their passports indicate their nationalities and occupation: French farmer, Italian schoolteacher, Dutch electrician, and a Greek national. At the close of this segment of the footage, the surviving prisoners stare out solemnly from behind the barbed wire.

Auschwitz: four Soviet cameramen shot the footage of Auschwitz shortly after the liberation of the camp by the Red Army on January 27, 1945. An aerial shot provides an idea of the vast extent of the camp with 520 barracks, holding 180,000 to 250,000 prisoners. The camp's five crematoria burned daily, helping to cremate the hundreds of thousands of gassed inmates. At the liberation of the camp, 10,000 to 20,000 bodies were found by the Red Army. The international prisoners came from all over Europe—Poles, Russians, Czechs, Belgians, French, Romanians, and others. Those who did survive stare out at the camera from behind barbed wire. Out of the prison gates, religious women and nurses help guide the 180 remaining children who roll up their sleeves to reveal their tattoos.⁹³ Pregnant women were forced to give birth to their children prematurely who were then eliminated. A Soviet doctor examines a small skeleton of a child. To understand the extent of the extermination process, the cameramen filmed the 514,843 pieces of clothing from the dead men, women, and children. Filmed also were the 43,525 pairs of shoes to be sent to Germany.⁹⁴

Reel Four

Obrawalde: a warehouse packed with suitcases alludes to the European origins of their owners. Other stores include bales of women's hair to be sent to Germany, artificial teeth, dental crowns, and the like. The Soviet doctors examine the surviving prisoners. Children suffer from frozen feet, at times having stood barefoot all day in December. A staff of doctors reviews the castration and sterilization procedures of the prisoners, closely scrutinizing the scars of the operation. A head nurse captured at the liberation explains some of the procedures at Obrawalde, a psychiatric area for the mentally ill.⁹⁵ She personally poisoned 1,500 prisoners and demonstrates the process before the camera. Death became the only means of escape from this prison. Mass graves being exhumed indicate the large loss of life in the camp. Grave No. 1632 holds 618 bodies.

Danzig Medical Academy: in this center bodies were allegedly stored in order to make soap from human flesh. A gruesome image shows the heads separate from the bodies and a bathtub full of human skin to be processed into soap. A lab assistant still present testifies to this phenomenon, although more recently experts discredit this "myth."⁹⁶

Poznan prison: at this prison a guillotine cut off the heads of the inmates. The gloves and aprons used in this process are displayed as well as photos of the torture victims.

Sonnenburg prison: a variety of irons indicate the means of torture used on the inmates. Some 4,000 people were executed prior to the arrival of the Red Army. A pan shot of the bodies records the vast extent of the massacre. The film concludes on this note.

The rationale for presenting the long litany of locations with their respective victims in the film was to emphasize the vast destruction of the Soviet population during the four years of the Great Patriotic War, and to create a visual document of the abuses that include crimes against humanity to the nth degree. This finely documented material complements well the criminal actions of the defendants viewed in *Nazi Concentration Camps* and *The Nazi Plan*, and further indicates how the rise to power of the Nazi Party produced this attempt at annihilation of the Soviets.

It is important to see specifically the absence of Jews in the listing of victims in the film presented by the Soviets as evidence of Nazi atrocities; only Soviet civilians or prisoners of war can be counted among those executed by the Nazis.

No prayer shawls or glimpses of the Star of David on the victims' uniforms could be detected in the film, except in one fleeting shot. The Soviets did not wish to identify the Jews as a sub-group of the Soviets and placed them instead in the general toll of Nazi victims. At Babi Yar, for example, the documentary inflates the number of the dead to 100,000 civilians from the Kiev region when today only approximately 34,000 deaths, for the most part all Jewish, can be verified, victims of the *Einsatzgruppen* killing units operating in Ukraine. The commentary exaggerates the numbers in the documentary, noting that hundreds of thousands of children were killed in Lublin, a physical impossibility. The Rostov footage dealing with the first liberation from the German occupation established a type of propaganda template for documenting Nazi atrocities. According to Jeremy Hicks, victory and atrocity were closely linked in the footage: "Propaganda was inextricably entwined with atrocity; indeed the latter would not have been shown without the former."⁹⁷ For this reason, the West often remained skeptical of the footage shot by the Soviet cameramen, understanding that it could be staged or exaggerated.

The insistence on the personal loss of life experienced by family after family in the film falls within the realm of mitigated propaganda, created to produce a shock effect. The intended result of viewing the footage of the massacred children, for example, was an emotional reaction to these victims who could be our sons and daughters. Hicks argues that the emotion should also spur a call to action, "through a significant degree of reconstruction and conscious manipulation: the dead were chosen, identified carefully, and often posed or rearranged. The living were sometimes told how to react to loss or to the camera."⁹⁸ The affidavit at the opening of the film makes note that no image or scene was altered for the camera, however. Nonetheless, as a whole, the Soviet documentary offered much stronger evidence of genocide than viewed in *Nazi Concentration Camps* in light of the Nazis' deliberately designed plan for eliminating the enemies of the Third Reich. The concluding sequences of the *Atrocities* film includes on one hand the extermination camp footage of Majdanek and Auschwitz, reinforcing the step-by-step, industrialized process of genocide, and on the other, the chilling effects of the *Einsatzgruppen's* massacres of thousands of innocent civilians throughout Russia, Poland, and Ukraine.

Nuremberg prison psychologist G.M. Gilbert noted the reactions of the defendants upon viewing the atrocities committed by the Nazis as depicted in the Soviet documentary in the afternoon session of February 19, 1946. As noted earlier, Gilbert himself considered the film more terrible than the earlier *Nazi Concentration Camps*. Göring covers his laughter at the false start of the film,

placed in the projector upside down; the film is readjusted and begins again. “It shows the acres of corpses of Russian PW’s murdered or left to starve in the fields where they had been captured; the mutilated bodies, guillotines and baskets of heads; bodies hanging from the lamp-posts, found upon recapture of towns where the Gestapo had been active . . .”⁹⁹ Göring dismissed the entire film, believing it to be staged propaganda—for example, German dead bodies put into Soviet Army uniforms and filmed to show German war crimes. He was certainly not alone in distrusting the Soviet material, for the West, very distant geographically from the Soviet Union and not understanding the *Einsatzgruppen*’s mobile killing function, sensed the same distortion of the truth as presented by the Soviets.

On February 22, 1946, the Soviet Counselor M.Y. Raginsky, Assistant Prosecutor, presented to the tribunal a litany of towns among the 1,600 destroyed by the Nazis in the occupied areas. As a concrete historical example, he focuses on one that became infamous after the Nazis obliterated it from the face of the earth:

Your Honors, the whole world knows about the Hitlerites’ crimes at Lidice. The 10th of June 1942 was the last day of Lidice and of its inhabitants. The fascist barbarians left irrefutable evidence of their monstrous crime. They made a film of the annihilation of Lidice, and we are able to show this evidence to the Tribunal. Upon orders from the Czechoslovak Government, a special investigation was carried out which established that the filming of the tragedy of Lidice was entrusted by the so-called Protector to an adviser on Photography of the NSDAP, one Franz Tremel, and was carried out by him in conjunction with Miroslav Wagner. Among the documents which we present to the Tribunal are photographs of the operators who filmed the phases of the destruction of Lidice.

I present these documents to the Tribunal as Exhibit Number USSR-370 (Document Number USSR-370). I should like to remark, Your Honors, that this film is a German documentary film. It was filmed a few years ago. The technical state of this reel is not very satisfactory, and therefore when we present it, there may be a few defects.

I beg the indulgence of the Tribunal beforehand and request permission to show this film.

The court grants permission and the film is screened.¹⁰⁰

The five films entered as evidence by the Allies—*Nazi Concentration Camps*, *The Nazi Plan*, the short SS amateur film, the *Film Documents of the Atrocities Committed by German Fascists in the USSR*, and the German documentary about

the destruction of Lidice—provided strong visual testimony of the step-by-step process of the Nazi Party's growth in military power, its drive to overtake other countries, and its genocidal policies. The French film evidence presented later also illustrated the anti-Semitic tendencies of the Third Reich in France during the occupation. The challenge of the International Military Tribunal would be to directly establish the defendants' deliberate plan to conspire to wage an aggressive war whereby innocent civilians and captured prisoners of war were tortured or killed. The scenes of massacres on screen were carried out without the defendants present or perhaps knowing the details. The further testimony of witnesses and the confiscated Nazi records salvaged as the Nazis retreated would help complement these gruesome images of Nazi brutality. The combination of oral testimony of eyewitnesses, documentation in print of the Nazi material, countless photographs, and the auxiliary testament of the films submitted as evidence would help send twelve of the defendants to their deaths and others to serve serious prison time for their crimes. Most would be guilty of one or more of these counts, focused on in the five films presented thus far during the proceedings, although they were used for instruction or pedagogical purposes more so than for the legal prosecution.

- **Count One: conspiracy.** Belonging to criminal organizations (National Socialist Party) that aspired to commit war crimes and crimes against humanity. Jackson especially addressed this in his Opening Statement and indicated how anti-Semitism and the rallying cry, "*Deutschland erwache, Judaverrecke!*" ("Germany awake, Jewry perish!") helped bring about the Nazi destruction of the Jewish people. The film *The Nazi Plan* illustrates the rise of the Nazi Party.
- **Count Two: crimes against peace.** From September 1, 1939 to May 8, 1945, the European Axis power was engaging in the waging of an aggressive war, especially seen in both *The Nazi Plan* and the *Atrocities* film submitted as evidence by the Soviets.
- **Count Three: war crimes.** Treating criminally prisoners of war, enemy combatants, and civilians. The *Atrocities* film reveals the massacre of Soviet prisoners of war as well as the civilians in various towns and villages throughout the USSR. Lt. Taylor from Hollywood, California, holds the dogtags of two American POWs executed by the Nazis at Mauthausen.
- **Count Four: crimes against humanity.** Participating in the "murder, extermination, enslavement, deportation . . . or persecution of an individual on political, racial, or religious grounds." The film *Nazi Concentration Camps*

with its ghastly display of Nazi lethal handiwork in a host of camps, including the bulldozer scenes from Bergen-Belsen, sheds light on the culpability of the Nazis. The short SS 8mm film of the roundup and beating of Jews reinforced the message of Nazi brutality against civilians, including Jews.

The films screened thus far, with the accompanying written documents, photographs, and witness testimony, helped advance the case of the prosecution of the Nazi war criminals.

The French Connection to Nuremberg

François de Menthon, chief prosecutor representing France at the Nuremberg Trials, experienced a brilliant career, first as a principal organizer and member of the French Resistance, and then as Minister of Justice in De Gaulle's post-war Provisional Government of the French Republic from September 10, 1944 to May 8, 1945. He later became Attorney General of France and supervised the trials of members of the collaborationist Vichy regime, including that of Marshal Philippe Pétain. He was part of the "*Epuration*" or the purging of collaborators that at times resembled a kangaroo court bordering on "frontier justice."¹ De Gaulle viewed de Menthon as a stalwart companion in the pioneering work to return France to democracy and to remove the last vestiges of Nazi sympathizers. He thus appointed him to be France's representative among the Allied prosecutors in Nuremberg.

On Day 36 of the Nuremberg Trials, January 17, 1946, de Menthon took the floor and gave his opening statement at the Tribunal. Of the four Allied opening statements the French prosecutor's underpinnings offered the most humane and philosophical approach to the evil doings of the Third Reich. It reached into the very depths of the human spirit. Justice Jackson emphasized the importance of preventing such violence against civilization, since it cannot survive this continued onslaught of aggression. De Menthon's initial comments reinforced this notion and addressed the first criminal charge of conspiracy brought against the defendants, including participating in certain groups or organizations that brought about the destruction of a people:

The conscience of the peoples, who only yesterday were enslaved and tortured both in soul and body, calls upon you to judge and to condemn the most monstrous attempt at domination and barbarism of all times, both in the persons of some of those who bear the chief responsibility and in the collective groups and organizations which were the essential instruments of their crimes.²

More importantly, De Menthon pursued an approach that reflects the Nazi annihilation of the body and soul of the French. He saw this violence as an attack against "the spirit" (*l'esprit*), even labeling it "original sin":

I propose today to prove to you that all this organized and vast criminality springs from what I may be allowed to call a crime against the spirit, I mean a doctrine which, denying all spiritual, rational, or moral values by which the nations have tried, for thousands of years, to improve human conditions, aims to plunge humanity back into barbarism, no longer the natural and spontaneous barbarism of primitive nations, but into a diabolical barbarism, conscious of itself and utilizing for its ends all material means put at the disposal of mankind by contemporary science. This sin against the spirit is the original sin of National Socialism from which all crimes spring.³

De Menthon's lengthy address focused on diverse aspects of the Nazi control of France covering such topics such as the rationale of racism ("blood" laws), nationalism, forced labor, economic looting, and deportation. The prosecutor spoke eloquently about the abuse of human rights as the Nazis destroyed "*la condition humaine*," stripping the French of all liberties and the essence of being a true human being. In Germany—as in France—the citizen's identity was



Figure 6.1 François de Menthon addressing the Tribunal on behalf of France at the Nuremberg War Crimes Trials (Office of the United States Chief Counsel, courtesy of the Harry S. Truman Library and Museum)

absorbed into the state. He further focused on the policy of censorship which curtailed the freedom of expression in books, films, press, and radio, what de Menthon referred to as “the right of spiritual liberty.” In the place of this free expression the Nazis utilized their own insidious propaganda which would be developed by de Menthon’s deputy prosecutor M. Edgar Faure in a subsequent session of the Tribunal. Like the Soviet prosecutor, de Menthon signaled the barbarism of the Nazis as they took reprisals against the Resistance, hostages, and other civilians, pointing out their vicious destruction of a village in Oradour-sur-Glane as a reprisal for a Resistance leader’s killing of a German officer.⁴ With quotes from the Treaty of Versailles as well from Hitler’s *Mein Kampf*, de Menthon made a strong moral argument that the Nazis aggressively pursued war and occupied other European countries besides France as a nationalist endeavor to dominate, control, and exploit, and almost destroy, the traditional Judaeo-Christian civilization, reinforcing Justice Jackson’s opening statement to which de Menthon refers on several occasions.

Two fresh ideas that de Menthon introduced that were less focused on in earlier presentations at the Tribunal were the notion of racism (“racialism”) and obedience to an immoral order. His approach to Aryanism helps ground the atrocities in a rationale that the court challenges. He further links it with a nationalist and Aryan spirit that was certainly evident in Riefenstahl’s *Triumph of the Will*.⁵ De Menthon observes:

This monstrous doctrine is that of racialism: The German race, composed in theory of Aryans, would be a fundamental and natural concept. Germans as individuals do not exist and cannot justify their existence, except insofar as they belong to the race or *Volkstum*, to the popular mass which represents and amalgamates all Germans. Race is the matrix of the German people; proceeding therefrom this people lives and develops as an organism. The German may consider himself only as a healthy, and vigorous member of this body, fulfilling within the collectivity a definite technical function; his activity and his usefulness are the exact gauge and justification of his liberty. This national body must be “moulded” to prepare it for a permanent struggle.⁶

The second significant idea that de Menthon develops is the theory of “just following orders,” which will also later surface during the Vietnam War in the case of the My Lai massacre of innocent Vietnamese villagers by American soldiers.⁷ De Menthon states:

Finally, these crimes cannot be justified by the pretext that an order from above was given by Hitler to the defendants. The theory of the justifying fact of an

order from above has, in national law, definite fixed limits; it does not cover the execution of orders whose illegality is manifest. German law, moreover, assigns only a limited rule to the concept of justification by orders from above. Article 47 of the German Military Code of Justice of 1940, although maintaining in principle that a criminal order from a superior removes the responsibility of the agent, punishes the latter as an accomplice, when he exceeded the orders received or when he acted with knowledge of the criminal character of the act which had been ordered.⁸

De Menthon concluded his very profound indictment of the Nazi destruction of the human spirit on the following note:

Your judgment must be inscribed as a decisive act in the history of international law in order to prepare the establishment of a true international society excluding recourse to war and enlisting force permanently in the service of the justice of nations; it will be one of the foundations of this peaceful order to which nations aspire on the morrow of this frightful torment. The need for justice of the martyred peoples will be satisfied, and their sufferings will not have been useless to the progress of mankind.⁹

Using the image of martyrdom as the Soviets did, de Menthon emphasized that there must be some type of justice meted out to the perpetrators in order that the state of peace be restored among nations.

Also on the French prosecution team was Monsieur Edgar Faure, who, like de Menthon, was a close ally of De Gaulle's in London and then in the Provisional Government in Algiers. Deputy Prosecutor at the Tribunal, Faure continued the French argument with Charges Three and Four shared with the Soviets, especially developing the notion of visual propaganda. The Third Reich utilized these methods to brainwash the German population into believing that the Jews were the downfall of the country.¹⁰ In the 51st session on February 5, 1946, Faure elaborated on the issue of propaganda distributed in France, showing how it emanated from and was financed by the Reich offices, although printed and distributed by the French. Faure had intended to describe more fully the power of Nazi propaganda film, but the President implied that this would not be necessary since the evidence of propaganda issued by the Reich was "cumulative" and need not be entered at this time. Faure instead submitted Document RF 1141, dealing with the interrogation of the producer of a propaganda film which indicates that the production was made by the order of the Germans. His intention was to take the abstract concept of propaganda ("a penitentiary of the spirit") and offer a concrete example to the Tribunal.

Occult Forces

Assistant Prosecutor Serge Fuster introduced a short clip from the March 1943 Vichy-sponsored film *Forces Occultes* (*Occult Forces*). This anti-Masonic propaganda film directed by Paul Riche, the pseudonym of Jean Mamy, a former Venerable of the Renan lodge of the Grand Orient de France, results from the French-German ideological collaboration that highlights an age-old paranoia that the Freemasons and Jews control world politics. The director belonged to the French Left until the Armistice and then became a Nazi collaborator, using film to promote Vichy ideals. Fuster presented the film:

First of all, we are going to show a very short extract from a very specialized film directed against Freemasonry, which was imposed by the Germans in the manner explained in the brief. The film in itself is of no interest, but it contains pictures illustrating the crude campaign of lies in which the Germans indulged in France.

As it is a very short film and will be shown very rapidly, we cannot slow it down on account of technical difficulties—I should like before showing it to draw attention to the Tribunal to the two kinds of pictures which will follow one another without transition: First you will see a map of the world. This map will be rapidly covered by a color indicating the influence of the Jews and the Freemasons, except for the two victorious islands, the Nazi-fascist bloc in Europe, on the one hand, and Japan on the other.

We give this picture to show the degree of crude simplicity arrived at by Nazi propaganda and how it submitted to the people the most stupid and misleading formulas.

An even worse example of calumny follows the portrait of President Roosevelt with the heading, “Brother Roosevelt Wants War.”¹¹

Although the French prosecutors presented only brief images of the film, French citizens would have recalled seeing this film on screens throughout the country, just as they saw Vichy newsreels glorifying the elderly Marshal Pétain.¹² The film, commissioned in 1942 by the Propaganda *Abteilung* (Section) in occupied France, first focuses on a map indicating the widespread popularity of the Freemasons, as the secret order dominates a significant part of the world. A politician in the Chambre des Députés in Paris, Pierre Avenel (played by Maurice Rémy), gives a fiery speech before his colleagues, and is soon admired greatly by the Freemasons in attendance. They feel that he could advance their cause and invite him to be initiated. Avenel’s wife (Gisèle Parry), a Marlene Dietrich lookalike, hesitates to see him involved, but the deputy, a lapsed

Catholic, decides to undergo the initiation process in order to relaunch his political career in parliament. While waiting to enter the inner sanctum of the Masonic lodge he glances at the images of bones and skeletons along with a Jewish Star of David.¹³ A sign on the wall reads: "Only through wisdom can we lead men."

In a highly symbolic secret ceremony (based in reality, according to former Masons), Avenel is blindfolded and led into the assembly of brother Masons. He drinks from the sacred cup and swears to absolute secrecy, walks up and down a ramp to symbolize a voyage of life, then is purified by water; lastly, he symbolically passes through flames. The Masons in attendance continue to tap their swords, while he takes a final oath never to reveal the secrets of the Masonic Order. If he breaks this vow, the brothers will take revenge. His whole life should now be dedicated to loyalty to the society and his fellow brothers.

Once they initiated Avenel, fellow Masons understand that he has some power in parliament and attempt to take advantage of him. They begin requiring favors, with a Jewish businessman first offering his card. As the requests commence to mount and scandals abound, Avenel endeavors to free himself of the dependency upon the Masons, and refuses to be part of an inquiry.¹⁴ When the Masons make a dramatic push to waging war against the Germans, the deputy refuses and rebuffs their offer to participate. In May 1939, he challenges the Masons in assembly resulting in his being knifed. He survives, just as France mobilizes for war. The Masons have won out. The last image of the film reveals a globe and a Star of David, once again linking the two international groups. On the screen the text makes note that the film has its basis in authentic documents of the rite of initiation of Freemasons in 1939 in France.

The forty-three-minute film shows solid production values, having the backing of the German Propaganda Ministry. The dramatic music of Jean Martinon builds to a climax as the mobilization of the French takes place and the country enters into war with Germany as a result of the Masonic-Jewish conspiracy. Filming the scene of the rite of initiation of the Masonic lodge offers the viewer during the Occupation an inside perspective on a secret society ritual. The conclusion of the film—the war as a product of a cabal of Masons in allegiance with international Jews—represents a popular sentiment among the French leading up to the Nazi Occupation.

The repercussions for producing this film had a serious impact on anyone connected with the anti-Masonic project. During the period of *épuration* (the "purge" of collaborators), the producer of *Forces Occultes*, Robert Muzard,

received a three-year prison sentence, while writer Jean Marquès-Rivière was sentenced to death *in absentia*. The anti-Semitic director Maurice Rémy, also a journalist for the pro-Nazi and anti-Communist newspaper *Au Pilon*, received a sentence of capital punishment and was executed by firing squad in 1949 at the fortress of Montrouge.

Fuster submitted the film to the court as visual evidence, Document Number RF-1152, and also under Document Number RF-1152 (bis). The prosecutors chose the anti-Masonic and anti-Semitic *Occult Forces* to reinforce the sentiment that the Vichy government was obliged to follow the directives from the Third Reich concerning the need to eliminate Jews from the mainstream of society.¹⁵ Faure and de Menthon provided document after document to reinforce this.¹⁶ Following this screening, Faure then continued to discuss briefly the role of propaganda film in France: “The scenarios of other propaganda films, entitled ‘M. Girouette’ (M. Weathercock), ‘French Workmen in Germany’ and taken from the dossier of the proceedings taken against M. Musard [*sic*] before the Seine Court of Justice, will also illustrate the tendency and the subject matter of the German propaganda carried on by this means.”¹⁷

The anti-Semitic director, Pierre Ramelot, made the film *M. Girouette et la guerre de cent ans* (*Mr. Girouette and the 100-Year War*) in 1942. In the film, M. Girouette, hearing that the war would last a hundred years, violates the law by creating a plan to obtain sufficient goods through the black market by raising rabbits and chickens. Another film by Ramelot, *Les Compteurs* (*The Corrupters*), also produced by Nova-Films which Robert Muzard managed, reflected the anti-Semitic sentiment of the Vichy government: “Regarding the latter, *Le Film* would write that it was ‘an excellent popularization instrument on a primordial issue not always well understood. The film ends with a vibrant appeal from Maréchal Pétain, warning the French people against the Jewish peril’” (*Le Film*, No. 48).¹⁸

The films to which Faure refers offer an insight into the dark period (*les années noires*) of France’s history and indicate how the collaborators like Rémy wished to side with might and not with right. The Vichy government produced these films—feature, documentary, animation, and newsreels—to herald the regime of Vichy and Marshal Pétain, seen at first as the savior of France at the Armistice by some, but as a traitor to others, especially in the post-Liberation period in France. The Vichy government focused on propaganda films like *Occult Forces* to provide not only political messages that targeted the Jews, Freemasons, British, and Americans, but also ones that promoted the traditional themes of youth, health, family, fertility, and religion. Vichy-sponsored films

further glorified forced labor in Germany and were discussed by de Menthon and Faure at the Tribunal, highlighting the notion of feeding your family back in France during the war. This became crucial for some families to survive, given the rationing program in existence in the country.¹⁹

Following the discussion of film propaganda, M. Serge Fuster continued the French presentation by demonstrating the power of the visual documentation of political posters, revealing that the content of the posters originated with a Nazi idea but was then translated into French and printed in France. This suggests that the message emanated first from the Nazi government. Projected on the court's screen, the display of a series of Nazi-sponsored posters target the enemies of the State (Vichy France and Nazi Germany)—Americans, British, Jews, and Bolsheviks/Communists. The prosecution further submitted a pamphlet which describes clearly the exhibition of these posters.

Serge Fuster concluded the morning session of Day 51 (February 5, 1946) by pointing out his rationale for using the films and poster images as visual documentation to build the French case against the defendants:

We have now finished showing the films. We have taken the liberty to submit to the Tribunal a few pictures forming concrete illustrations of a tendency whose spiritual character makes it perhaps more difficult of recognition but whose importance is considerable. In treating an emotionally subtle theme of this kind, we have used pictures in preference to words, since pictures can make clear in an instant something which it takes time to put into words. In this way we hope we have contributed towards making plain the truth.²⁰

On Day 189, July 29, 1946, Chief Prosecutor for the Republic of France, M. Auguste Champetier de Ribes, sums up the evidence presented by the French representatives and allows Deputy Chief Prosecutor M. Charles Dubost to offer his closing statement, ending with a call for justice: "The fate of these men lies entirely with your conscience! It is now out of our hands, our task is finished. Now, it is for you in the silence of your deliberations to heed the voice of innocent blood crying for justice."²¹

In the end, the International Military Tribunal heeded the cry for justice and sentenced the war criminals to their diverse fates. The judicial efforts of the American, Soviet, British, and French prosecutors at Nuremberg would set the stage for several other international trials of war crimes and crimes against humanity, and the screening of visual documentation would serve as visceral evidence. Justice Robert H. Jackson, who not only prepared the Allies for the Nuremberg Trials, also carried them through with professionalism

and integrity. When he died in 1954, his work in establishing the principles of international law was etched on his gravestone in Maple Grove Cemetery in Frewsburg, New York; his simple headstone that could certainly apply to his dedication to international justice reads: "He kept the ancient landmarks and built the new."

Post-Nuremberg

Leni Riefenstahl, whose *Triumph of the Will* mesmerized viewers with the glory and splendor of the National Socialist Party at its release in 1935, eventually saw the film used against the Nazi defendants at the International Military Tribunal in Nuremberg in 1945. Her film became an integral part of wartime documentaries such as Frank Capra's *Prelude to War* and George Stevens' *The Nazi Plan*. In the post-war years, Riefenstahl found herself participating in four denazification proceedings.¹ As part of the process, the Allies at the Salzburg prison forced her to look at photographs of Nazi atrocities at Dachau, Auschwitz, Buchenwald, and Bergen-Belsen, just as the prosecutors at the Nuremberg Tribunal forced the defendants to view the several documentaries with their grisly images.² In the end, Riefenstahl was labeled "fellow traveler" (*Mitläufer*), one of the five categories into which suspects of Nazi Party affiliation were placed. She was part of a larger Allied plan for denazification, initiated at Yalta and reaffirmed at Potsdam, to rid Germany of the specter of Nazism.³ Besides the democraticization goal, the denazification plan included the re-education of the German people, with the Americans first emphasizing the notion of collective guilt of all German citizens who allowed the tragedy of the concentration camps to exist. The Germans had willingly chosen Hitler as their leader and also acquiesced in his plans to rebuild Germany at the cost of millions of lives.⁴ They were not as unaware of what transpired as they claimed, sharing the responsibility of the evil that unfolded in the Third Reich's rise to power. Susan L. Carruthers comments on the West's perspective about Germans' knowledge of Nazi atrocities:

The salient point is, rather, that Anglo-American re-educators began with a *presumption* that Germans were neither as ignorant nor as innocent of Nazi atrocities as they often insisted. Implicitly, liberal re-educators rejected a racial essentialism that took Germans to be irredeemably bad by virtue of malign Teutonic blood, but equally they refused to regard the German population as innocent dupes, either coerced or mesmerized by the apparatus of fascism.⁵

To support the notion that the Germans, due to their blind allegiance to Hitler and the Third Reich government could not be trusted, the US government produced a variety of its own “educational” films. The US Signal Corps under the supervision of Frank Capra (uncredited), produced a short ten-and-a-half-minute War Department Orientation film entitled *Your Job in Germany* (1945).⁶ Written by Theoder Geisel (“Dr. Seuss”), the text is a virulent, anti-German diatribe stereotyping all Germans as a potentially dangerous threat. Directed toward US soldiers about to participate in the occupation of Germany, the short documentary opens with the strains of Beethoven’s Ninth Symphony (“Ode to Joy” segment) in the background as “War with Germany ends in victory” flashes on the screen. The traditional Liberty Bell tolling is Capra’s usual signature to the open or close of episodes of the “Why We Fight” series. The main title appears as the authoritative voice of the narrator announces, “The problem now is YOUR JOB IN GERMANY.” As heard in Capra’s *Prelude to War* film of the series, there is overall a clichéd view presented of Germany as a war-mongering and aggressive nation. The narrator then introduces a cautionary note to the soldier viewing the film: “You are still in enemy country. You are up against German history. It isn’t good.” The images of the various wars with Bismarck, von Hindenberg, and finally Hitler, dramatically reveal the country’s militaristic fever: “The German lust for conquest is not dead . . . it is merely gone undercover.” The film alerts the American soldier therefore to suspect every German, but most dangerous is the youth, for they have grown up only knowing Nazi propaganda. So the occupying soldier must be vigilant, always suspicious and never fraternize with any German, lest he is caught off guard. The film concludes darkly: “Someday the Germans might be cured of their disease, the super race disease, the world conquest disease. But they must be cured beyond the shadow of a doubt if they are ever allowed to take their place among respectable nations. Until that time, we stand guard!” The US government policy thus appeared to be one that still considered Germany a hostile nation, and one whose militarist spirit had to be broken. There seems to be no reconciliatory message or hope of creating a democracy in the tone of the documentary. This position of accusing the Germans of collective guilt, however, would change gradually as the West needed the support of the Germans during the Cold War era.

To modify any tendency to justify the Nazi Party’s actions from 1933 to 1945, film further became a most pragmatic medium for German re-education on location. The victors, taking the moral high ground despite their own culpability in the bombings of Dresden, Tokyo, Hiroshima, and Nagasaki, became the

teachers while the defeated enemy took on the role of unwilling but obligatory students.⁷ Through exposure to atrocity films and images of the defeat of the German Army, the citizens were to be rendered docile, free of their stereotypical image of a militaristic people. For the German armed services, there was a different *modus operandi*:

Where German POWs were concerned, re-education staff regarded film as a vehicle to impress the captive audience not only with the nature of Nazism but the brute fact of Germany's collapse. They looked to film to dramatise the meaning of defeat, hoping that scenes of Germans forced by British and American troops to confront piles of corpses and skeletal survivors in the camps would animate prisoners' awareness of their own subalternity.⁸

Carruthers rightfully observes, "Film, then, was to be an instrument of pacification."⁹

In the wake of Germany's defeat, underscoring the US policies of re-education the US War Department pledged to show the German people what their leaders had done and how they were complicit in their deeds.¹⁰ The Allied-produced newsreel, *Welt im Film, No. 5*, had already been shown in German theaters in June 1945 to offer a brief glimpse of the camps, but the twenty-minute documentary *Death Mills (Die Todesmühlen)* furnished a wider gamut of concentration camp images during their liberation in 1945. In January 1946, officials in the American Zone in Germany screened *Death Mills* using excerpts of Allied footage, especially from the film shot by the US Signal Corps in the liberation of the concentration camps. A German soundtrack accompanied the images. Czech-born Hanuš Burger wrote and directed the German version with Billy Wilder overseeing the editing process. Wilder had arrived in Bad Homburg, north of Frankfurt, a day after V-E Day, on May 9, 1945, as part of the film unit of the Psychological Warfare Division with the rank of colonel. Burger, collaborating with Wilder, soon after sent his version of the film to the Psychological Warfare Division in England, but British documentary filmmaker Igor Montagu who was supervising the overall film production believed the eighty-six-minute film too long. It was shipped back to Germany where Wilder assumed the responsibility of directing the English-language version. He took Burger's film and shortened it, creating a type of microcosm of the concentration camps, yet staying faithful to the message of Nazi atrocity.¹¹

Death Mills

The documentary begins with a note: “This film will not be shown to the general public without permission of the War Department.”¹² The next title card reads: “This is a translation of a film called *Death Mills* which our State Department is showing to the German people. It is a reminder that behind the curtain of Nazi pageants and parades, millions of men, women, and children were tortured to death—the worst mass murder in human history.”

In a raspy voice, the male narrator describes in English the march of 1,100 German citizens carrying crosses to Gardelegen where they will bury the 1,100 victims of the Nazis incinerated in a barn outside the town. These were part of the 20 million murdered by the Nazis, he recounts, equivalent to the citizens of twenty-two American states.¹³ These victims were products of the 300 Nazi concentration camps in Germany and occupied territories.¹⁴ “Death mills ground out their dead until the Allied armies opened the gates.” Those who were incarcerated came from various religions and political beliefs, all considered by Hitler as anti-Nazi. The survivors of camps such as Dachau, Buchenwald, Ohrdruf, Belsen, Sachsenhausen, Ebensee, and Ravensbruck now smile after being liberated. These prisoners survived the harsh prison conditions, even living among the rats; they were forced to live like animals as the guards attempted to break them. The inmates starved and can be seen scraping up food spilled on the ground with a spoon. One rescued prisoner lay on a stretcher clasping his hands in thankfulness at being rescued. The documentary shows images from an abbreviated list of concentration and extermination camps:

- **Auschwitz:** in the Soviet-shot footage, doctors who arrived at Auschwitz soon after its liberation examine children. Other children died a slow death by starvation.
- **Ohrdruf:** Eisenhower visits the camp with other generals, Omar Bradley and George Patton, where prisoners demonstrate the brutality of the Nazis that they experienced by “the torture devices of Hitler’s henchmen.”
- **Belsen:** the Archbishop of Canterbury visits the camp and listens to descriptions of the horrors of the camp. The Allied Investigation Commission observes the conditions of the camp that others will find hard to believe . . . dungeons, the stench of corpses, crematoria, and a bone yard that the commentator notes defies description. “These are the foul, wretched remnants of human beings, human beings like you and me.”

- **Majdanek:** gas chambers and torture chambers, including an amputation table, show the modern technology of the Nazis. An image from the Dachau US Signal Corps footage of the *Brausebad* (shower room) is inserted here to offer an idea of the preparation for the lethal gassing by pretense, just before the Zyklon B gas drops through the vents.
- **Dachau, Auschwitz, Nordhausen, Majdanek:** the Nazis standardized their process of extermination in these camps. The ovens used for the cremation of the victims' bodies resemble those in Pittsburgh, the narrator notes, helping the viewer understand the physical setup. The Nazis then grind up the bones for fertilizer. The last traces of those eliminated in this process can be seen in the large volume of garments, toys, and dolls, underscoring the fact that children were a part of the death toll. Women's hair in bales can be viewed stacked and ready to sell to manufacturers.¹⁵
- **Buchenwald:** in a storage room in the camp can be found jewelry, watches, wedding rings, eyeglasses, and gold teeth.¹⁶
- **Dachau:** thousands die in the freight cars en route to the camps, as seen in George Stevens' footage at the liberation of Dachau. In other camps the Nazis execute the remaining prisoners just prior to the arrival of the Red Army.
- **Gardelegen:** just outside Gardelegen (on April 13, 1945), the Nazis gathered close to 1,100 slave laborers (from the Mittelbau-Dora labor camp) and forced them into a large barn. They doused the barn with gasoline and shot anyone trying to escape.¹⁷ The charred corpses that the Allies found shortly afterwards reflect the Nazi brutality.
- **Belsen:** the Allies capture the camp elite. Here the commandant of Belsen, Josef Kramer, is taken into custody by the British liberators. The "Amazons," women guards, are led out of the barracks.
- **Hadamar:** the chief physician is caught and interrogated at this euthanasia center.¹⁸ The prisoners here served as guinea pigs and were eliminated with lethal injections. They were the victims of research and murder, their bodies now lying in the vast cemetery. Exhumations of the corpses reveal the results of the euthanasia process.
- **Mauthausen, Dachau, Landsberg, Auschwitz:** rigor mortis sets in as the bodies lie about the camps; these were the victims, even newborn children, eliminated through starvation, shooting, and poison gas.
- **Ebensee:** carts of the emaciated dead indicate that many died of starvation. At the liberation of the camp, walking skeletons pass by with a dazed look, just as do the survivors in other camps. The narrator mentions that

approximately 13,000 survivors died shortly after they were liberated. It was too late for the Allies to save them.

- **Lindsdorf:** six women are found among the corpses.
- **Auschwitz:** the iconic image of the children lifting their sleeves to show their tattoos marks the liberation of the camp.
- **Weimar:** the Allies force the local officials as well as the captured Nazi leaders to visit the barracks where corpses lie in coffins in order for them to see the products of their government's crimes. The townspeople in their long cortège at first appear to be going on a picnic. The children and teenage youths gaze on in wonderment as they view the coffins. The citizens put handkerchiefs to their faces as they grimace with shock at what they witness of the bodies that lie before them. The narrator notes that all camps were situated only a short distance from a town, and yet the citizens vigorously deny they knew anything about them.
- **Nuremberg:** a flashback to a National Socialist Party rally with Nazi enthusiasts cheering and chanting songs of hate is contrasted with the thousands who die in the concentration camps.
- **Conclusion:** over the superimposition of the rally and the carrying of the crosses to the barn at Gardelegen from the opening of the film, the narrator using religious Christian imagery adds as a reminder: "Remember, if they bear the heavy crosses now, they are the crosses of the millions crucified in Nazi death mills."

This final image serves as a bookend to the film and reinforces the accusation of collective guilt of the German people, as seen also in *Memory of the Camps*. No farmer could *not* know where the fertilizer came from and no manufacturer could *not* be aware of the source of bales of women's hair.¹⁹ The citizens living near the camps had to have known that something transpired within the barbed-wire fences.

According to the narration, the German citizens, like the defendants in the dock at Nuremberg, bore the responsibility for this tragedy. The citizens had put themselves gladly into the hands of the criminals and lunatics. This notion becomes reinforced with the superimposition of the ecstatic crowds at the Nuremberg rally with those carrying the crosses to bury the Gardelegen victims. The ominous music punctuates the gruesome scenes of the mounds of bodies, some charred, others reduced to lifeless skeletons.

Throughout the compendium of camps, repeated also in *Nazi Concentration Camps*, there is no mention of Jews, on one hand, a phenomenon quite prevalent

in the US until much later, when addressing the issue of the victims of the Nazis. On the other hand, stripped of clothes, and above all their dignity, the victims could not be identified by the liberators early on by either religion or ethnicity.

Triumpfmarsch der NSDAP and A Defeated People

Another denazification film following a newsreel format of 2:40 minutes in length offers a microcosm of the program to destroy all traces of the Third Reich's presence in German society. *Triumpfmarsch der NSDAP* (1945), shown in Cologne in May, demonstrates the need for the destruction of Nazi memorabilia, starting with a young German boy who defaces a Hitler Jugend poster; this action would have been a crime against the state during the Third Reich.²⁰ Next, a welder cuts loose a Nazi eagle with a swastika, and it crashes to the ground where workers destroy the remnants with mallets. A young man also takes a mallet to a bust of Hitler, crushing in the face beyond recognition. The short film climaxes with German youths casting various Nazi paraphernalia into a large bonfire, a curious parallel to the Nazi book-burning of May 1933.

A third US propaganda film aimed at the denazification process was released in 1946 and reflected a considerable restructuring of Germany. *A Defeated People* focuses on the British Zone in the eastern sector of Germany. The British narrator accompanied by a classical music score creates a dramatic perspective of a Germany defeated by the Allies, now in ruins, aiming to rebuild itself. As with *Death Mills*, the first title card states the orientation of the documentary: "This film will not be shown to the general public without permission of the War Department." The next title card introduces the subject of the nineteen-minute documentary "A film about the Government of the British-occupied Zone of Germany."

The Allies destroyed Germany's infrastructure, its towns, and even links to towns, so that life in the country, the narrator observes, like an old clock, has run down. The citizens wander about searching for food, homes, and each other. Reduced to poverty and hunger, they find shelter and food on the streets. Yet, their will to live remains strong.

In the British-occupied Zone, the British wish to control everything. "We cannot live next to a diseased neighbor." The British fear new brands of Fascism springing up, and will try to take care of the disease of the body and mind. The occupiers persuade the Germans to assist themselves in rebuilding their own country, especially clearing the rubble that surrounds them. Images show that

almost no stone is left upon stone. The people themselves look lifeless, suffering in their horrible condition—no light, coal, water, or soap. They dwell among the stench of corpses, yet still possess a strong desire to go on living.

In Germany, everything depends upon coal, so the British take over the Alfred Krupp mansion in Essen and use it as a base for distributing coal. For regular citizens who lack coal, they chop down trees for fuel. A vicious circle exists—to get coal distributed, transportation by train is needed, but you cannot have trains without steel tracks. You cannot make steel without coal.

There are seventeen newspapers published in the British Zone. Relatives use them and other means to search for each other in the post-war climate. Approximately 50,000 inquiries a day pass through the ad section of the papers.

The Germans pack every inch of space on the trains. Perhaps coincidentally, some of the images of the box cars filled with travelers resemble the same freight cars used to transport the Jews to the concentration camps.

Law and order must exist in post-war Germany, so the British establish courts with a British judge, an interpreter, a German defense attorney, and a British prosecutor. To bring order to the streets, the British occupiers establish a new German police force with the understanding that the police must realize that they are the servant of the public and not its master.

Food had been scarce during the war, so currently a ration of 1,000 to 1,200 calories a day is distributed to the people, depending upon the type of work which the person performs. The Red Cross helps to regulate the health of the citizens with regard to their nutrition.

Education is a major concern, especially the education against Nazism. The fear is that the agrarian population may still be endeared to Nazism. Further education must include children who find the destroyed landscape a dream playground. Teachers must be found to teach subjects beyond Nazism and war. Schools are in ruins and too few, while the children are too many.

In Berlin, the city resembles a battlefield with the Reichstag completely gutted.

A family portrait of the Krupp family in a formal pose is very striking, yet the family was scattered and arrested. They had always armed Germany, including providing the Big Bertha weapon to the German Army in World War I. “By killing they become rich,” the commentator remarks.

The British have to handle the complex issue of the *Wehrmacht* (German Army). The Master Race of men has been defeated. The soldiers are stripped of all insignias, deloused, and numbered with a stamp on the hand, not dissimilar to their numbering of their Jewish prisoners with tattoos. The ideas in the heads of these soldiers must be transformed, so they are first demobilized and then

assisted with finding employment. The interviewing process is complex. A meek man being interviewed in reality is a Luftwaffe officer in uniform according to his identity photo. The soldiers pass through inspection lines, verifying if they have the SS tattoo under their left armpit. The interview process with British intelligence officers normally ends with demobilization, yet some are rejected when their answers sound too good or not good enough.

A sentry on duty paces back and forth at nightfall with a curfew imminent. The air raid siren sounds and the people head toward shelters.

It is up to the Germans to learn to live in a friendly manner with their neighbors. The British will stay in Germany until the next generation grows up to be a sane and Christian people. The ideal goal of the British—“A Germany of life, light and freedom. A Germany that respects truth and tolerance . . . and justice.”

To attain this goal, a new set of judges will be sworn in. Lined up before the British representatives, they take an oath, as children merrily dance in a circle, the hope of Germany.

They offer a solemn oath to uphold justice: “I swear by Almighty God, that I will at all times, apply and administer the law without fear or favor, and with justice and equity to all persons, whatever creed, race, color or political opinion . . . SO HELP ME GOD.”

The film ends on the note of justice being served. Unlike the People’s Court with the ruthless and maniacal Judge Roland Frisleur, the new justice system initiated by the British will have a set of judges that have no basis in the totalitarian law of the Third Reich. They swear allegiance not to Hitler, but to the citizens of Germany in an impartial manner.

The British denazification film summarizes a process of instituting a set of democratic principles whereby Germany can be restored to a healthy, civic society. Although the British will maintain control over the process of restoration of the country both physically and morally, the Germans must take full responsibility in cooperating in this endeavor.²¹

Nuremberg: Its Lessons for Today

As a further aspect of the denazification program, the US envisioned a major government-sponsored film, *Nuremberg: Its Lessons for Today* (*Nürnberg*), to re-educate Germans about the rise and fall of the National Socialist Party. In late 1946, documentary film director Pare Lorentz (*The River, The Plow That Broke*

the Plains) headed the Film/Theater/Music sector of the US War Department's Civil Affairs Division. Seeing the importance of a post-war educational medium, Lorentz commissioned Marine Corps Sgt. Stuart Schulberg, the brother of Budd Schulberg, to write and direct the Nuremberg compilation film. Schulberg, who served with the Field Photographic Branch of John Ford's OSS (Office of Strategic Services) War Crimes film crew, assembled much of the footage for the film from US Signal Corps material that had been used in the production of *Nazi Concentration Camps* and *The Nazi Plan*, as well as from the twenty-five hours the cameramen shot at the International Military Tribunal. Some footage came from the OSS's earlier search through Europe for any incriminating evidence against the Nazi defendants, an endeavor coordinated by Schulberg's older brother Budd, also a member of the Field Photographic Branch.

Overcoming technical challenges of correct sound synchronization and lack of footage, Stuart Schulberg collaborated with his editor Joseph Zigman to produce a film that reflected the trial, the evolution of the Nazi Party, and the resulting atrocities of the concentration camps. The film was released in Germany in 1948 even as the Cold War heated up after Churchill's famous "Iron Curtain" speech at Westminster College in Fulton, MO, in March 1946. The Berlin Blockade by the Soviets (June 24, 1948–May 12, 1949) ideologically engaged the superpowers as the seventy-eight-minute feature documentary continued to make the rounds of German theaters after its premiere in Stuttgart on November 21, 1948 at the Kamera Cinema.

At the core of *Nuremberg: Its Lessons for Today* and the trial itself lies the Nazi conspiracy. The narration reads: "The aim of this conspiracy was open and notorious, far different from any other conspiracy that unfolded before a court of justice."²² Many saw the screening of the Nuremberg Trial to American audiences as paramount, as noted by Assistant Secretary of War, Howard C. Petersen, in April 1947, a month prior to the Soviet release of their perspective of the trial in *Nuremberg Trials*. Petersen urges: "The very way in which the Trial was set up and conducted and the evidence which it produced constitute an historical document that should be of use, not only in motion picture theaters, but in schools and universities for many years to come."²³

The film experienced a short run in Europe but had no public US release due to some political issues. Producer Pare Lorentz left the project in protest over the 1947 HUAC trials.²⁴ Erich Pommer, known for his German Expressionist credits as producer for *The Cabinet of Dr. Caligari* and *Metropolis*, returned to Germany following his exile in the US after 1933, took up the challenge and completed the documentary. Later, the US government disallowed the release of the film in the

US. The rationale for not allowing the documentary to be distributed in the US still remains a puzzle, although one could readily understand that the political climate in the West had changed critically.²⁵ A harsh peace settled over a broken Germany, divided into four zones presided over by the Americans, French, British, and Russians. The country, once prepared to be reconstructed from the ruins, would now serve as a physical and economic bulwark against the spread of Communism. The Cold War was on and the US needed a stronger relationship with Germany against the new arch-enemy, the Soviet Union. The US did not wish to bring to attention its former ally, now its nemesis, hence the film would be considered politically incorrect. Furthermore, Germany could be viewed as a very viable, potential trading partner. At the same time, with the newly-established Marshall Plan (Economic Recovery Plan) announced at the Harvard University commencement in June 1947, the political agenda now was less to blame collectively the German people for the crimes of their government, and, with an eye to the future, more to rebuild the country left in rubble.

To reinforce the plan to restore the country to its pre-war physical and psychological state, the Marshall Plan produced approximately 300 educational films between 1948 and 1954, following the series created in the immediate post-war period.²⁶ Justice Robert Jackson expressed great concern that the *Nuremberg* film would not be distributed in the US. He wrote a very strong letter to Secretary of the Army Kenneth Royall on October 21, 1948, stating in very colorful language that the decision not to circulate the film was a horrible one. Royall's response noted that it was contrary to the aims and policies of the American government.²⁷ Although a copy of the Soviet version of the *Nuremberg Trials* documentary showed in the US, the American version of *Nuremberg* remained in a proverbial limbo for several decades without being seen in that country.

Finally, in 2010, the daughter of Stuart Schulberg, Sandra Schulberg, and Josh Waletzky, meticulously restored the film, especially given the growing interest in the Holocaust. Roger Ebert comments on the newly-restored version of *Nuremberg* at its first-time release in the US:

The film is not sophisticated; it is a bludgeon in words and images that cannot be presented otherwise. It was seen as a weapon of "denazification." Some of it feels anachronistic, because at Nuremberg for the first time evidence was assembled and presented that has later become well known. Many Germans claimed at the time they didn't know what was being done in their names; for some of them it must have been true, and the purpose of this film was to show them their evil leaders, sitting in the dock— never, ever, in the footage here, ever looking at one another.²⁸

The film moves back and forth in time, revealing in short clips the increasing power of the Nazi Party and then the horrors it unleashed in the camps, as well as the starving German population at war's end; the prosecution with its charges of war crimes and conspiracy, and the responses of the defendants like Göring's famous "Jawohl";²⁹ ideological writings in Hitler's *Mein Kampf* (1926) to armament and the German entry into the newly-annexed Austria (1938); the gradual control of the hearts and minds of the German people and Justice Jackson's comments about Nuremberg serving as a warning to all aggressors.

A.O. Scott's review of the restored *Nuremberg* film for *The New York Times* includes a glimpse of the historical content of the film as well as the significance of the trial itself for the future of a civilized society:

But there is a raw immediacy in "Nuremberg" that nearly closes the gap between past and present. You don't necessarily see images of slaughter and cruelty for the first time, but you grasp some of what it must have been like to do so—to uncover clips showing what most human beings up until then could never have imagined.

You also appreciate the systematic, scrupulous nature of the trials themselves, which combined legalistic punctiliousness with deep moral passion. The guiding spirit of the Nuremberg Trials is worth recalling now, in the midst of the continuing argument about how to deal properly with enemies who show nothing but contempt for the norms of liberal society. The Nuremberg answer was to hold onto those norms with a special tenacity, to afford the accused precisely the acknowledgment of humanity that they had denied their victims. That they were allowed to defend themselves also meant that they had, in front of the world, to choose whether to admit their depravity, lie about it or try to justify it.³⁰

The restoration of the film serves as a serious reflection on how the crimes of the Third Reich in the end promoted a fresh awareness of the need for civilized societies to accept mutual agreement using international law. The urgency can be observed in the wake of Cambodia, the former Yugoslavia, and Rwanda. The landmark film garnered more interest when used as an historical reference to the establishment of international law in a 2010 conference in Uganda dealing with the International Criminal Court. Michael Abramovitz writes for *The Atlantic* from Kampala:

On the margins of the Review Conference for the International Criminal Court—a two-week convocation at Lake Victoria, outside the Ugandan capital—delegates and non-governmental officials from more than 100 countries have attended screenings of a newly restored version of "Nuremberg: Its Lesson for

Today,” a 1948 documentary on the trial of key members of the Nazi hierarchy. The film concludes with a powerful summation by the chief U.S. prosecutor for the trials, Robert H. Jackson: “Nuremberg stands as a warning to all those who plan and wage aggressive war.” It’s a message echoed by former Nuremberg prosecutor Benjamin B. Ferencz and others here this week, who hope to spur conference delegates to approve a new statute for prosecuting the crime of aggression.³¹

Soviet *Nuremberg Trials* Documentary

Ironically, the American version of the Nuremberg Trials could not be shown in the US, but the Soviet-produced *Nuremberg Trials (Judgment of the Peoples/ Nations)* had its original American showing in May 1947 at the Stanley Theater in New York, distributed by Artkino.³² The Soviets first released the film in the USSR on November 23, 1946, a month after the verdict delivered at Nuremberg. Produced by the Soviet cameraman Roman Karmen (“Soviet Laureate”), who shot a significant amount of the atrocity footage in the film, and directed by S. Svilov, the one-hour documentary merges an introduction to the International Military Tribunal with Allied footage, Soviet atrocity clips, and a flashback to the history of the National Socialist Party. Accompanied by an English narration, the film opens with the Soviet victory in Berlin in May 1945, and the arrest of the Nazi war criminals. Using vivid language to describe the perpetrators of the atrocities, the narrator notes that, “The beast has been driven into the cave of the Nuremberg Prison,” in preparation for the war crimes trial. The Nazis are referred to as “warmongers and conspirators against nations,” “butchers of whole people and plunderers of whole states,” and “child murderers and slave traders.” These criminals are “twentieth-century Huns.” They will be tried not out of vengeance but to serve justice. The narrator describes the setting of the Nuremberg Palace of Justice, the new international court, with its labs, artists, and media rooms from which photos and sound recordings are made and sent around the world, and most notably to the Soviet press.

At times the narration takes on an ominous tone, especially as the evidence appears against the criminals. “Into court will come martyrs of Majdanek and Oswiecem (Auschwitz).” “These dead will rise to testify with their smell of ashes . . . The living and the dead will come to judge the criminals.”³³

As Justice Robert Jackson refers to the men in the dock as “living symbols of racial hatred,” a flashback takes us to the early days of the Nazi Party with scenes

of marching storm troopers, “nocturnal frenzies” (rallies), book burning, and clips from *Triumph of the Will*. Following an introduction of the defendants, the Soviets present their case. Similar to other Soviet documentaries, there exists here a blend of photos of massacred innocents and footage of victory clips; images from the Soviet atrocity film are included with those of partisans joining the Red Army from Belarus and other areas with the goal of vanquishing the fascist forces.³⁴

In the pattern of *The Nazi Plan*, to describe the German Army’s attempt to occupy all of Europe the narrator includes maps graphing the advancement of military forces through Austria, Czechoslovakia, and finally to the Soviet Union on June 22, 1941. According to defendant Yodel, the Nazis were planning to invade Russia starting in November 1940. They eagerly lusted after the Soviet coal, oil, land, and natural wealth.

Over images of the crematoria with their remnants of partially burnt bones, the narrator reminds us, “Let the nations of the world remember this, that murder was a profession for the Nazis. They even turned it into a commercial enterprise.” The now eerily exhibited objects on display reflected the Nazi “handiwork”—soap made from humans, as well as gloves and briefcases from human skin. “The blood of the innocent cries out for retribution!” The Soviets argue for the death penalty. When the judges deliver the verdict of death, life in prison, long prison terms, and three acquittals, the Soviets issue their dissent over the acquittals and Hess’ life sentence in prison. They request the verdict of death. Then, “The sword of justice descended upon the heads of the warmongers.” Representatives of the four nations witness the hangings: “Justice has been done.” Göring escaped justice by committing suicide with a cyanide tablet, but the others met their fate. The corpses of the executed criminals, laid out for the media, show distorted features. Following cremation, their ashes are dispersed to the wind. “Mankind now breathes more freely.” The concluding text on screen issues a final caveat: “Let the Nuremberg Trials be a stern warning to all warmongers. Let it serve the cause of world-wide peace—of an enduring democratic peace.” This warning parallels that of Justice Jackson at the close of the trial: “This trial is part of the great effort to make the peace more secure. It constitutes juridical action of a kind to ensure that those who start a war will pay for it personally. Nuremberg stands as a warning to all those who plan and wage aggressive war.”³⁵

Bosley Crowther commented on the pedagogical import of the Soviet film for *The New York Times*: “Actually, no new information or interpretation is contained in the film, and its principal contribution is a display of human justice working

out. In this, it is grimly gratifying and supports the commentator's early remark that it presents a 'philosophical lesson of history—a lesson which future aggressors in the world would do well to heed.'³⁶

Already fixed in a Cold War atmosphere after Winston Churchill's "Iron Curtain" speech, the Soviet *Nuremberg Trials* lost some of the impact it may have had. The Allies, no longer allied, embarked on their own political agenda. The Soviets returned to their ideological fortress. At the same time, the Moscow controllers felt the film unnecessary after all of the newsreel coverage of the trials screened in theaters.³⁷ Nevertheless, the documentary signals the partiality of the producers, offering a strong case for the Soviets' demand for the death penalty to the defendants, highlighting the Soviet personnel at the trial who argued for it on the strength of the visual evidence, and including many of the Nazi massacres already pictured in the Soviet atrocities film presented to the Tribunal. The Jewish element and genocidal plan of the Fascists have almost no place in the film. The Jewish witnesses in court do not appear in the film to offer their testimony against the Nazis.³⁸ Instead, clips of the *Krystallnacht* pogrom on November 9–10, 1938 and the boycott of Jewish stores occur in the narrative of the rise of the Nazi Party to indicate the Fascist efforts at targeting of the Jews in the Final Solution.

There is singular attention paid to the close-ups of the defendants, no doubt bored during this almost year-long process of determining their guilt. Yet, Karmen catches the men at curious moments in order to give an insight into what is transpiring behind the masks. In fact, the narrator often speaks to them directly, challenging a Hess or a Göring to remember where they were in the evolution of the Nazi Party and its crimes, and where they are now, in the seat of justice. Bosley Crowther comments on this focus on the faces of the defendants, intercut with the deeds they wrought:

There is inordinate irony, for instance, in beholding a pale, deflated Göring in the dock, his face drawn and his eyes apprehensive as a prosecutor cites his monstrous crimes, and then to see him strutting in bloated triumph in earlier newsreel shots. Or there is horror in seeing the other Nazi murderers and slave-traders, haggard and twitching with terror, against the photographic evidence of their deeds—familiar scenes of slaughtered bodies, displaced persons and ruined towns.³⁹

In the end, one can argue that the Soviet version of the Nuremberg Trials at least offered a glimpse of the procedures of the International Military Tribunal and the results of the hearings.

Henri Cartier-Bresson's *Le Retour* (*The Return/The Reunion*)

Always fascinated by the power and vitality of the visual image, the renowned French photographer Henri Cartier-Bresson benefited from a second major visual career in the world of cinema. In the US in 1935, he had the opportunity to work side by side with photographer Walker Evans and artist and filmmaker Paul Strand (*The Plow that Broke the Plains*), bringing an artistic élan to his film work. Like the Russian cameraman Roman Karmen, Bresson found himself at the crossroads of history, first in the Spanish Civil War and then in World War II, filming humanity at its best and worse, just as he has done with his Leica still camera. During the conflict in Spain, Cartier-Bresson directed his first film, *Victoire de la vie* (*Victory of Life*, 1937), a documentary on the hospitals of Republican Spain and the medical aid needed for the victims of Franco's troops. He made the anti-Fascist film with the assistance of Herbert Kline, a war correspondent for the American Marxist publication *New Masses* which had ties to the Communist Party in the US. Cartier-Bresson directed the film in hopes of raising funds for the sick and wounded involved in the conflict, despite the embargo by the West. The following year he directed another documentary, *L'Espagne vivra* (*Spain Will Live*, 1938) dealing with the International Brigade as well as relief assistance for children. In essence, the film attempts to show a Fascist conspiracy in Europe to overthrow the legitimately elected Spanish Republican government in favor of Franco. Although the film has more of a political resonance, Cartier-Bresson also wished to express his humanitarian concern for those caught up in the Civil War that was a foreshadowing of the future struggle against Fascism. Both films prepared him for his World War II documentary, *Le Retour* (*The Return*, 1945).⁴⁰

Le Retour

The short documentary film requested by the French Ministère des Prisonniers, Déportés, et Rapatriés was commissioned by the US OWI (Office of War Information) in 1944. Bresson's own thirty-five months in a POW camp made him sympathetic to the cause of the prisoner and the desire for freedom; his photographic work with the French underground offered him exposure to those working to free France of the Fascist occupiers. Collaborating with the US Signal Corps Captain G. Krinsky and OWI representative Norma Ratner, Cartier-Bresson filmed the aftermath of the war. Using some US Signal Corps footage and working closely with Lt. Richard Banks, he directed a documentary that

reflected very profound human emotion. If the US Signal Corps focused on the gruesome images of the mounds of corpses in camps such as Dachau or Buchenwald, *Le Retour* aimed at capturing the anticipation and exhilaration of the returnees—POWs, slave laborers, and concentration camp survivors—as they encountered a new life. For the sense of national unity as well as picturing a natural human experience, their identities are blurred. Politics disappear as the returnees face new challenges. These displaced persons had significant needs such as food, shelter, clothing, transportation, and especially family connections. Once returning to their homes in France, they re-discovered humanity.

Film analysis

Le Retour offers a post-war perspective on the issues that lay ahead for those who survived the camps. In a very artistic manner, the title *Le Retour* appears on the screen made of letters formed by twisted sections of barbed wire, alluding to the fact that the subject matter will deal with imprisonment and concentration camps. The opening credits show that each of the crew served time in POW camps: Henri Cartier-Bresson as Technical Director (Stalag VC); journalist Claude Roy as writer (FR Stalag Etain); and Robert Lannoy as composer (Stalag XIII B). In essence the thirty-three-minute documentary is a film by prisoners about prisoners, as indicated by Cartier-Bresson in the credits. The film, produced in cooperation with the US Army (Signal Corps), American services (OWI) and former French prisoners, proceeds chronologically from the time the inmates in Nazi camps spent in camp captivity to their final liberation and return to their respective homelands.

German soldiers keep watch over the prisoners involved with the slave labor projects that the Third Reich initiated for the war effort. Very soon, however, as the US Army is involved in combat with the German Army, the Germans find themselves defeated on the battlefield and are forced to surrender. The faces of those who give themselves up to the American troops betray their young age, some just beyond their teenage years. Other shots, aerial views of a bombed Germany in rubble and German prisoners taken by the Allies, reflect the repercussions of the conflict in all of its destruction.

Following scenes of combat, the US Army liberates the camps. A lone jeep approaches the gates of a camp, and spontaneously the survivors push their way to freedom, surrounding the American liberators. With incredible jubilation, they hug and kiss the soldiers seated in their jeep—a powerful testimony of the appreciation felt by those who have been imprisoned at times for months and years.

The scene rapidly changes from jubilation to retaliation. At Dachau the animosity of the former prisoners toward their guards becomes evident as they punch, kick, and beat their oppressors. The banner that indicates the welcoming of the US Army reads: “*Wir grüßen unsere Befreier*” (“We greet our liberators”). The German officers surrender to the American forces, at times with apparent humility and loss. The Red Cross appears on the scene to care for the survivors and assist the helpless, walking skeletons. The doctors gently examine the emaciated inmates with protruding ribs, indicating how their captors starved them. A smile and a cigarette bring a ray of happiness to a survivor’s face.

The next sequence, accompanied by spirited music, reveals the long trek the former prisoners have to make before they arrive in their own country; with a new sense of freedom, however, they gladly begin the march toward home. On the road, joy is mixed with chaos as every type of vehicle attempts to transport its cargo to and fro, while those on foot struggle to carry on their backs and in makeshift carts all that represents their entire lives. Russians, Czechs, Poles, and Central Europeans head west while the French, Belgians and Italians make their way east toward home, all following “*le chemin de la liberté*” (“the road to freedom”). En route, the Displaced Persons camp becomes a temporary Tower of Babel as all the nationalities merge, searching for documents to legitimize their travel and eventual settlement. Interpreters from all walks of life facilitate the language barriers.

In Dessau, Germany, a transit camp in the American Zone, an iconic scene takes place captured by the film camera as well as by a series of shots with Cartier-Bresson’s Leica still camera taken from a lower perspective. Cartier-Bresson sets the stage by showing the Dessau courtyard filled with onlooking former prisoners. Behind a desk sits a stalwart recorder of names and nationalities, later identified as Wilhelm Heinrich van der Velden, a young Dutchman appointed by the US occupying forces as the commandant of this transit camp. He personally understood the plight of the refugees, since he himself was recently freed from the Westerbork transit camp in the Netherlands. An enraged woman accuses another woman posing as a refugee of being a Nazi collaborator and threatens her with her fist. She then slaps the accused.

At the moment the picture was taken, the informer stands with her head bowed in shame while the woman accusing her bares her teeth and raises her arm, filled with rage and the desire for revenge. Their contrasting expressions symbolise the feelings of people on the winning and losing sides in a long and devastating war: the triumphant anger of people finally liberated from the tyranny of Nazi control and the humiliation of the German defeat.⁴¹

Cartier-Bresson's still camera recounts more of the story, showing that the accuser takes to following the collaborator, beating her with a stick while the crowd looks on. This is a scene that would be repeated countless times during the purging of collaborators in France. Bresson's cameras suggest a microcosm of the post-war events in the act of unfolding, and the immediacy of the action becomes literally striking.

The documenting process continues in the Dessau transit camp and a multitude of others as families, prisoners in striped uniforms, and POWs attempt to be regularized. They will move on shortly, carrying an array of objects with their clothing in their duffle bags and knapsacks. Before they do, however, American soldiers spray the travelers—men, women, and small children—with DDT to fumigate their lice-filled clothes.

The next stage of their journey homeward takes place at railway stations. Waiting, waiting, waiting.⁴² They waited for their papers, now they patiently wait to ride the overcrowded trains to their respective countries. Once the railway cars arrive, the refugees pile into them, this time toward freedom and not to concentration or death camps.

By mid-May, the British Royal Air Force (RAF) and the US Air Force (USAF) organize flights home for many of the French, Belgian, and British POWs. The squadrons of planes fly in formation like silver birds in the sky. During a ten-day period in May, the planes transport approximately 73,000 prisoners to their own countries. As they fly over Paris, Notre Dame Cathedral, then the Eiffel Tower, appear on the screen while a French flag flutters in the breeze. To accompany these images that have such symbolic significance to the returnees, the French national anthem, "La Marseillaise" plays in a minor key. They approach finally "*la France de leurs rêves*" ("the France of their dreams").

The French returnees land at Le Bourget airport outside of Paris and the former prisoners, either in striped uniforms or regular Army uniforms, deplane. Some are carried by stretcher while others make their way cautiously on crutches, a scene that recalls John Huston's arrival of the walking wounded and traumatized veterans in the 1946 censored film, *Let There Be Light*.⁴³

The cortège of the returnees aboard trucks passes through the city, and jubilant citizens spontaneously rally to offer them food. They pass through the Place de la Concorde, then arrive at the Gare d'Orsay set up as the Welcome Center.⁴⁴ Their sacrifices come to an end, and victory is achieved. They will soon receive assistance with their medical needs by caring doctors, and for the first time in a long time, with showers. Another stage of documentation takes place as those who have just poured into the center are finger-printed and receive fresh

papers. A portrait of Charles de Gaulle hangs over the former inmates at the center. Following high anxiety as they await their loved ones, hugs and kisses abound, as do tears of joy in the eyes of the family members greeting their long-awaited family and friends. The film concludes with a former prisoner kissing his beloved, a scene that could come from a Hollywood feature film.

Le Retour differs from the other films sponsored and produced by the US government to be screened in Europe—for example, *Death Mills*, which had a strong, negative perspective to it in order to educate the German population about the criminal activity of its leaders—providing a more positive aspect of the post-war climate. The American post-war films, as well as the British *Memory of the Camps*, had as their objective the shedding of light on Nazi crimes, suggesting collective guilt and the act of being a bystander, while *Le Retour* did not broach the topic of the thousands of corpses left in the wake of Nazi barbarism and the guilt of the German people. Instead, the documentary focuses on the very human sentiments of freedom and love of family. As a film produced by former prisoners of war, *Le Retour* can be considered a vibrant and universal testament to a resumption of normalcy for the French as well as for all of those finally returning to their homelands. This chronicle of the repatriation of those victims of the Third Reich can be viewed finally as offering closure to the four-year dark history of the Nazi Occupation of France.

While the Soviet *Nuremberg Trials* film played in American theaters in 1947, Schulberg's *Nuremberg* film, along with other newsreels about the occupation in the American Zone, still screened in German cinemas as part of the denazification plan. These films included in the denazification process shown throughout Germany poignantly revealed to the German population how their leaders brought them to the brink of hell and allowed them to be witnesses and bystanders. The forced visits of the citizens to the neighboring concentration camp, the findings of the International Military Tribunal and other minor trials, as well as the graphic images in the post-war documentaries, all obliged the Germans to face their sins of the past, repent, and now move on to a shaky future. Henri Cartier-Bresson's documentary *Le Retour*, screened throughout Europe and America, paved the way for healing the wounds of imprisoned victims of the Reich of all nationalities, while providing the first step toward peace and reconciliation of the French and Germans.

Lastly, the legacy of the Nuremberg Trial of the major war criminals would be the establishment of international law with respect to genocide, the term coined by Raphael Lemkin in his monumental work, *Axis Rule in Occupied Europe*

(1944). A subsequent result of the Tribunal brought to prominence the use of film as visual testimony in trials dealing with genocidal crimes. The International Military Tribunal proved that film as evidence in a legal case creates a stronger and more lasting visual impact than a written document and at times a witness. With the vision of Justice Robert H. Jackson in employing the Nazis' own films to try them along with other films and photos of their deeds, the Nuremberg Tribunal also laid the groundwork for the future use of film as visual evidence against the perpetrators of atrocities in the international forum.

Epilogue

The employment of film as evidence in the International Military Tribunal led the way for its use in future trials dealing with genocide in the former Yugoslavia, Cambodia, and Rwanda. It also provided a means of documenting the trial itself, at least in the twenty-five hours that the US Signal Corps shot in the ten-and-a-half month trial. The visual impact of film, especially the gruesome footage of the liberated concentration camps, had a profound psychological effect on the prosecutors and the defendants. It enhanced the legal cause of the prosecution by the graphic testimony it offered as a visual record of the lethal machinations of the Third Reich. The films screened at the Nuremberg Trial further reinforced the documents and eyewitness descriptions of atrocities and the role that the defendants in the dock played in creating the machinery of mass murder, although not individually connecting them to the precise events that transpired. Pedagogical in nature, this visual evidence enlightened society about what it only skeptically believed at the outset, but later evoked the accusation of collective guilt of the German people.

Violent acts of genocide, ethnic cleansing, and atrocities continued long after many said “Never Again!” following the apocalyptic events of World War II and the Shoah. Film and commercial television, since the 1950s, brought to millions of Americans and Europeans the shattering news of these aggressive occurrences. Sixteen years after the Nuremberg Trial, the Israelis, with a long memory, brought to court a hold-over from the World War II proceedings—*Obersturmbahnführer* Adolf Eichmann—and had the trial broadcast globally. Ben Gurion, Prime Minister of Israel, wished to make certain that the world did not forget the Shoah. Furthermore, he felt that the young should be educated about this tragic era in Jewish history, and that other countries should support the newly-independent country. Eichmann, as Head of the Department for Jewish Affairs in the Gestapo from 1941 to 1945, and responsible for Jewish deportations, became the visible face of the tragedy of the Shoah.¹ His presence at the crucial Wannsee Conference in January 1942 indicated his full participation in planning “The Final Solution of the Jewish Question.” What this trial offered, very concretely, was the focus of the victimhood of the Jews, only tangentially addressed in the Nuremberg Trials, since complete knowledge of the extent of

the Shoah had not been realized. Furthermore, the focus in 1945 was on the universality of the victims of the Nazis, rarely taking note or emphasizing the vast scope of the Jewish dead throughout Western Europe or the Soviet Union. In this trial, where the Jewish community judged Eichmann, the spotlight was on the Jewish victims, targeted by the Third Reich as early as 1933 with book-burnings of Jewish texts and racial laws. Following the two principles established by Justice Robert Jackson in Nuremberg, film at the Jerusalem trial would serve both as evidence against the defendant as well as the recording of the event for historical purposes.

From April 11 to August 14, 1961, situated in the House of the People in Jerusalem, turned into a courtroom, the Israelis televised the proceedings of Eichmann. The defendant is securely protected in a glass booth, while witnesses, documents, and films connected him to the genocide of the Jewish people. In the 750 seats sat 474 international journalists who reported the proceedings to their global audience, bringing to the fore the tragic plight of the Jews systematically annihilated by the Nazis during the Third Reich. Eichmann became the face of the destruction of European Jewry. After four months of an intense trial, he would be indicted on fifteen criminal charges, including crimes against humanity, crimes against the Jewish people, and war crimes. The Nazi administrator would be sentenced to death on December 15, 1962; the filmed Universal International News announced: "GUILTY! Eichmann to Hang."² He was executed in Israel's Ramleh Prison on May 31, 1962. The trial and sentencing could be considered a sequel to that held for the Nazi defendants in Nuremberg in 1946 and would provide closure to a major chapter on justice for the high-ranking Nazi perpetrators.

The Israeli government utilized the services of the Capital Cities Broadcasting Corporation to videotape the entire trial. Leo T. Hurwitz, an American blacklisted filmmaker focusing on social justice and leftist, anti-Fascist themes, such as in *Heart of Spain* about the Spanish Civil War, undertook the filming of the trial with four hidden cameras and two audio recorders.³ Without understanding Hebrew, he was able to shift cameras from one to the other based on his visual perception of what was transpiring. His World War II experiences prepared him well for this responsibility, having worked for the OWI (Office of War Information) and the British Information Service. He coordinated the coverage of the trial and facilitated in broadcasting it in America and thirty-seven other countries, although Israel did not yet have the technology to televise it in its own country.⁴ Listening to the radio, however, Israelis followed the trial with serious passion, not unlike the Russians at Nuremberg, seeking vengeance in the guise of justice.

Just as on the fateful day of November 29, 1945, when the participants in the Nuremberg Tribunal witnessed on screen the horrific images of *Nazi Concentration Camps*, on a small screen installed near the witness stand, those present during the Jerusalem trial at Session 70 on June 8, 1961 watched unfold eighty minutes of shocking photos and films; these gruesome images evoked the same events that Göring, Hess, von Ribbentrop, and the other Nuremberg defendants viewed in the dock.⁵ On the screen appeared clips from footage dealing with the actions of the *Einsatzgruppen* as they forced men into a deep pit and then shot them from on high; the transport train from Westerbork in the Netherlands to Auschwitz; the Auschwitz crematorium where the bodies were cremated; the I.G. Farben plant which slave labor kept operative; the medical experiments which caused mutilations; stored piles of women's hair and artificial teeth; Eisenhower's visit to Ohrdruf; and the blades of the Bergen-Belsen bulldozers nudging the corpses into the trenches, slowly falling head over heel, the most upsetting of visual evidence presented that day. Before the three judges, Israeli Attorney General and Prosecutor Gideon Hausner,⁶ and Defense Attorney Dr. Robert Servatius debated over certain scenes presented in the film—the plowing and burning of bodies, as well as the 150 skeletons discovered at the Institute for Ancestral Research at Strasbourg.

The prosecutors submitted a principal piece of visual evidence in the form of Alain Resnais' half-hour documentary, *Night and Fog* (*Nuit et brouillard*), one of the first documentaries to chronicle the Holocaust, produced just six years earlier.⁷ Attorney General Hausner introduced the film and had the 16mm copy with the American subtitles shown but without the music of Hanns Eisler or scriptwriter Jean Cayrol's text in French.⁸ This allowed the prosecutor to comment on the people, places, and events in the film. Hausner elaborated on the British liberation of the Bergen-Belsen camp viewed in the penultimate scene of the documentary, and the necessity to burn the masses of bodies immediately for fear of the typhus epidemic spreading. He concluded his observations: "I regret that it was necessary to subject the Court to such a harrowing experience. That is the end of the screening."⁹ The day after this session, correspondent Homer Bigart reported in *The New York Times* that an ashen Judge Itzhak Raveh covered his face with his hands and rushed from the courtroom.¹⁰ Eichmann, who once ironically mentioned that he got upset over spilled blood, observed the films stoically.

The German-American political theorist Hannah Arendt attempted to comprehend the complexity of war criminals like Eichmann who felt that they were caught up in the gears of the Third Reich machinery where the "banality of



Figure E.1 Defendant Adolf Eichmann takes notes during his trial in Jerusalem in 1961 (courtesy of United States Holocaust Memorial Museum Photo Archive)

evil” became the standard operating procedure. Throughout her life, Arendt focused on evil as her central area of research and teaching and attended the Eichmann trial in order to understand how the Eichmanns of society could treat as “ordinary” or “common” the murder of millions of innocent people. In the recent feature film, by director Margarethe von Trotta, Arendt (Barbara Zukowa) comes to grips with Eichmann in listening to his defense. Her colleagues warn her of advancing some of her controversial theories about the concept of “the banality of evil.”¹¹

Arendt did not believe that the Eichmann Trial offered complete closure to what began at Nuremberg in 1945. She discusses the major shortcomings of the proceedings:

In sum, the failure of the Jerusalem court consisted in its not coming to grips with three fundamental issues, all of which have been sufficiently well known and widely discussed since the establishment of the Nuremberg Tribunal: the problems of impaired justice in the court of the victors; a valid definition of the “crime against humanity”; and a clear recognition of the new criminal who commits this crime.¹²

The Eichmann case did not bring Nazi atrocities to absolute closure. Since 1961, trial after trial have continued to sort out war crimes and crimes against humanity as well as genocidal actions on the part of governments, leaders, and individuals. The French, establishing policies in 1985 regarding the use of film in court (Articles 6, 12, and 13), brought to trial Klaus Barbie, Paul Touvier, and Maurice Papon. The Serbian court convicted Serb paramilitaries, the Scorpions under Slobodan Milošević, for their crimes:

Four Serb paramilitaries filmed as they killed Bosnian Muslims in 1995 were today found guilty of murder at Serbia's war crimes court.

The former militiamen—members of the notorious Scorpions paramilitary unit—were convicted in the first court case linked to the massacre of 8,000 Bosnian Muslim men and boys at Srebrenica.

Video footage shows six Muslim men and boys from Srebrenica being shot dead in the Bosnian village of Trnovo in July 1995.

The victims were among the thousands murdered during the final stages of the 1992–1995 ethnic conflict in Bosnia-Herzegovina.¹³

The Cambodia Tribunal, known officially as the Extraordinary Chambers in the Courts of Cambodia, in its trial against senior members of the Khmer Rouge during the Cambodian genocide, sought the extensive filmed interviews by Cambodian journalist Thet Sambath with Nuon Chea, Brother Number Two, to use against the leader in court.¹⁴

Seven decades after the Allied governments initiated plans for a military tribunal to judge Nazi war criminals, the German courts continue to search for thirty alleged Auschwitz concentration camp guards. Inspired by the case of John Demjanjuk who died in a Bavarian nursing home while appealing his conviction on charges that he served as a guard at the Sobibor camp, the Germans wished to bring to justice the aged suspected war criminals. Some of these individuals are in their nineties. The Baden-Wuerttemberg state justice ministry which is heading the investigation followed the leads of the Simon Wiesenthal Center that hunts down Nazi war criminals with the slogan “Late, but not too late.” These thirty would be a small part of the few hundred of those 7,000 responsible for facilitating murder at Auschwitz.¹⁵

Prior to and during the Nuremberg Trials the media exposed the Nazi war criminals as evil and demonic, casting a wide net throughout Europe with their plan for the Final Solution. In theaters not too long after the liberation of the

camps, newsreels had captured the tragedy of the innocent victims, preparing the public for the trial of the perpetrators. In the midst of the proceedings, newsreels describing the chart of the “entire Hitler dynasty” also showed the key “stars” (Göring, Hess, von Ribbentrop) as bored by the drawn-out trial.¹⁶ The Soviet version of the trial directed by Roman Karmen, *Nuremberg Trials (Sud Narodov)* was released in the US in May 1947, while the American documentary about the trial never made it to the screen in the US until decades later, serving more as a history lesson than an educational current event.

After this interest in the closure to World War II and the liberation of the concentration camps, there was relative silence for almost a decade. The displaced persons, finally settling into their new lives and hoping to assimilate, did not wish to open up the wounds of their harsh experiences in the camps, nor did the general public wish to hear them. Politically, the focus was on another enemy—the Soviets—as noted earlier.

One of the few films about the Shoah in the early post-war years that broke the silence was Wanda Jakubowska’s *The Last Stage (Ostatni etap, 1947)*, rarely seen outside of Poland. It was, however, Alain Resnais’ film *Night and Fog* that had a more global distribution and opened the eyes of the viewers to the dark period of the Third Reich from the 1933 rise of the National Socialist Party to 1945 and testimony of Nazi war criminals at the Nuremberg Trials. George Stevens directed *The Diary of Anne Frank* in 1959, closing the film with images from Jakubowska’s *The Last Stage*.¹⁷ After previous editions about his devastating experiences in the concentration camp, Elie Wiesel published *Night* in the US in 1960 before it became translated into more than thirty languages. Appearing in 1961, historian Raul Hilberg’s pioneering work, *The Destruction of the European Jews* marked another stage of the Holocaust, a scholarly approach to the extermination of the Jews. Then, as previously discussed, the general public entered into the awareness of the events of the Holocaust, as the Eichmann Trial unfolded on global television in 1961 and shortly thereafter, based on *The New Yorker*’s publication of Hannah Arendt’s articles, her controversial *Eichmann in Jerusalem: A Report on the Banality of Evil* made its appearance. Thus, in the span of less than two decades, the Shoah became an event placed front and center on the world stage, and now with a special concentration on the Jewish victims, sorely lacking during the liberation of the camps and the Nuremberg Trials as well in Resnais’ documentary.¹⁸ Where once the universality of victimhood dominated the scene from the Soviet Union to the United States, the targeted Jews now would forever be the understandable focus of the Shoah.¹⁹ From the shock of the images of the first Allied footage in the concentration

camps shown at the Nuremberg Trials to the popularity of Stevens' *The Diary of Anne Frank* and Spielberg's *Schindler's List*, film has played a major role in educating the public about genocide. Raphael Lemkin, who coined the word and helped Justice Robert Jackson in preparation for the Nuremberg Trials to comprehend its scope, can be assured that the modern motion picture has been instrumental in Holocaust education, which has expanded to more detailed studies on non-Jewish victims of the Nazis—Jehovah's Witnesses, homosexuals, Cinti/Roma, and others.

Although the Nuremberg Trials may be perceived as “victors’ justice” by some, trying alleged war criminals for crimes that had not been counted as “illegal” at the time, the International Military Tribunal set into motion a more global view of law. Countries today are not silos standing alone but are part of a larger international moral and legal fabric in a society that attempts to maintain peace beyond national borders. The bar is set high and society has been challenged to respect it for the sake of maintaining our civilization, as Justice Jackson cautioned:

“The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.”²⁰

Notes

Foreword

- 1 Donald Shriver, *Honest Patriots: Loving a Country Enough to Remember its Misdeeds* (New York: Oxford, 2005), the first long chapter on the ways Germans have memorialized the crimes of the Holocaust. German language has a useful distinction between the *Denkmal*, the positive monument to a great deed or accomplishment, and the *Mahnmal*, the warning memorial of the country's misdeeds, of which there are many now all over Germany.
- 2 Originally published by Carnegie Endowment for International Peace, Washington: Division of International Law, 1944. Reissued as Raphael Lemkin, *Axis Rule In Occupied Europe: Laws Of Occupation—Analysis Of Government—Proposals For Redress* (Lawbook Exchange, 2005).
- 3 Raphael Lemkin, Chapter IX: "Genocide a new term and new conception for destruction of nations," in *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79. Available also at <http://www.ess.uwe.ac.uk/genocide/Lemkina.html> [accessed February 5, 2014].
- 4 Senator William Proxmire had made a speech in the Senate, asking for ratification of this Convention, every day that the Senate was in session between 1967 and 1986.
- 5 The UN High Commissioner for Refugees, Antonio Guterres, refers to the sectarian bloodshed surrounding the threats against Muslims by Christians as "ethnic cleansing" ("UN Official Sees Ethnic Cleansing in Africa," *Boston Globe*, February 13, 2014, A4).

Chapter 1

- 1 John Mendelsohn, ed., *The Holocaust: Selected Documents in Eighteen Volumes*. Vol. 11: *The Wannsee Protocol and a 1944 Report on Auschwitz by the Office of Strategic Services* (New York: Garland, 1982), pp. 18–32. This material from the Wannsee gathering was used at the Nuremberg Trials to indicate how the Third Reich conspired to commit genocide.
- 2 Ibid.

- 3 Mark Roseman, *The Wannsee Conference and the Final Solution* (New York: Picador, 2003), p. 2. Roseman describes the unique discovery of the Wannsee Protocol and its delivery to Telford Taylor in March 1947, then raises many fresh questions about the rationale for the 1942 conference while the extermination of Jews was well in progress.
- 4 For a further highly analytical discussion of Allied collaboration and conflict prior to the Nuremberg Trials, see Arieh J. Kochavi, *Prelude to Nuremberg* (Chapel Hill/London: University of North Carolina Press, 1998). Chapter 1 deals with the governments in exile calling for retaliation against the Nazi atrocities.
- 5 <http://www.presidency.ucsb.edu/ws/index.php?pid=16174&st=&st1=> [accessed August 11, 2013].
- 6 Telford Taylor, *The Anatomy of the Nuremberg Trials: A Personal Memoir* (New York: Alfred A. Knopf, 1992), pp. 26–8.
- 7 *A Decade of American Foreign Policy: Basic Documents, 1941–49*, prepared at the request of the Senate Committee on Foreign Relations by the Staff of the Committee and the Department of State. Washington, DC: Government Printing Office, 1950.
- 8 Ibid.
- 9 “The Rule of Law Among Nations,” <http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-by-robert-h-jackson/the-rule-of-law-among-nations/> [accessed February 26, 2014].
- 10 The British and Americans were getting mixed signals, according to Bradley F. Smith in *The Road to Nuremberg* (New York: Basic Books, 1981), p. 63. The Soviets wanted a war crimes trial, but Stalin also advocated for the execution of 50,000 German officers in Teheran.
- 11 Richard Norton-Taylor, “Britain favoured execution over Nuremberg trials for Nazi leaders,” *The Guardian*, Thursday, October 25, 2012, <http://www.guardian.co.uk/world/2012/oct/26/britain-execution-nuremberg-nazi-leaders> [accessed January 3, 2013]. Guy Liddell’s wartime and post-wartime diaries for June 18, 1945 to November 17, 1945 are of especial interest; the recently declassified documents are held at the UK National Archives (KV 4/466).
- 12 See Warren F. Kimball, *Swords to Ploughshares? The Morgenthau Plan for Defeated Nazi Germany* (Philadelphia, PA: Lippincott, 1976).
- 13 Richard Norton-Taylor, “Britain favoured execution over Nuremberg trials for Nazi leaders.” The anti-Stalinist Costa-Gavras film, *The Confession* (1970), offers a concrete example of the stages of the show trial for the Rudolph Slánský case in Czechoslovakia in 1952. Arthur London published *The Confession* to inform the West of the charade of justice in the USSR.
- 14 Ibid.
- 15 Jackson’s April 29, 1945 letter to President Truman, http://www.trumanlibrary.org/whistlestop/study_collections/nuremberg/documents/index.

- php?documentdate=1945-04-29&documentid=12-12&studycollectionid=&pagenumber=1 [accessed August 7, 2013].
- 16 Email correspondence from John Q. Barrett, August 6, 2013, containing Justice Jackson's letter to Eugene Meyer.
 - 17 Ibid.
 - 18 Memorandum, "Progress Report on Preparation of Prosecution," 10, Donovan Nuremberg Trials Collection at the Cornell University Law Library, <http://ebooks.library.cornell.edu/cgi/t/text/pageviewer-idx?c=nur&cc=nur&idno=nur01314&q1=film&view=image&seq=1&size=100> [accessed January 26, 2014].
 - 19 Ibid.
 - 20 Ibid., 11.
 - 21 This film would be released as *That Justice Be Done* prior to the trial. An analysis of the short documentary will be presented in Chapter 5.
 - 22 Document marked "5402" archived in the Donovan Nuremberg Trials Collection in the Cornell University Law Library, <http://ebooks.library.cornell.edu/cgi/t/text/pageviewer-idx?c=nur;cc=nur;q1=Film;rgn=full%20text;view=image;seq=1;idno=nur02007;did> [accessed January 28, 2014].
 - 23 The Berlin (Potsdam) Conference, July 17–August 2, 1945, (a) Protocol of the Proceedings, August 1, 1945, http://avalon.law.yale.edu/20th_century/decade17.asp [accessed September 21, 2012].
 - 24 Ibid.
 - 25 International Humanitarian Law, <http://www.icrc.org/ihl.nsf/FULL/350?OpenDocument> [accessed September 16, 2012].
 - 26 <http://avalon.law.yale.edu/imt/imtconst.asp#art6> [accessed August 8, 2013].
 - 27 For a further discussion of the indictment consult Michael R. Marrus, *The Nuremberg War Crimes Trial, 1945–46: A Documentary History* (Boston, MA: Bedford Books, 1997). The Americans in particular saw conspiracy as central, while the Europeans were skeptical. The tribunal made a complex ruling on the conspiracy charge that was central to reducing the scope of the trial.
 - 28 Author's emphasis, <http://avalon.law.yale.edu/imt/imtconst.asp> [accessed September 16, 2012].
 - 29 Report of Robert H. Jackson To the President, released by the White House on June 7, 1945, excerpted from Department of State Bulletin, June 10, 1945, pp. 1071ff., http://www.loc.gov/rr/frd/Military_Law/pdf/jackson-rpt-military-trials.pdf [accessed September 16, 2013]. The film presented to the tribunal, *The Nazi Plan*, showed in part convincing scenes of the action of the growing National Socialist Party.
 - 30 Peter Novick, "We Knew in a General Way," *The Holocaust in American Life* (Boston, MA: Houghton Mifflin, 1999), pp. 19–29, also at <http://www.nytimes.com/books/first/n/novick-holocaust.html> [accessed August 7, 2013].

- 31 For a thorough discussion of the legacy of Raphael Lemkin and his struggle to get the term and notion of genocide accepted by the UN, see Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Harper/Perennial, 2002), p. 3.
- 32 Jan Karski, *Story of a Secret State: My Report to the World* (New York: Houghton Mifflin, 1944). Maciej Kozłowski’s *The Emissary: Story of Jan Karski*, translated by Joanna Maria Kwiatowska (Warsaw: Ministry of Foreign Affairs, 2007), p. 8, carries the photo of the official dispatch from the Office of Strategic Services on December 27, 1943, noting that Karski would be meeting with the Polish government in exile in London and then arrive in the United States.
- 33 For his warning to the West about the Nazi plan to eliminate all European Jews, Yad Vashem in Israel granted Karski the title of “Righteous Among the Nations.”
- 34 The interview of Karski can be found at http://www.youtube.com/watch?v=7YVTfG_qE2Y [accessed September 8, 2013].
- 35 From the interview of Claude Lanzmann, director of *Shoah*, with Jan Karski in 1978. See Lanzmann’s *Karski Report* (2010) for the full interview.
- 36 For a more detailed perspective of Justice Felix Frankfurter contrasted with the other Jewish justice, Louis Brandeis, see Robert A. Burt, *Two Jewish Justices: Outcasts in the Promised Land* (Berkeley, CA: University of California Press, 1988).
- 37 <http://www.foreignaffairs.com/articles/109637/raphael-lemkin/axis-rule-in-occupied-europe> [accessed September 14, 2013]. See Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), pp. 79–95, which deals with the coining of the word “genocide.”
- 38 A major problem was that none of the defendants was present during the filming of the liberation and hence could not be *directly* connected to the crime.
- 39 Dennis J. Hutchinson, “Tribunals of war: A history lesson in mass crimes,” *Chicago Tribune*, November 18, 2001, http://articles.chicagotribune.com/2001-11-18/news/0111180080_1_jackson-executions-nuremberg-trials [accessed August 9, 2013].
- 40 Varian Fry, “The Massacre of the Jews,” *New Republic* (December 21, 1942), pp. 816–19.
- 41 Barrett’s article describes the little-known but significant influence that Lemkin had on Jackson, <http://www.stjohns.edu/media/3/ac9616f22961485a84f9c914d8b9c31c.pdf?d=20101006> [accessed September 13, 2012]. Other articles also appear in the same volume by C. Safferling and E. Conze (eds.), *The Genocide Convention Sixty Years after its Adoption* (The Hague: T.M.C. Asser Press, 2010). For a study of Lemkin’s life and work see John Cooper, *Raphael Lemkin & the Struggle for the Genocide Convention* (Houndsmills: Palgrave Macmillan, 2008), especially Chapter 4: “The Publication of His Master Work and the Nuremberg Tribunal,” pp. 56–75.

- 42 A cadre of US Signal Corps photographers took atrocity photos in preparation for a potential tribunal and these were exhibited at the International Military Tribunal. Ray D'Addario was the chief photographer for the major war criminals trial and subsequent Nuremberg Trials. His photography of the trial was on exhibit to the fiftieth anniversary conference on the Nuremberg Trials at the Boston College Law School in 1995, as well as at the sixtieth anniversary of the trials in a special exhibit for a Jackson Symposium in Chautauqua, NY in 2005: "Nuremberg: The Chief Photographer's Story," <http://www.fredonia.edu/org/jacksonsymposium/photographer.asp> [accessed August 9, 2013].
- 43 "World War II Liberation Photography," <http://www.ushmm.org/wlc/en/article.php?ModuleId=10006237> [accessed August 9, 2013].
- 44 "Planning Memorandum Distributed to Delegations at Beginning of London Conference, June 1945," avalon.law.yale.edu/imt/jack11.asp [accessed August 27, 2013].

Chapter 2

- 1 For a solid, scholarly approach to film and World War II, see Thomas Doherty, *Projections of War: Hollywood, American Culture and World War II* (New York: Columbia University Press, 1993), especially the US government's link with Hollywood, pp. 60–84.
- 2 For a description of Capra's involvement in the war, consult Frank Capra, *The Name Above the Title: An Autobiography* (New York: Macmillan, 1971). Gen. George Marshall requested that Capra make a series of documentaries to tell the soldiers going overseas why they were fighting this war. "And that, Capra, is our job—and your job. To win this war we must win the battle for men's minds [General Frederick H.] Osborn and I think films are the answer, and that you are the answer to such films" (p. 327). As he began to plan out the "Why We Fight" series he was stunned by the message of Riefenstahl's *Triumph of the Will* which he used extensively in his war documentaries, seeing it as a plain and brutal film about unbeatable power (p. 329).
- 3 Christian Delage captured Fuller's World War II background and filming of the Falkenau camp in the exhibition "Filming the Camps: From Hollywood to Nuremberg—John Ford, Samuel Fuller, George Stevens," Museum of Jewish Heritage (NY), March 22–October 14, 2012.
- 4 Marsha Orgeron provides an astute analysis of Fuller's witnessing and filming in "Liberating Images? Samuel Fuller's Film of Falkenau Concentration Camp," *Film Quarterly*, Vol. 60, No. 2, pp. 38–47.
- 5 Many soldiers with their still, 8mm or 16mm cameras photographed or filmed their own encounters with the concentration camp scenes. See Marsha Orgeron,

- “Documenting Genocide: Amateur Films of World War II Concentration Camps,” in Kristi Wilson and Tomás F. Crowder-Taraborrelli, eds, *Genocide and Film* (Madison, WI: University of Wisconsin Press, 2012), Part III, Chapter 9.
- 6 The eight-minute newsreel can be found at <http://www.youtube.com/watch?v=8jdefO0Dxhc> [accessed February 7, 2104].
 - 7 Bruce Nikols, “Report from the Ohrdruf Liberation,” <http://remember.org/witness/ohrdruf.html> [accessed March 13, 2013].
 - 8 Ibid.
 - 9 Ibid. Author’s emphasis.
 - 10 Robert K. Posey, one of the “Monuments Men,” helped assess the art treasures confiscated from concentration camp victims and other Europeans that were discovered in the Merkers salt mine prior to Eisenhower and Patton’s visit before the tour of Ohrdruf. See details of the remarkable treasure trove in Greg Bradsher, “Nazi Gold: The Merkers Mine Treasure,” *Prologue: Quarterly of the National Archives and Records Administration*, Spring 1999, Vol. 31, No.1.
 - 11 Letter of General Eisenhower to General Marshall concerning his visit to a German internment camp near Gotha (Ohrdruf), April 15, 1945 [Dwight D. Eisenhower’s Pre-Presidential Papers, Principal File, Box 80, Marshall George C. (6)].
 - 12 From Patton’s diary, in “Ohrdruf” <http://www.ushmm.org/wlc/en/article.php?ModuleId=10006131> [accessed September 9, 2013].
 - 13 Cable, General Eisenhower to General Marshall concerning Nazi horrors; requests visit by members of Congress and the media, April 19, 1945 [Dwight D. Eisenhower’s Pre-Presidential Papers, Principal File, Box 134, Cables Off GCM/DDE 19 Apr – 10 Nov 45 (4)].
 - 14 Ibid. On April 24, 1945, Senator Alben Barkley was photographed at Buchenwald gazing at a stack of naked skeletal corpses (National Archives, #204745).
 - 15 See *George Stevens: D-Day to Berlin*, written and produced by George Stevens, Jr. (1994; Washington, DC: New Liberty Productions; Burbank, CA: Warner Bros., 2004). For additional reading on Dachau, see Harold Marcuse, *Legacies of Dachau: The Use and Abuse of a Concentration Camp 1933–2001* (Cambridge: Cambridge University Press, 2001), especially “The Media Blitz,” pp. 52–4.
 - 16 Exhibition notes, “Filming the Camps: From Hollywood to Nuremberg”
 - 17 Ibid.
 - 18 Ibid.
 - 19 From the famous St. Crispin’s Day Speech, *Henry V*, Act 4, Scene 3, noted in *George Stevens: D-Day to Berlin*, DVD, Produced by George Stevens, Jr.
 - 20 Viewed in the exhibition of “Filming the Camps.”
 - 21 Viewed in the exhibition of “Filming the Camps.” A clip from the service can also be found on the website <http://www.youtube.com/watch?v=IDbnPEifgTw> [accessed September 7, 2013].

- 22 Ibid.
- 23 Ibid.
- 24 Ibid.
- 25 Steven Spielberg Film and Video Archive, United States Holocaust Memorial Museum, "Eisenhower, Bradley, Patton at Ohrdruf" Story RG-60.0042, Tape 6.

Chapter 3

- 1 For detailed eyewitness reports see Ben Flanagan and Donald Bloxham, *Remembering Belsen: Eyewitnesses Record the Liberation* (London/Portland, OR: Vallentine Mitchell, 2005).
- 2 Robert H. Abzug, *Inside the Vicious Heart: Americans and the Liberation of Nazi Concentration Camps* (New York/Oxford: Oxford University Press, 1985), p. 84.
- 3 Ben Shephard first describes the early awareness of this camp, so different from the prisoner-of-war camps already liberated by the British in *After Daybreak: The Liberation of Bergen-Belsen, 1945* (New York: Schocken Books, 2005).
- 4 "Holocaust Uncovered (1945)," http://www.youtube.com/watch?v=tGwjwK9pIM&feature=player_detailpage [accessed April 11, 2013].
- 5 Tom Gross, "The liberation of Belsen: The BBC didn't believe their own reporter," *Mideast Dispatches*, April 18, 2005, <http://www.tomgrossmedia.com/mideastdispatches/archives/000329.html> [accessed April 12, 2013].
- 6 http://news.bbc.co.uk/onthisday/hi/dates/stories/april/15/newsid_3557000/3557341.stm [accessed April 11 2013)].
- 7 Elizabeth Sussex, "The Fate of F3080," *Monthly Film Bulletin*, Spring 1984, Vol. 53 No. 2, p. 92.
- 8 Bernstein, "Material Needed for Proposed Motion Picture on German Atrocities."
- 9 The film will be discussed in greater detail in a subsequent chapter.
- 10 This footage can be viewed at the Steven Spielberg Video Archives at the US Holocaust Museum, "Concentration camp atrocities," Story RG-60.2597, Tape 1,000.
- 11 Other directors were Carol Reed (*Night Trip to Munich*, 1940) who directed documentaries for the British film unit, and Billy Wilder, who established his film career in Germany before moving to Paris, then Hollywood after the Nazi takeover in 1933. Hitchcock, however, appeared to be the only one available to collaborate on the project. Wilder would take a leave of absence from Hollywood to assist with the denazification process, of which *Death Mills* is a part.
- 12 Sussex, p. 95.
- 13 Hitchcock would later film a fourth World War II feature, *Notorious*, released in August 1946. The project had already been initiated when Hitchcock left for London.

- 14 The critical view of the French inter-tensions dismayed General de Gaulle in London. The film was censored during the war and only appeared in 1993 as a work referred to as a “lost Hitchcock.”
- 15 For further material dealing with the rapport of director and producer, see Leonard J. Leff, *Hitchcock and Selznick: The Rich and Strange Collaboration of Alfred Hitchcock and David O. Selznick in Hollywood* (Berkeley, CA: University of California Press, 1999).
- 16 Sussex, p. 95.
- 17 Ibid.
- 18 Florence Jacobowitz, “Seeing and Believing: Sid Bernstein’s German Atrocities Film and the Question of Hitchcock’s Participation,” *Cineaction*, 1999, 50, 77, n 4. Here the author argues that implicating the civilians in the vicinity of the camps bolsters the argument of Daniel J. Goldhagen’s book, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (1996), “that the Nazi regime depended upon a compliant nation.”
- 19 See Steven Jacobs, “Hitchcock, the Holocaust, and the Long Take,” <https://biblio.ugent.be/input/download?func=downloadFile&recordOid=1938184&fileOid=1939981> [accessed May 17, 2013]. Jacobs’ essay makes a case for a focus on the long takes in the film as seen in the appearance of the clergymen, a link with memory as in Resnais’ *Night and Fog*, as well as the notion of a fetish type of object that Hitchcock uses in many of his films, notably, a shrunken head in *Under Capricorn*, hair in *Vertigo* and *North by Northwest*. Jacobs also points out Hitchcock’s association of an innocent landscape with death, as in the opening of *Psycho*.
- 20 Sussex, p. 96, author’s emphasis.
- 21 A note to Peter Tanner from Sidney Bernstein dated September 30, 1945, suggests that the editing process continued on at least until this date.
- 22 Jeremy Hicks, *First Films of the Holocaust: Soviet Cinema and the Genocide of the Jews, 1938–1946* (Pittsburgh, PA: University of Pittsburgh Press, 2012), p. 174.
- 23 For a greater development of Hitchcock’s contribution to the war effort, see David Parkinson’s article “Hitchcock at War,” July 23, 2010, http://focusfeatures.com/article/hitchcock_at_war [accessed May 18, 2013].
- 24 *Memory of the Camps*, Frontline, PBS, 1985, DVD. In 2013, the UK-based Spring Films announced the future release of its documentary *Night Will Fall* (2014) produced by Sally Angel and directed by André Singer in conjunction with the Imperial War Museum. The feature-length film chronicles the history of the production of the atrocities film. The title emanates from the final words of the atrocities documentary: “Unless the world learns the lessons these pictures teach, night will fall, but by God’s grace, we will live, we will learn.”

- 25 For a visual account of these crimes, see John J. Michalczyk, producer, *Nazi Medicine: In the Shadow of the Reich*, and an accompanying edited text, *Medicine, Ethics, and the Third Reich: Historical and Contemporary Issues*.
- 26 Cited in Abzug, p. 130. The Congressmen's report is entitled "Document No. 47 of the 79th Congress, 1st Session, Senate Report (May 15, 1945) of the Committee Requested by Gen. Dwight D. Eisenhower to the Congress of the U.S. relative to Atrocities and other Conditions in Concentration Camps in Germany." This document was entered into the Nuremberg trial proceedings as IMT Document L-159. For a vivid picture of how Hitler used images of the body and the organism—Jews and other asocials were contaminated cells and had to be destroyed—see Richard A. Koenigsburg, *Hitler's Ideology: A Study in Psychoanalytic Sociology* (New York: Library of Social Science, 1975/2013).
- 27 Abzug, p. 53.
- 28 When Ingrid Bergman was in Germany in 1945, she was invited to witness the atrocities at the concentration camps, and she refused to go with the others to view the Nazis work, according to her biographer Charlotte Chandler, *Ingrid Bergman, A Personal Biography* (New York: Simon & Schuster, 2007), p. 294.
- 29 Abzug, p. 122.
- 30 Mauthausen housed many of the Republican combatants from the Spanish Civil War following the victory of Franco in 1939. These were either Communists or members of the International Brigade from various European countries, such as Czech Communist party official and co-defendant in the Slánský Trial, Arthur London. Following his eventual rehabilitation, London wrote *L'Aveu (The Confession)* which was adapted to the screen by Costa-Gavras starring Yves Montand as the imprisoned London.
- 31 For an interview with a Red Army cameraman, Captain Alexander Vorontsov, at the liberation of Auschwitz, see *Holocaust: The Liberation of Auschwitz*, DVD, introduced by Simon Wiesenthal.
- 32 See a further discussion of the PBS broadcast of *Memory of the Camps*, <http://www.pbs.org/wgbh/pages/frontline/camp/faqs.html> [accessed May 22, 2013]. A note on the failure to mention Jews among Hitler's victims comes out of an earlier policy included in the PBS notes: "A revealing 1941 British Ministry of Information guideline advised war propagandists that to make the Nazi evil credible, they must deal with 'the treatment of indisputably innocent people, not with violent political opponents and not with Jews.'"
- 33 For a very insightful essay on the visual and aural power of the film, see Jeffrey Gutierrez, "A Note on Image and Sound in *Memory of the Camps* (1985)," in John J. Michalczyk and Raymond Helmick, SJ, eds., *Through a Lens Darkly: Films of Genocide, Ethnic Cleansing and Atrocities* (New York: Peter Lang, 2013), pp. 103–6.

Chapter 4

- 1 The original script called for swastikas on the helmets of the invaders.
- 2 Greg Dolgopolov, "Alexander Nevsky," *Senses of Cinema*, March 2011, <http://sensesofcinema.com/2011/cteq/alexander-nevsky/> [accessed June 8, 2013].
- 3 For a discussion of these early films about anti-Semitism in Soviet cinema consult Olga Gershenson "The Holocaust on Soviet Screens: Charting the Map," in *Representation of the Holocaust in Soviet Literature and Film* (Jerusalem: Yad Vashem, 2012), p. 103. See also her more detailed work in *The Phantom Holocaust* (New Brunswick, NJ: Rutgers University Press, 2013). Gershenson notes that those films which dealt with the Holocaust were either forgotten by film historians or Holocaust scholars, or were not subtitled, hence lacking sufficient international distribution.
- 4 For a link of the Holocaust with World War II, read Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge, MA: Harvard University Press, 2010).
- 5 For a further description of the mission of the *Einsatzgruppen*, see Raul Hillberg, *The Destruction of the European Jews* (New Haven, CT: Yale University Press, 2003). A more focused discussion of the killing operation can be found in Richard Rhodes, *Masters of Death: The SS-Einsatzgruppen and the Invention of the Holocaust* (New York: Knopf, 2002), especially Part Two, "Seven Departments of Hell," which also describes Babi Yar in detail.
- 6 For further details, see Hilary Camille East, *The Nuremberg SS-Einsatzgruppen Trial, 1945–1958: Atrocity, Law, and History* (Cambridge: Cambridge University Press, 2009).
- 7 Mark Donskoi's film *The Unvanquished* (Nepokorennye, 1945), depicts extensive executions at Babi Yar, a site of mass graves of Jews slaughtered wholesale by the Nazis that has come to symbolize the Shoah in the Soviet Union.
- 8 See the scanned document sent from Moscow by Molotov on January 6, 1942, to all countries with which the USSR has diplomatic relations, "The Molotov Notes on German Atrocities," <http://www.marxists.org/history/ussr/great-patriotic-war/pdf/atrocities.pdf> [accessed June 13, 2013]. Molotov here uses strong, graphic language in the lengthy text that describes the Nazis as plunderers, rapists, and murderers of children, old men, and everyone who did not surrender their valuables.
- 9 Robert Gellately, "Introduction—Voices from the Past," in Leon Goldensohn and Robert Gellately, *The Nuremberg Interviews: An American Psychiatrist's Conversations with the Defendants and Witnesses* (New York: Vintage Books/Random House, 2004), p. xi. In the case of the 30,000 witnesses, one remains skeptical about such a large number assembling during the war.

- 10 French Roman Catholic priest, Rev. Patrick Dubois, with his thirty-plus staff has continued to document the killing fields in Ukraine that accounted for more deaths than the gas chambers. A *New York Times* article by Alison Smale, “Shedding Light on a Vast Toll of Jews Killed Away From the Death Camps,” January 28, 2014, p. A10, sheds new light on the discoveries of these execution sites:

As the number of Holocaust survivors gradually declines, these documents or witness accounts—from Belarus, Ukraine, parts of Russia and the Baltic States—have illuminated a new picture of the Nazis’ methods.

Most of this slaughter occurred in Eastern Europe after the Nazis invaded the Soviet Union in June 1941, and it mixed with the increasing chaos of the war once the Germans failed to realize their ambition of subduing the Soviets in just eight to 12 weeks and faced the prospect of defeat.

“The further east the Wehrmacht went, the greater the killing,” Dieter Pohl, a professor of history at Klagenfurt University in Austria, said at a conference on the subject this month in Krakow, Poland. The executions and unmarked mass graves became “an element of German rule in Eastern Europe.”

In the years after 1945, the executions were not discussed much. The shock of the discovery of concentration camps was one factor. The camps had survivors, found in place, who told their unimaginable tale. By contrast, the local executions terrorized and silenced survivors in the eastern regions. In addition, after World War II, many witnesses were left behind the Iron Curtain, and no one was interested in their memories.

On the ground, “news about killing in local fields spread much more quickly than the murky rumors” about gassing at concentration camps, Dr. Pohl said.

“Only a few survivors could testify after 1945,” he added. As a result, “there is still no comprehensive overview of the killing sites.”

The filming of the graphic images of the concentration camp liberation drew more attention than the massacres in villages and towns, and the onset of the Cold War in the wake of the Nuremberg Trials, accounts for the untold narrative of the vast number of Jews killed at these newly discovered sites.

- 11 See the photo of the grave at http://www.ushmm.org/wlc/en/media_ph.php?MediaId=2476 [accessed June 8, 2013].
- 12 The best analysis of the Soviet decision to film atrocities can be found in Jeremy Hicks, *First Films of the Holocaust: Soviet Cinema and the Genocide of the Jews*,

- 1938–1946. In this chapter, I have relied on some of his major research on the documentation concerning Soviet film and its use at the Nuremberg Trials.
- 13 To indicate how the Allies, too, “shaped” their filming of the camps to include witnesses, see Christian Delage, *Caught on Camera: Film in the Courtroom from the Nuremberg Trials to the Trials of the Khmer Rouge*, edited and translated by Ralph Schoolcraft and Mary Byrd Kelly (Philadelphia, PA: University of Pennsylvania, 2013), pp. 90–1. The editors of the interview with the Bergen-Belsen doctor who represented the victims, for example, trimmed and rearranged the interview to create clarity and continuity.
 - 14 Hicks, p. 47.
 - 15 The documentation of Nazi atrocities in the Soviet Union can be found in the twenty-seven communiqués issued by the Commission in the Soviet Government publication, *Soviet Government Statement on Nazi Atrocities* (London: Hutchinson & Co, Ltd., 1946), pp. 77–317.
 - 16 Directed by Frank Capra and Anatole Litvak and produced by the Office of War Information, *Battle of Russia* is episode five in the seven-part *Why We Fight* series, released in November 1943. The OWI pro-Soviet perspective in film also included the US production of *Mission to Moscow* (1943), *North Star* (1943), and *Song of Russia* (1944) in order to show the Soviets as a humane and cultured people, “just like us.” *North Star* was later renamed *Armored Attack* and took on an anti-Soviet tone during the Cold War.
 - 17 Soon after the July 1936 nationalist uprising in Spain, Stalin learned of the importance of the civil war in Spain and allowed two trusted cameramen, Roman Karmen and Boris Makaseev, to film the events to be screened in Russia. Karmen made his reputation by filming battle scenes, including the siege of the Alcazar in Toledo, as well as the battles of Madrid and Guadalajara. Twenty newsreels about the political, cultural, and military scene in Spain circulated in Moscow theaters shortly after the events themselves transpired. Karmen’s feature-length films (*Spain in Flames* and *Spain*) captured a wide range of military conflicts from the Republican perspective and helped prepare him for his war cinematography work in World War II.
 - 18 In the documentary *Majdanek 1944*, Karmen is photographed filming in August 1944 at the first camp to be liberated.
 - 19 Hicks describes in some detail the notion of vengeance (p. 73) with respect to the film *We Shall Be Avenged* (1942). The subtitle further hints at the legal objective in filming the Nazi war crimes: “Film Documents of the Monstrously Evil Deeds, Atrocities and Violence of the German-Fascist Invaders.”
 - 20 Anthony Beevor, *The Fall of Berlin 1945* (New York/London: Viking Penguin, 2003), p. 420.
 - 21 See the specific details of the executions and cover-up, as well as the indication of the gas chambers in the report prepared by the clergy, attorneys, Polish and Russian

professors, a member of the Polish Committee for the National Liberation, and a member of the Red Cross: “Communique of the Polish-Soviet Extraordinary Commission for Investigating the Crimes Committed by the Germans in the Majdanek Extermination Camp in Lublin.” The twenty-seven-page report can be found at <http://www.jewishgen.org/forgottenCamps/Camps/MajdanekReport.html> [accessed June 13, 2013]

- 22 “Communique of the Polish-Soviet Extraordinary Commission,” p. 26.
- 23 This memorial segment of the film was added in 1960 and includes a spiritual dimension to Ford’s work, modifying its tone.
- 24 The anthem is a clarion call to stand up against the German oppression:
- We shall not abandon the land of our ancestors!
 We shall not allow to bury our language!
 We are the Polish nation, the Polish folk,
 We are the royal descendants of Piast,
 We shall not allow the enemy to oppress us,
 So help us God! So help us God!
 Germans will not spit in our faces,
 they will not germanize our children,
 our troops will stand with weapons,
 the peasants will be our leaders,
 We shall go when the golden horn will sound –
 So help us God! So help us God!
- 25 For more details on this first tribunal see Stuart Liebman in “The Majdanek Trial: the Holocaust on Trial on Film: Kasimierz Czyński’s *Swatstyka I Szubienica*,” in Christian Delage and Peter Goodrich, eds, *The Scene of the Mass Crime: History, Film, and International Tribunals* (New York/London: Routledge, 2013), pp. 113–28.
- 26 Stuart Liebman, p. 114. Liebman also notes that an earlier film production, *Prigobor Naroda (The Verdict of the People)*, a trial of eleven Soviet collaborators with the Nazis in the execution of thousands of civilians, may have served as a model for Czyński’s film on the Majdanek trial.
- 27 Liebman, p. 123.
- 28 <http://www.youtube.com/watch?v=hk-TAq8CiIw> [accessed August 16, 2013].
- 29 In January 1995, at the time of the fiftieth anniversary of the liberation of Auschwitz, the author filmed a documentary at Majdanek and Auschwitz dealing with Nazi medicine. The shoes, very aged and tinged slightly with mold, still remained to bear witness.
- 30 Since the evidence of the gas chamber and crematorium at Majdanek was still in place at the liberation by the Red Army and Polish troops, the Majdanek tribunal had ample evidence of the extermination process of Jews (56,000 Polish Jews, for

- example). A second Majdanek trial took place between 1946 and 1948, while the third, lasting six years, took place in Düsseldorf from 1975 to 1981.
- 31 Tomasz Kranz, *The Extermination of Jews at the Majdanek Concentration Camp* (Lublin: Panstwowe Muzeum na Majdanku, 2007).
- 32 On February 19, 1946, the Russian prosecution asserts that the death toll of Majdanek reached 1.5 million, including POWs, victims from many nations, and “a great number of Jews,” <http://avalon.law.yale.edu/imt/02-19-46.asp> [accessed February 8, 2014].
- 33 Eva Mozes Kor (as told to Mary Wright), *Echoes from Auschwitz: Dr. Mengele’s Twins—The Story of Eva and Miriam Mozes* (Terre Haute, IN: Candles, Inc., 2002), p. 137. Eva Mozes Kor recounts the history behind the twin experiments at Auschwitz in the documentary *Nazi Medicine: In the Shadow of the Reich* (First Run Features, 1996). Eva today recalls the jubilation of that day as the Soviets toasted the victory with vodka, while she and Miriam, having scrounged for food for days (called “organizing”), were concerned about eating too much (phone interview, June 5, 2013).
- 34 Among the other more well-known survivors of Auschwitz were Anne Frank’s father, Otto, who had been in the camp hospital at the time of the liberation, and Elie Wiesel, who had already gone on the death march from Auschwitz and lived to write of his experiences in *Night*.
- 35 See Eric Lightblau, “The Holocaust Just Got More Shocking,” *The New York Times*, March 1, 2013, p. SR3. It is important to understand that even today statistics are still shifting, as the US Holocaust Memorial Museum researchers have demonstrated that there were 45,000 Nazi ghettos and camps responsible for the deaths of perhaps millions more victims than earlier believed. “The figure is so staggering that even fellow Holocaust scholars had to make sure they had heard it correctly when the lead researchers previewed their findings at an academic forum in late January at the German Historical Institute in Washington.”
- 36 For details of the human experimentation at Auschwitz and other camps, see George J. Annas and Michael A. Grodin, *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation: The Nazi Doctors and Medical Experiments* (Oxford/New York: Oxford University Press, 1992), especially pp. 53–9, Eva Mozes Kor’s personal description of the Mengele twin experiments.
- 37 For interviews with Nazi doctors, see Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), especially Part Two on Auschwitz.
- 38 In Primo Levi’s recollections it was a beautiful sunny winter’s day, as he notes in *Survival in Auschwitz*.
- 39 Laurence Rees, “Raped by their saviours: How the survivors of Auschwitz escaped one nightmare only to face another unimaginable ordeal,” (Daily) *Mail Online*, <http://www.dailymail.co.uk/news/article-1247157/How-survivors-Auschwitz-escaped-nightmare-faced-unimaginable-ordeal.html> [accessed June 15, 2103].

- 40 Agence Presse, Moscow, "Auschwitz haunts Soviet veteran, 65 years after liberation," January 25, 2010, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=auschwitz-haunts-soviet-veteran-65-years-after-liberation-2010-01-25> [accessed June 15, 2013].
- 41 "If it hadn't been for Topf ovens, the Nazis would have had a more difficult time killing so many and leaving so little evidence. And, chillingly, there are indications that the family was proud of its work. A visitor to the Holocaust memorial site at Buchenwald can inspect the old crematories and see the ovens, the doors emblazoned with the name 'Topf in Gothic brass letters.'" Mary Williams Walsh, "The Bitter Legacy Of Family That Made Ovens Of Auschwitz," *Los Angeles Times*, September 2, 1994, <http://community.seattletimes.nwsourc.com/archive/?date=19940902&slug=1928387> [accessed June 16, 2013].
- 42 For further descriptions of the experiments see Lucette Matalon Lagnado and Sheila Cohn Dekel, *Children of the Flames: Dr. Josef Mengele and the Untold Story of the Twins of Auschwitz* (New York: Penguin Group, 1991).
- 43 Jackson quotes from the October 15, 1941 report of the "Einsatzgruppen (Action Group) A":

From the beginning it was to be expected that the Jewish problem in the East could not be solved by pogroms alone. In accordance with the basic orders received, however, the cleansing activities of the Security Police had to aim at a complete annihilation of the Jews. Special detachments reinforced by selected units—in Lithuania partisan detachments, in Latvia units of the Latvian auxiliary police—therefore performed extensive executions both in the towns and in rural areas. The actions of the execution detachments were performed smoothly.

<http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-by-robert-h-jackson/opening-statement-before-the-international-military-tribunal/> [accessed August 13, 2013].

Chapter 5

- 1 <http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-by-robert-h-jackson/opening-statement-before-the-international-military-Tribunal/> [accessed August 14, 2013].
- 2 Christian Delage, "Creating an International Court: A Movie Project," *Law and Humanities*, Vol. 5 No. 1, 2011, discusses another pre-Nuremberg Trial film, André de Toth's *None Shall Escape*, released in February 1944. The film follows the trial of a Nazi officer accused of war crimes. The presiding judge offers his opening speech:

- “Throughout the occupation by the Nazis of the invaded countries, a complete record has been kept of the crimes of the Nazis and the Nazi collaborationists. The names of these criminals were recorded, anticipating the day when judgment would be done. This court will decide not only whether the accused are innocent or guilty, but the extent of the crimes. This court will determine what penalty the accused must pay” (p. 179). The film’s working title was *Lebensraum*, alluding to the Nazis’ desire for more geographical space for growth and activity.
- 3 For a synopsis and shot list, see <http://www.cine-holocaust.de/cgi-bin/gdq?efw00fbw000681.gd> [accessed February 18, 2014].
 - 4 The eleven-minute film can be found online at <http://www.youtube.com/watch?v=HV1DcxLDxDg> [accessed February 18, 2014].
 - 5 President Truman gave Robert H. Jackson carte blanche to choose his team to prepare for the International Military Tribunal, and to request needed assistance from foreign governments as the official representative of the US. See Executive Order 9547 Providing for Representation of the United States in Preparing and Prosecuting Charges of Atrocities and War Crimes Against the Leaders of the European Axis Powers and Their Principal Agents and Accessories, <http://avalon.law.yale.edu/imt/imt9547.asp> [accessed June 23, 2013].
 - 6 Jackson report to President Truman, June 6, 1945, <http://avalon.law.yale.edu/imt/jack08.asp> [accessed June 21, 2013].
 - 7 At the dawn of the Cold War, Jackson was adamant that the film of the trials be available in the US as an historical lesson, creating a controversy in light of Germany’s status then as an ally against the Soviet threat. See Terry Carter, “A Long-Forgotten Film on the Nuremberg Trials Helps Rekindle Interest in the Holocaust,” *ABA Journal*, February 1, 2001, http://www.abajournal.com/magazine/article/a_long-forgotten_film_on_the_nuremberg_trials_holocaust/ [accessed January 22, 2014].
 - 8 Doug Linder, “Nuremberg Trials,” <http://law2.umkc.edu/faculty/projects/ftrials/nuremberg/nurembergaccount.html> (accessed September 11, 2013).
 - 9 From the transcript of the November 21, 1945 afternoon session, <http://avalon.law.yale.edu/imt/11-21-45.asp> [accessed January 22, 2014].
 - 10 Bruce M. Stave and Michele Palmer, with Leslie Frank, *Witnesses to Nuremberg: An Oral History of American Participants at the War Crimes Trials* (New York/London: Twayne Publishers/Prentice Hall International, 1998), p. 26. Kiley here describes the responsibilities of the Presentation Branch for the preparation of evidence including film captured by the OSS; presentation of the materials with charts and exhibits; planning and laying out the courtroom and its mechanical operation; and the production of public relations material.
 - 11 For more details dealing with the physical preparation for the Nuremberg Trials, see “Nuremberg Trials 60th Anniversary,” *Dimensions (online): A Journal of Holocaust*

- Studies*, Vol. 19, Fall 2006, http://archive.adl.org/education/dimensions_19/section1/background.asp [accessed June 22, 2013]
- 12 From Kiley's interview, in Stave, Palmer, and Frank, p. 23. Unfortunately, many of the designs that he had displayed during the interview were destroyed in a fire at Kiley's home, according to his son. Courtesy of Kiley's son Christopher Kiley, phone conversation, July 22, 2013.
 - 13 "Introduction," Christian Delage and Peter Goodrich, eds, *The Scene of the Mass Crime: History, Film, and International Tribunals* (New York/London: Routledge, 2013), pp. 2–3. In the pictorial illustration of the proceedings in *Justice at Nuernberg* (Chicago, IL: Marvel Press, 1946), Charles W. Alexander documented the trial with his photographs of the war-torn city of Nuremberg as well as the historical unfolding of the trial with its images of the locale and players. Pages 47 and 139 with their accompanying photos illustrate the layout of the courtroom with its projection booth, a glass booth for photographers, and a sound-proof booth for the film camera setup. "Films used as evidence were projected on a screen erected at the far end of the courtroom which was well within the vision of everyone in the room" (p. 139).
 - 14 Stave, Palmer, and Frank, p. 29.
 - 15 From Justice Robert Jackson's opening statement, author's emphasis, http://www.pbs.org/wnet/supremecourt/personality/sources_document12.html [accessed June 22, 2013]. The Yale Avalon project contains not only the record of the Nuremberg Trial of the Major War Criminals, but also documents pertaining to the proceedings, [The+Yale+Avalon+Project%2c+Nuremberg+Trials&tid=80469&tp=bs&lng=en](http://www.yale.edu/avalon/project%2c+nuremberg+trials&tid=80469&tp=bs&lng=en) [accessed June 22, 2013].
 - 16 Jackson's entire statement can be found at <http://avalon.law.yale.edu/imt/11-21-45.asp>, while film excerpts can be viewed at www.youtube.com/watch?v=L50OZSeDXeA [accessed June 22, 2013].
 - 17 The defendants are listed here including the counts with which they were charged as well as their sentence: <http://history1900s.about.com/library/holocaust/aa101899.htm> [accessed July 21, 2013].
 - 18 For a translation of the report, see <http://avalon.law.yale.edu/imt/1061-ps.asp> [accessed June 23, 2013]. In using the Nazis' own words to condemn them, Justice Jackson describes the "proud" report of Stroop in this manner:

I shall not dwell on this subject longer than to quote one more sickening document which evidences the planned and systematic character of the Jewish persecutions. I hold a report written with Teutonic devotion to detail, illustrated with photographs to authenticate its almost incredible text, and beautifully bound in leather with the loving care bestowed on a proud work. It is the original report of the SS Brigadier General Stroop in charge of the destruction of the Warsaw Ghetto, and its title page carries

the inscription, “The Jewish ghetto in Warsaw no longer exists.” It is characteristic that one of the captions explains that the photograph concerned shows the driving out of Jewish “bandits”; those whom the photograph shows being driven out are almost entirely women and little children. It contains a day-by-day account of the killings mainly carried out by the SS organization, too long to relate . . .

For an analysis of the power and symbolism of the photographic image, see also Barbie Zelizer, *Remembering to Forget: Holocaust Memory through the Camera's Eye* (Chicago, IL/London: University of Chicago Press, 1988), especially the chapter “Covering Atrocity in Image,” pp. 86–140.

- 19 Colonel Léon Dostert was Head of the Translation Division during the early part of the Nuremberg Trials. He suggested to Jackson's prosecuting team utilizing the IBM simultaneous translation system for the trial and helped work out the complex details for its usage.
- 20 Commander James B. Donovan, “Memorandum to the Planning Committee,” November 19, 1945, http://library2.lawschool.cornell.edu/donovan/pdf/Batch_8/Vol_XVIII_56_03.pdf [accessed July 26, 2013].
- 21 The show trial of those involved in the Valkyrie assassination plot against Hitler on July 20, 1944 was diligently filmed to reveal what would happen to those guilty of treason against the state. The notorious Judge Roland Freisler presided and the participants were subsequently executed gruesomely. According to Christian Delage, Budd Schulberg noted that a copy of the film footage (sixty-eight reels, approximately eleven hours of material) was discovered by his team in a small Berlin film library. Delage, *Caught on Camera: Film in the Courtroom from the Nuremberg Trials to the Trials of the Khmer Rouge*, edited and translated by Ralph Schoolcraft and Mary Byrd Kelly (Philadelphia, PA: University of Pennsylvania Press, 2014) pp. 119–20.
- 22 Donovan, “Memorandum to the Planning Committee.” The list is an abbreviated form of Donovan's memorandum with commentary. For further images of the Nazi Party activities a chronological description of the various Nazi newsreels can be found in a document that is archived in the Donovan Nuremberg Trials Collection at the Cornell University Law Library, marked “Secret,” and signed by Donovan: “Newsreels from 1933 to 1944 Showing How the Nazis Prepared, Started and Prolonged the Second World War,” <http://ebooks.library.cornell.edu/cgi/t/text/text-idx?c=nur;idno=nur00456> [accessed January 25, 2014].
- 23 Yvonne Kozlovsky-Golan, *The Shaping of the Holocaust Visual Image by the Nuremberg Trials: The Impact of the Movie “Nazi Concentration Camps”* (Jerusalem: Yad Vashem, 2006), p. 22. Kozlovsky-Golan further critiques Lawrence Douglas' interpretation of the film, especially in raising the issue of collective guilt with respect to the villagers near the camps, as does Stevens in the documentary. This is

- contrary to Jackson's approach of not indicting all of the Germans for the evil transgressions of their Nazi leaders.
- 24 In a similar photo of the Nazi concentration camp system in *Justice at Nuernberg* (Chicago, IL: Marvel Press, 1946), one reads "Through motion pictures, documents and affidavits, the court learned how prisoners were shot at random, how poison was injected into their bodies, and how life became so intolerable that many prayed for a quick death" (p. 183)
 - 25 Primo Levi, *The Drowned and the Saved* (New York: Vintage/Random House, 1989), pp. 11–12, quoted in Lawrence Douglas, "Film as witness: screening 'Nazi Concentration Camps' before the Nuremberg Tribunal," January 11, 1995, <http://codoh.com/library/document/526> [accessed June 26, 2013]. This material can be also found in Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven, CT: Yale University Press, 2005), Part One.
 - 26 From Justice Jackson's opening statement, <http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-by-robert-h-jackson/opening-statement-before-the-international-military-Tribunal/> [accessed June 23, 2013].
 - 27 Earlier war crimes cases, for example of World War I issues, were tried in the respective national courts. A clip from *Nazi Concentration Camps* would also be shown as a film within a film in Stanley Kramer's *Judgment at Nuremberg* (1961), dealing with a 1948 trial of four judges, one of whom, Dr. Ernst Janning, is played by Burt Lancaster. The prosecution also used *Nazi Concentration Camps* as evidence in the Adolf Eichmann trial in Jerusalem from April 2 to August 14, 1961.
 - 28 <http://avalon.law.yale.edu/imt/11-29-45.asp> [accessed June 23, 2013].
 - 29 Displayed at the exhibition of "Filming the Camps: From Hollywood to Nuremberg," at the Museum of Jewish Heritage (March 22–October 14, 2012) were the captions by the cameramen who routinely attached the details to the reels of film being submitted for evidence. Clips from the US Signal Corps footage shot by John Ford and George Stevens, and later Sam Fuller, illustrate the mission of the Hollywood directors at the liberation of the concentration camps.
 - 30 <http://avalon.law.yale.edu/imt/11-29-45.asp> [accessed June 23, 2013].
 - 31 For the full English text of the fifty-nine-minute film see Ulrike Weckel, *Beschämende Bilder: Deutsche Reaktionen auf alliierte Dokumentarfilme über befreite Konzentrationslager* (Stuttgart: Franz Steiner Verlag, 2012), pp. 584–91. It can also be found in the Donovan Nuremberg Trials Collection, http://library2.lawschool.cornell.edu/donovan/pdf/Nuremberg_3/Vol_IX_16_03.pdf [accessed January 28, 2014].
 - 32 Document PS-2430, *Nazi Concentration and Prisoner-of-War Camps: A Documentary Motion Picture*, film shown at the Nuremberg Trial, November 29, 1945.

- 33 For more details, view the documentary *Nazi Medicine: In the Shadow of the Reich* as well as the early sequence of Costa-Gavras' film *Amen*. which deals with an example of euthanasia, the mercy killing of the niece of SS officer Kurt Gerstein.
- 34 Peter Knauth, reports for *Time Magazine* on April 30, 1945, "In Buchenwald today I saw death reduced to such a state of ordinariness that it just left me numb and feeling nothing, not even sickness at my stomach. Propaganda is propaganda and in this war we have had more than our share of atrocity stories, but Buchenwald is not a story" <http://www.time.com/time/magazine/article/0,9171,797410,00.html> [accessed July 25, 2013].
- 35 For the OSS report on Dachau with photographs archived at the Dwight D. Eisenhower Presidential Library see "Report, 'Dachau,' prepared by the Office of Strategic Services Section, Seventh Army, undated (71 pages)," http://www.eisenhower.archives.gov/research/online_documents/holocaust/Report_Dachau.pdf [accessed February 26, 2014].
- 36 Telford Taylor, *The Anatomy of the Nuremberg Trials* (New York: Alfred A. Knopf, 1992), p. 187.
- 37 Ibid.
- 38 Ibid.
- 39 <http://roberthjackson.org/the-man/nuremberg-trial/nuremberg-trial-timeline/>. For another perspective on the screening of *Nazi Concentration Camps* see Ulrike Weckel, especially pp. 115–23.
- 40 Major Leon Goldensohn was the other psychiatrist besides Gilbert overseeing the prisoners. His interviews with the prisoners can be found in Leon Goldensohn and Robert Gellately, *Nuremberg Interviews: An American Psychiatrist's Conversations with the Defendants and Witnesses* (New York: Vintage Books/Random House, 2004).
- 41 Gilbert was able to closely observe the defendants' reactions to the grisly scenes of contorted corpses due to John Ford's team from the US Signal Corps who, the day before the screening, installed a row of neon lights above the defendants.
- 42 G.M. Gilbert, *Nuremberg Diaries* (New York: Farrar, Straus and Company, 1947), p. 45.
- 43 Gilbert, p. 46. The next day, the *New York Herald Tribune* for November 30, p. 11, "Atrocity Films in Court Upset Nazis' Aplomb," covered the reactions of the defendants. It raises the question whether the defendants were acting for the public.
- 44 Gilbert, p. 47. Albert Speer in Munich on June 15, 1977, referencing his appearance at the International Military Tribunal, made a sworn statement about his guilt in the participation of the government of the Third Reich:

The Nuremberg Trial stands for me still today as an attempt to break through to a better world. Still today I acknowledge as generally correct the reasons of my sentence by the International Military Tribunal. Moreover,

I still today consider as just that I assume the responsibility and thus the guilt for everything that was perpetrated by way of, generally speaking, crime, after my joining the Hitler Government on the 8th February 1942. Not the individual mistakes, grave as they may be, are burdening my conscience, but my having acted in the leadership. Therefore, I for my person, have in the Nuremberg Trial, confessed to the collective responsibility and I am also maintaining this today still. I still see my main guilt in my having approved of the persecution of the Jews and of the murder of millions of them.

“Testimony of Albert Speer,” *Jewish Virtual Library*
<http://www.jewishvirtuallibrary.org/jsource/Holocaust/speer.html> [accessed February 9, 2014]

- 45 It would take the Nuremberg Physicians Trial (December 9, 1946 to August 20, 1947) to come to grips with international regulations pertaining to voluntary, informed consent in medical experimentation.
- 46 From the transcript of the Nuremberg Trials, Day 19, December 13, 1945, <http://avalon.law.yale.edu/imt/12-13-45.asp> [accessed February 9, 2014].
- 47 Count One is presented in the Charter in the Avalon Project site, <http://avalon.law.yale.edu/imt/count1.asp> [accessed July 25, 2013]. .
- 48 “Justice Jackson’s Report to the President on Atrocities and War Crimes,” http://avalon.law.yale.edu/imt/imt_jack01.asp [accessed February 6, 2014].
- 49 Raoul Hilberg, *The Destruction of the European Jews* (New Haven, CT: Yale University Press, 2003).
- 50 Philip Kennicott, “Art of Justice: The Filmmakers at Nuremberg,” *The Washington Post*, November 29, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/28/AR2005112802026.html> [accessed August 15, 2013].
- 51 Siegfried Kracauer worked on the German part of The Museum of Modern Art’s collection from 1941 to 1943 and had full knowledge of the German film holdings which he used for his classic text on German Expressionism, *From Caligari to Hitler: A Psychological History of the German Film* (1947). His guidance in analyzing the films for the crew was noteworthy.
- 52 For very rich detail on the search for Nazi footage for *The Nazi Plan*, see Sandra Schulberg, *Filmmakers for the Prosecution: The Making of Nuremberg: Its Lesson for Today*, http://www.americanbar.org/content/dam/aba/events/international_law/2012/08/section_of_internationallawattheabas2012annualmeeting/makingofnuremberg_itslessonfortoday.authcheckdam.pdf [accessed February 19, 2014].
- 53 Riefenstahl went through the “denazification” process first with the Americans and then with the French.
- 54 Philip Kennicott, “Art of Justice: The Filmmakers at Nuremberg.”

- 55 In Ray Müller's 1993 film *The Wonderful Horrible Life of Leni Riefenstahl*, Riefenstahl claims she was never a member of the Nazi Party and had no ideological interest in *Triumph of the Will*, instead stating that she only produced an artistic and historical representation of the September 1934 Nazi Party rally in Nuremberg. (Since it was not artistic and ill-prepared, she rejected her earlier *Victory of Faith* film of the 1933 Party rally.) With respect to Riefenstahl being considered a "Fellow Traveler," this theme of the *Mitläufer* was used in several German films. Wolfgang Staudte was among a few post-war film directors of "rubble films," who focused on the moral collapse of a civil society. Staudte placed *Mitläufer* at the center of two of his films: *Die Mörder sind unter uns* (*The Murderers Are Among Us*) from 1946 and *Rotation* from 1948–9. In each film, the protagonist is apolitical and in no way supports the Nazi Party; indeed, he privately opposes the regime and the war. Nonetheless, both men are complicit: one as an officer on the Eastern Front, and the other as an employee of the press that prints the main Nazi newspaper. Each fails to intervene in crimes that he witnesses, and even when one of them eventually makes up his mind to support the resistance, he acts too late and all too ineptly, <http://muse.jhu.edu/journals/ham/summary/v015/15.2weckel.html> [accessed July 27, 2013].
- 56 Hoffmann's photos were confiscated by the US and are now in the National Archives.
- 57 Cited in Christian Delage, *Caught on Camera*, p. 113.
- 58 The film was most familiar to the Allies. Frank Capra had already used extensive footage from the film for his seven-part "Why We Fight" series to be used to introduce the US Army to their enemies. The British utilized certain clips in the preparation for what would become *Memory of the Camps*. The film was also screened in Nuremberg on November 8, a few weeks prior to the opening of the trial. Since Rudolf Hess claimed to be suffering from amnesia, the film was shown to Hess in a large room in an audience of twenty-five attendees in order to jog his memory. Telford Taylor describes the event in *The Anatomy of the Nuremberg Trials: A Personal Memoir* (New York: Alfred A. Knopf, 1992), pp. 150–1.
- 59 Hitler used this phrase constantly to help plant the seeds of the new revolution in the minds and hearts of the German people who had suffered through the aftermath of World War I and the Depression.
- 60 William E. Shirer, in *The Rise and Fall of the Third Reich* (New York: Simon & Schuster, 1960), on his visit to the Nuremberg Trial, viewed in the dock the defeated Nazis that he had seen in their glory days. He described Julius Streicher as "the Jew-baiter of Nuremberg" and a "sadist and pornographer, whom I had once seen striding through the streets of the old town brandishing a whip . . ." p. 1142.
- 61 Recall a similar scene in Charlie Chaplin's *The Great Dictator* (1939) as SA thugs attempt to paint a Star of David on the façade of the shop of the Jewish barber, played by Chaplin.

- 62 Goebbels especially lambasted Jewish intellectualism, as well other types of independent thought. This led to severe racial and cultural censorship and eventually to a disastrous outcome, the Shoah. In his lesser known work, *Almansor* (1821), the poet Heinrich Heine prophesied: “*Dort, wo man Bücher verbrennt, verbrennt man am Ende auch Menschen*”: “Where they burn books, they will in the end also burn people.” Set in the 1500s in Spain during the time of the Inquisition, the play includes a burning of the Koran, evoking the famous quote by the poet.
- 63 Hitler had Ernst Röhm, the head of the paramilitary SA, executed as well as a majority of the SA leadership. For the political context of the execution of SA traitors, see Erik Larson, *In the Garden of the Beasts. Love, Terror, and An American Family in Hitler’s Berlin*. Here Larson chronicles the tense time of US Ambassador William E. Dodd in 1933 Berlin.
- 64 For the original script of the film, consult David Calvert Smith, *Triumph of the Will: Document of the 1934 Reich Party Rally* (Richardson, TX: Celluloid Chronicles Press, 1990). For a discussion of the film’s historical and propaganda value, see Erwin Leiser, *Nazi Cinema* (New York: Macmillan Publishing Co., 1968), especially the documents in the Appendix dealing with behind the scenes issues. Further analysis of the documentary can be found in Richard Taylor, *Film Propaganda: Soviet Russia and Nazi Germany*, second revised edition (London/New York: I.B. Tauris, 1998), especially pp. 162–72. For the technical production of the film, view Ray Müller’s film *Wonderful Horrible Life of Leni Riefenstahl* (1993) wherein the feisty director regrets the turmoil her production of the film caused her.
- 65 In *Architecture of Doom* (1989) Peter Cohen lays out a thesis that Hitler saw himself around 1906 or 1907 as the conquering hero Cola Rienzi. Joseph Horowitz writes in a *New York Times* article, “The Specter of Hitler in the Music of Wagner,” November 8, 1998:

In the case of “Rienzi,” the Hitler connection is fascinatingly complex. According to a 1953 account by August Kubizek, Hitler’s first exposure to this early Wagner opera, when he was 15, shaped his future: “My friend, his hands thrust into his coat pockets, silent and withdrawn, strode through the streets and out of the city . . . Never before and never again have I heard Adolf Hitler speak as he did in that hour, and we stood there alone under the stars . . . It was a state of complete ecstasy and rapture, in which he transferred the character of Rienzi . . . with visionary power to the plan of his own ambitions.”

<http://www.nytimes.com/1998/11/08/arts/the-specter-of-hitler-in-the-music-of-wagner.html?pagewanted=all&src=pm>
[accessed July 6, 2103]

- 66 This Congress introduces the infamous Nuremberg Laws subjecting Jews to harsh restrictions in their private and civic lives, as well as mandatory military duty, thus overtly violating the terms of the Versailles Treaty.

- 67 On April 26, 1937, the Condor Legion dropped ton after ton of bombs on the Basque town of Guernica on a peaceful market day in its attempt to test the concept of *blitzkrieg* with modern materiel under realist conditions in wartime. Hermann Göring later testified at the Nuremberg Trials, “The Spanish Civil War gave me an opportunity to put my young air force to the test, and a means for my men to gain experience.”
- 68 This segment as with others from *The Nazi Plan* can be found in the Steven Spielberg Film and Video Archive of the United States Holocaust Memorial Museum, http://www.ushmm.org/online/film/display/detail.php?file_num=2198 [accessed February 9, 2014].
- 69 The most well-known of these commemorations of those fallen in the ranks of the Party is *Für Uns: Zum Appel* (*For Ourselves*, 1937), a homage to the sixteen National Socialist Party members who were killed in the November 8–9, 1923 Munich beer hall putsch. Hitler places wreaths next to the monuments of the “martyrs.”
- 70 For a further study of the combat action of the Condor Legion, see Carlos Jurado and Ramiro Bujeiro, *The Condor Legion: German Troops in the Spanish Civil War* (Oxford: Osprey Publishing Company, 2006).
- 71 See Fritz Hippler’s Nazi propaganda film, *Feldzug in Polen* (*Campaign in Poland*, 1940), a justification of occupying Poland which allegedly claimed the Poles provoked Germany into war. The film illustrates the firepower of the Reich in its display of artillery, aircraft, and naval equipment.
- 72 Operation Barbarossa broke the Molotov-Ribbentrop Pact of August 23, 1941 as Hitler turned on his former ally, Joseph Stalin. To see how the US viewed this turn of events and used it for propaganda purposes, see Frank Capra and Anatole Litvak’s *Battle of Russia* (1943) in the “Why We Fight” series. Albert Speer’s memoir, *Inside the Third Reich* (New York: Macmillan Company, 1970), pp. 161–2, offers a personal view of Hitler’s delight in getting Stalin to consider a non-aggression pact. He also describes Hitler’s “megalomania” in planning the attack on Soviet Russia, pp. 180–1.
- 73 The actor Thomas Kretschmann plays the role of Remer in the German-American film of the assassination plot against Hitler, *Valkyrie* (2008), wherein Tom Cruise assumes the role of Count Claus von Stauffenberg.
- 74 For the maniacal behavior of Judge Freisler, see Marc Rothemund’s *Sophie Scholl: The Last Days* (2005) about the trial of the members of the The White Rose resistance group in Munich.
- 75 Telford Taylor, *The Anatomy of the Nuremberg Trials* (New York: Alfred A. Knopf, 1992), p. 200.
- 76 G.M. Gilbert, *Nuremberg Diary* (New York: Da Capo Press, 1995), p. 66.
- 77 Gilbert, p. 68. Besides the frenzy among the spectators at the motorcade of Hitler in *Triumph of the Will*, this same magnetism was found among the Hitler Jugend. See Alfons Heck, *A Child of Hitler: Germany in the Days When God Wore a Swastika*

- (Phoenix, AZ: Renaissance House, 1985). Heck recalls the wild enthusiasm of the citizens in Hitler's march through his hometown of Wittlich to take back the Rhineland from the French fifteen years after the Treaty of Versailles. Also, Göring appears again in a later British documentary, *The Living Dead, Episode 1: On the Desperate Edge of Now*, produced by Adam Curtis, www.youtube.com/watch?v=4xoM6-1SWl4 [accessed August 14, 2013].
- 78 Ann Tusa and John Tusa, *The Nuremberg Trial* (London: BBC Books, 1995), p. 169.
- 79 Taylor, p. 200. This procedure was based on the articles of the London Charter of 1943 which established the Tribunal.
- 80 The three pages of descriptions of the maltreatment of civilians and the two pages of affidavits by McIntire and James Donovan can be found in the Donovan Nuremberg Trials Collection at the Cornell University Law Library, <http://ebooks.library.cornell.edu/n/nur/pdf/nur00768.pdf> [accessed January 24, 2014]. (I am grateful to Thomas W. Mills at the Cornell University Law Library for facilitating this research.)
- 81 Atrocities committed by Nazis against Jews in Germany, submitted as evidence "Exhibit USA-280" during the Nuremberg Trials, http://www.criticalpast.com/video/65675037201_Nazi-abuse-of-Jews_beating_atrocities_amateur-footage_USA-280 [accessed August 14, 2013].
- 82 From the Yale Avalon Project archive, <http://avalon.law.yale.edu/imt/12-13-45.asp> [accessed July 18, 2013].
- 83 The wording changes from "scene" to "number" in the text, whereas the original uses numbers alone, <http://www.holocaust-history.org/works/imt/03/htm/t537.htm> [accessed September 18, 2013]. For details of the affidavits and the complete list of the seventy-eight scenes on the 8mm film (marked Exhibit "B"), consult the Donovan Nuremberg Trials Archive, <http://ebooks.library.cornell.edu/n/nur/pdf/nur00768.pdf> [accessed February 2, 2014].
- 84 From Hans Frank's closing statement at the session, submitted in evidence as Exhibit Number USA-281.
- 85 "Molotov's Note on German Atrocities in Occupied Soviet Territory," http://www.ess.uwe.ac.uk/documents/ussr_atrocities.htm [accessed July 14, 2013].
- 86 A copy of the documentary is located at the Library of Congress. Ulrike Weckel offers a German translation of the film in *Beschämende Bilder* (pp. 593–603) and comments on its contents throughout the text.
- 87 Gilbert, p. 161.
- 88 Jeremy Hicks, *First Films of the Holocaust: Soviet Cinema and the Genocide of the Jews, 1938–1946* (Pittsburgh, PA: University of Pittsburgh Press, 2012), p. 186. The Soviet legal tradition was to view a trial not as a way to determine guilt, but as a way of publicizing guilt already established "objectively" in political terms. For a more detailed study of the Soviet legal approach, especially throughout Stalin's rule, see

- Peter H. Solomon, Jr., *Soviet Criminal Justice Under Stalin* (Cambridge: Cambridge University Press, 1996).
- 89 Francine Hirsch, "The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order," *American Historical Review*, June 2008, p. 713.
- 90 Ilya Selvinsky, a Soviet poet and military journalist during the war, witnessed the aftermath of the Nazi massacre of the Kerch Jewish community and recorded it in his poem "I Saw It." Maxim D. Shrayer's *I Saw It: Ilya Selvinsky and the Legacy of Bearing Witness to the Shoah* is a ground-breaking study of Selvinsky's experiences on the front. The poet's poem and reports of the December 1941 slaughter of the Jews mark one of the earliest records of the Nazi annihilation of the Jews in Soviet territory.
- 91 In the course of the twelve subsequent Nuremberg Trials, the US military *Einsatzgruppen* trial of 1947–8 consisted of the prosecution of twenty-four of the leaders.
- 92 The Protocol, "On the Mass Shooting of Jews by the German Murderers in the Drobitzki Valley," dated September 5, 1943, reveals the details of the decimation of the Jewish community, <http://www.jewishvirtuallibrary.org/jsource/Holocaust/Kharkov.html> [accessed February 27, 2014].
- 93 In her memoir, *Echoes from Auschwitz*, p. 140, Eva Mozes Kor describes the departure from the camp filmed a few days after the Red Army arrived. She recalls being among the first of the children, most of them Mengele Twins, passing through the barbed wire. She wondered why they were being photographed. Were they movie stars?
- 94 On a personal note, the most disturbing moment during the author's visit to Majdanek (and Auschwitz) in January 1995 for the fiftieth anniversary of the liberation of Auschwitz, was the mound of little children's shoes, symbolic of the vast number of children who did not survive the camp.
- 95 Meseritz-Obrawalde accounted for the euthanizing of 10,000 patients during the euthanasia program of the Third Reich. See the Costa-Gavras film *Amen*. for an understanding of the euthanasia process at Hadamar, one of the six major euthanasia centers.
- 96 "New Israeli film debunks myth that Nazis made soap from Jews," <http://www.haaretz.com/jewish-world/jewish-world-features/.premium-1.527623> [accessed July 20, 2013]. Director Eyal Pallas in his documentary *Soaps* (2013) reports the fact that the Nazis did not make industrial soap from human fat, a position also held by Yad Vashem in Jerusalem. Israel's foremost Holocaust historian, Yehuda Bauer, comments on the soap "myth": "Already at the Nuremberg (sic) Trials it was clear that this was not [true]. They saw the laboratory in Danzig was only experimental. The rumor about soap was a psychological plot against the Jews—classic viciousness of the Nazis. [People] ask me endlessly about the matter." The testimony about evidence of the production of soap from human fat, however, was presented at the Nuremberg Trials on February 19, 1946 in great detail.

- 97 Hicks, p. 9. The footage in the compilation documentary at the International Military Tribunal originated in the newsreel *Soviuzkinozhurnal*, No. 114, shown early on in Soviet theaters.
- 98 Hicks, pp. 191–2.
- 99 Gilbert, pp. 161–2.
- 100 A description of the razing of Lidice on the orders of Hitler and Himmler can be found in the court documents read by Colonel Smirnov several days earlier, on February 18, 1946, <http://avalon.law.yale.edu/imt/02-18-46.asp> [accessed February 2, 2014]. The *US War Department Film. Army-Navy Screen Magazine*, no. 75, *Seeds of Destiny* (1946), discusses the destruction of the village of Lidice, http://www.ushmm.org/online/film/display/detail.php?file_num=1500 [accessed February 27, 2014].

Chapter 6

- 1 For a discussion of this period during which François de Menthon supervised some of the trials, see Herbert R. Lottman, *The Purge: The Purification of French Collaborators after World War II* (New York: William Morrow and Company, 1986), and Philippe Bourdrel, *L'Épuration sauvage, 1944–1945* (Paris: Perrin, 2002). Washington had its own perspective on the importance of the purges in France: see The Office of Strategic Services' Research and Analysis Branch, record No. 3018, dated July 15, 1945. The report deals with “The Treatment of Collaborationists in France,” and discusses the legal and ethical issues involved, as the French Resistance called upon De Gaulle to deal severely with the traitors. Archives found in the Donovan Nuremberg Collection, Cornell University Law Library, http://library2.lawschool.cornell.edu/donovan/pdf/Nuremberg_4/Vol_XII_24_04.pdf [accessed January 26, 2014].
- 2 François de Menthon's opening address, Day 36, January 17, 1946, <http://avalon.law.yale.edu/imt/01-17-46.asp> [accessed August 29, 2013]. For the list of organizations covered by the conspiracy, see “Nuremberg Trial Proceedings Vol. 1, Indictment: Appendix B,” <http://avalon.law.yale.edu/imt/countb.asp> [accessed January 22, 2014].
- 3 *Ibid.*, De Menthon's opening address.
- 4 <http://www.dailymail.co.uk/news/article-2270587/Germany-launches-fresh-investigation-Nazi-massacre-saw-642-French-villagers-slaughtered-day.html> [accessed August 31, 2013]. German SS troops massacred 642 French villagers including 400 women and children on June 10, 1944, shortly after D-Day. More than six decades later authorities still pursue several of the perpetrators who may still be alive.

- 5 Ironically, soon after its release, *Triumph of the Will* was screened in France, and Prime Minister Edouard Daladier presented Riefenstahl with a gold medal. Given the enthusiastic appreciation of the film by the French, Riefenstahl rationalized the production of the film as a non-propaganda documentary in her memoir, *Leni Riefenstahl* (New York: St. Martin's Press/Picador, 1992), p. 209.
- 6 De Menthon, opening address.
- 7 For an examination of parallels, see Telford Taylor: *Nuremberg and Vietnam: An American Tragedy* (Chicago, IL: Quadrangle Books/Random House, 1970). Recalling the legal principles brought to bear at the Nuremberg Trials, Taylor raises questions about the parallels of the US government's launching a war of aggression in Vietnam, similar to Hitler's invasion of Poland, and the slaughter of civilians at My Lai compared to the massacre at Lidice, Czechoslovakia.
- 8 De Menthon, opening address. In 1963, Yale psychologist Stanley Milgram expanded on this notion of obedience to authority ("following orders") with an experiment that was published in the *Journal of Abnormal and Social Psychology* and further refined in *Obedience to Authority: An Experimental View* (1974). Since the original experiments, critics have analyzed and critiqued the notion of human propensity to follow orders that are unethical. See Christopher Shea, "The Uncertainty of Evil," *The Boston Globe*, September 29, 2013, K1.
- 9 De Menthon, opening address.
- 10 A principal motto of the Third Reich was "*Die Juden sind unser Unglück!*" ("The Jews are our misfortune!"). The Nazis also favored the conspiracy theory that the country experienced a "Stab in the Back" during World War I and lost because of the Jews, Bolsheviks, and Weimar politicians.
- 11 <http://avalon.law.yale.edu/imt/02-05-46.asp> [accessed February 19, 2014].
- 12 For an analysis of French film during the Nazi Occupation of France see Jean-Pierre Bertin-Maghit, *Le Cinéma français sous l'occupation*, "Que-sais-je?" (Paris: Presses Universitaires de France, 1994). For a further history of film under the Nazis in France, see Evelyn Erlich, *Cinema of Paradox: French Filmmaking under the German Occupation* (New York: Columbia University Press, 1985), especially Chapter 7, "Goebbels and the German Film Policy in France." Claude Chabrol's 1993 documentary *L'Oeil de Vichy* (*The Eye of Vichy*) sheds light on the French pro-Nazi sympathy as shown in the production and content of newsreels, features, and commercials produced during the Occupation.
- 13 The Third Reich often grouped as enemies of the state three "international" foes, the Masons, Jews, and Jesuits. The Jehovah's Witnesses in Germany were similarly targeted.
- 14 The film takes place not too long after the "L'Affaire Stavisky," a financial scandal brought on by Alexandre Stavisky, a Russian Jew in Paris, which encompassed members of parliament. Alain Resnais directed the film *Stavisky* (1974) set in the last days of the financier and embezzler, 1933–4.

- 15 For a further discussion of Vichy, its relationship to Germany, and the notion of memory of the Occupation, see Henri Rousso, *The Vichy Syndrome: History and Memory in France since 1944*, translated by Arthur Goldhammer (Cambridge, MA: Harvard University Press, 1994). Original work on Vichy France was published by Robert O. Paxton, *Vichy France: Old Guard and New Order, 1940–4* (New York: Alfred A. Knopf, Inc., 1972/2001), especially Parts III and IV dealing with collaborators and collaboration, respectively.
- 16 To visualize the German hold on the French during the Occupation in terms of deporting Jews to the East, view *La rafle* (*The Roundup*, 2010) from director Rose Bosch.
- 17 Day 51, February 5, 1946, <http://avalon.law.yale.edu/imt/02-05-46.asp> [accessed February 9, 2014].
- 18 “The Film Press under the Occupation,” <http://www.cinematheque.fr/uk/museum-and-collections/actualite-collections/restauration-numerisatio/presse-cinematographique.html> [accessed September 1, 2013].
- 19 To see an illustration of Vichy’s enemies—England, America, and the Jews—view the Vichy-made cartoon *Mickey Bombing France*. A radio announcer with exaggerated Jewish features signals that a squad of American bombers (with Disney characters as pilots) are about to bomb France, <http://www.youtube.com/watch?v=D4Ok-RKgCHg> [accessed February 9, 2014].
- 20 Day 51, Tuesday, February 5, 1946, <http://avalon.law.yale.edu/imt/02-05-46.asp> [accessed September 1, 2013].
- 21 Day 189, Monday, July 29, 1946, <http://avalon.law.yale.edu/imt/07-29-46.asp> [accessed September 1, 2013].

Chapter 7

- 1 For the director’s view on the denazification process see her memoir, *Leni Riefenstahl* (New York: St. Martin’s Press/Picador, 1992), pp. 352ff.
- 2 Steven Bach, *Leni: The Life and Work of Leni Riefenstahl* (New York: Vantage Books, 2007), pp. 224–30.
- 3 For a succinct discussion of the plan, see Telford Taylor, *Anatomy of the Nuremberg Trials* (New York: Alfred A. Knopf, 1992), pp. 279–80. A more developed idea of the denazification program, especially starting with educational reform, can be found in James F. Tent, *Mission on the Rhine: Re-education and Denazification in American-Occupied Germany* (Chicago, IL: Chicago University Press, 1996).
- 4 Daniel J. Goldhagen develops this theme in *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage/Random House, 1997); especially

- note the Appendix which shows the German's dominant views of Jews, the disabled, and Slavs.
- 5 Susan L. Carruthers, "Compulsory Viewing: Concentration Camp Film and German Re-education," *Millenium-Journal of International Studies*, 2001, No. 30, p. 735. For a very thorough analysis of the German reaction to Allied films screened in the country following the war, see Ulrike Weckel, *Beschämende Bilder: Deutsche Reaktionen auf alliierte Dokumentarfilme über befreite Konzentrationslager* (Stuttgart: Franz Steiner Verlag, 2012). Weckel presents the Allied program of re-education through the showing of the Allied atrocity films, mostly seen at Nuremberg, as a means of *shaming* the German people into facing the nation's Nazi past as opposed to laying *guilt* on the public. Consult also Dagmar Barnouw's *Germany 1945: Views of War and Violence* (Bloomington, IN: Indiana University Press, 2008). Here Barnouw questions whether the Germans felt remorse once they were exposed to the images of atrocities produced by the US Signal Corps.
 - 6 <http://www.youtube.com/watch?v=47TZYqllbyw> [accessed February 2, 2014].
 - 7 The representatives of the four nations conducting the trial admitted their own war crimes: "The prosecutors also agreed that the four delegations would all submit memorandums to one another divulging information about their countries' own wartime transgressions—in order to be best prepared to quash the defense's attacks." Francine Hirsch, *The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order*, http://law.wisc.edu/gls/documents/francine_nuremberg.pdf [accessed August 6, 2013].
 - 8 Susan L. Carruthers, "Compulsory Viewing: Concentration Camp Film and German Re-Education," p. 739.
 - 9 *Ibid.*, p. 740. At the same time as the US was working on a denazification program to re-educate the public in Germany about the horrors created by their leaders, it also launched a re-education plan among the German POWs imprisoned in the US, some from the North African campaign who were still Nazi hardliners. Defying the Geneva Convention, the US government kept the German prisoners for up to one-and-a-half years, showing them films about the concentration camps and lecturing them on democracy. View the broadcast of "Nazi POWs in America," Military Channel, January 29, 2014, for details concerning the attitude of Americans prior to and following the liberation of the concentration camps.
 - 10 For the debate about how to remember Germany's history during the Nazi era, read Jeffrey K. Olick, *In the House of the Hangman: The Agonies of German Defeat, 1943–1949* (Chicago, IL: University of Chicago Press, 2005), especially Chapter 12 ("The Philosophy of Guilt") and Chapter 13 ("The Recalcitrance of Shame"), subjects examined with exact documentation in Weckel's work.

- 11 See Gene D. Phillips, *Some Like It Wilder: The Life and Controversial Films of Billy Wilder* (Lexington, KY: University of Kentucky Press, 2010), pp. 71ff. Wilder returned to the US with an idea of a new film, the romance of a GI with a German woman. The film was finally made in 1948 and titled *A Foreign Affair*.
- 12 *Death Mills*, dir. Billy Wilder, 1945. For a comparison of *Death Mills* to *Memory of the Camps*, see Aaron Kerner, *Film and the Holocaust: New Perspectives on Dramas, Documentaries, and Experimental Films* (New York/London: Continuum International Publishing Co., 2011), pp. 189–93. Weckel transcribes the full script of *Die Todesmühlen (Death Mills)* in German in *Beschämende Bilder*, pp. 611–15, and comments on the film screenings in Germany throughout the text.
- 13 The number is highly inflated, but in the confusion at the end of the war, all figures were estimated. With the discovery of mass graves in the past several years, the original figures have been adjusted.
- 14 The US Holocaust Memorial Museum concludes that there were approximately 20,000 concentration camps and detention centers, more than the earliest estimates of approximately 300 during and after the liberation of the camps. “Nazi Camps,” United States Holocaust Memorial Museum, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005144> [accessed May 4, 2014].
- 15 Within a few weeks of General Eisenhower’s famous visit to Ohrdruf, Al Newman, a reporter with the First Army writing for *Newsweek* recounts his shock at his visit to another camp, “the charnel house of Nordhausen”: “Nordhausen: A Hell Factory Worked by the Living Dead,” *Newsweek*, April 23, 1945, p. 52. See also Kenneth Rose, *Myth and the Greatest Generation: A Social History of Americans in World War II* (New York: Taylor & Francis Group, 2012), especially pp. 212–14 on atrocities of the Nazis in the concentration camps.
- 16 The *Sonderkommando*’s responsibility, as seen in Tim Blake Nelson’s *The Grey Zone* (2002), included guiding the victims into the showers and then gathering up all the salvageable material from the corpses.
- 17 The sign at the site of the Gardelegen massacre reads:

Gardelegen

Military Cemetery

Here lie 1016 allied prisoners of war who were murdered by their captors.

They were buried by citizens of Gardelegen, who are charged with responsibility that graves are forever kept as green as the memory of these unfortunates will be kept in the hearts of freedom-loving men everywhere.

- 18 The chief physician, Dr. Adolf Wahlmann, and the man identified as the “camp commander,” in the film, Karl Willig, a nurse, are questioned by the Allies. Both men were tried along with others who participated in the Berlin T-4 operation at the Hadamar euthanasia trial in October 1945. At the end of the short trial, on October

- 15, chief prosecutor Leon Jaworski, who would gain fame in the 1970s as Watergate Special Prosecutor, read the sentences of life in prison or the death penalty for the defendants in this earliest trial dealing with Nazi atrocities, responsible for the death of almost 15,000 German citizens.
- 19 Author's emphasis. For a discussion of the relationship of *Memory of the Camps* and *Death Mills* in terms of the collective guilt of the Germans, see Aaron Kerner, *Film and the Holocaust: New Perspectives on Dramas, Documentaries, and Experimental Films* (New York: Continuum, 2010), pp. 192–3.
- 20 The short newsreel can be found at http://www.youtube.com/watch?v=_dIGk8DB3MI [accessed February 20, 2104].
- 21 Other means of the educational denazification programs include the *Welt im Film* newsreels. One newsreel, *Welt Im Film/World In Film #58*, in German, depicts a court case of an American soldier testifying concerning a German soldier's killing of an American GI who had his hands raised in the air, surrendering, http://www.youtube.com/watch?v=_hTUazaCTh4 [accessed February 20, 2014].
- 22 Narration from the restored version of the original, *Nuremberg: Its Lessons for Today*, restoration by Sandra Schulberg and Josh Waletzky.
- 23 From the Schulberg Family Archives, source: carbon copy of letter from Assistant Secretary of War, Howard C. Petersen, to General Lucius D. Clay, American Military Governor of Germany, <http://www.nurembergfilm.org/suppression.shtml> [accessed August 6, 2013].
- 24 Some of the vehement anti-Communist sentiment in post-war US can be viewed in David Halpern's documentary *Hollywood on Trial* (1976) which provides an insight into the trial of the "Hollywood Ten" and the blacklisting of directors, producers, and screenwriters who were considered Communists or "fellow travelers."
- 25 Sandra Schulberg and Josh Waletzky also discovered that Hollywood once attempted to distribute the film in American theaters but failed, perhaps due to the all-too realistic picture of the concentration camps.
- 26 These films were primarily produced in Europe, often Paris, in English, and then translated into various languages. For the Marshall Plan filmography see <http://www.marshallfilms.org/mpfdetail.asp#preface> [accessed February 19, 2014].
- 27 Terry Carter, "A Long-Forgotten Film on the Nuremberg Trials Helps Rekindle Interest in the Holocaust," *ABA Journal*, February 1, 2011, http://www.abajournal.com/magazine/article/a_long-forgotten_film_on_the_nuremberg_trials_holocaust/ [accessed July 31, 2013].
- 28 Roger Ebert, "Nuremberg: Its Lessons for Today", May 4, 2011, <http://www.rogerebert.com/reviews/nuremberg-its-lesson-for-today-2011> [accessed July 26, 2013].
- 29 Göring responded thus when asked by the prosecution if he ever said that human life was worthless.

- 30 A.O. Scott, "Rare Scenes Re-Emerge From Nuremberg Trials," *New York Times*, September 28, 2010, <http://www.nytimes.com/2010/09/29/movies/29nuremberg.html?pagewanted=all> [accessed July 28, 2013].
- 31 Michael Abramovitz, "Making Good on Nuremberg," *The Atlantic*, June 9, 2010, pp. 17–18; also at <http://www.theatlantic.com/international/archive/2010/06/making-good-on-nuremberg/57894/> [accessed August 18, 2013].
- 32 Nicola Napoli, President of the Artkino Soviet film distribution company, experienced wide circulation of the films once the Soviets joined the Allies following the German invasion of Russia, unlike during the period of the Red Scare. Distribution further declined at the outset of the Cold War.
- 33 On November 28, *Life* magazine published an "interview" with Adolf Eichmann wherein he discussed the Wannsee Conference. He elaborates on the technology used at the Majdanek extermination camp:

It was in the latter part of 1941 that I saw the first preparations for annihilating the Jews. General Heydrich ordered me to visit Maidanek, a Polish village near Lublin. A German police captain showed me how they had managed to build airtight chambers disguised as ordinary Polish farmers' huts, seal them hermetically, then inject the exhaust gas from a Russian U-boat motor. I remember it all very exactly because I never thought that anything like that would be possible, technically speaking.

Life, Vol. 49, No. 22, November 28, 1960

- 34 The Soviet partisans are portrayed, although not too favorably, in Edward Zwick's *Defiance* (2008), based on Nechama Tec's study, *Defiance: The Bielski Partisans* (Oxford/New York: Oxford University Press, 2009). The Zwick adaptation stars Daniel Craig as Tuvia Bielski, head of the Otriad.
- 35 <http://law2.umkc.edu/faculty/projects/frtrial/nuremberg/Jacksonclose.htm> [accessed August 16, 2013].
- 36 Bosley Crowther, "Nuremberg (1946): Göring, With Swagger Lacking, in 'Nuremberg Trials' at Stanley—'Framed,' at the Globe," *New York Times*, May 26, 1947, <http://www.nytimes.com/movie/review?res=9507E7DA153CE13BBC4E51DFB366838C659EDE> [accessed February 5, 2014].
- 37 For a detailed description of the political atmosphere in the USSR during the trials and an analysis of the Soviet *Nuremberg Trials* (*The Judgment of the Nations*), see Jeremy Hicks, *First Films of the Holocaust: Soviet Cinema and the Genocide of the Jews, 1938–1946* (Pittsburgh, PA: University of Pittsburgh Press, 2012), pp. 196–210.
- 38 Hicks develops the use and non-use of witnesses during the trial, noting that Justice Jackson, as opposed to William Donovan, focused more on documents than eyewitness accounts as evidence, pp. 205–6. The Russians eliminated them totally from their Nuremberg documentary.

- 39 Bosley Crowther, "Nuremberg (1946): Göring, With Swagger Lacking, in 'Nuremberg Trials' at Stanley—'Framed,' at the Globe."
- 40 *Le Retour*, DVD, directed by Henri Cartier-Bresson, Henri Cartier-Bresson, Collector's Edition, Arthouse Films, 2010.
- 41 The photograph, often depicted as "Gestapo Informer," reveals the intense action surrounding the denouncing of a Nazi collaborator. Cartier-Bresson's camera caught the scene following the moment of denunciation. Read more about the classic photograph on the website at <http://www.amateurphotographer.co.uk/how-to/icons-of-photography/534672/dessau-1945-informer-henri-cartier-bresson-ionic-photograph#6Bzi040Jd8y8J42t.99> [accessed September 7, 2013].
- 42 Two documentary films by the author/filmmaker also discuss the extended waiting process of displaced persons immediately after the war—*Displaced: Miracle at St. Ottilien* and *Creating Harmony: The Displaced Persons Orchestra from St. Ottilien*, both produced by Etoile Productions.
- 43 See John J. Michalczyk and Susan A. Michalczyk, "Troubled Silences: Trauma in John Huston's Film 'Let There Be Light,'" in Marilyn J. Matelski and Nancy Lynch Street, eds, *War and Film in America* (Jefferson, NC: McFarland, 2003), pp. 67–78.
- 44 The final scene of the film *La Rafle* (*The Roundup*, 2010), directed by Rose Bosch, ends with a similar type of reunion and search for family members at the close of the war.

Epilogue

- 1 In her reporting of the Eichmann Trial in Jerusalem, Hannah Arendt covered the court case for *The New Yorker* and published her controversial perception of the trial in *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1963).
- 2 The sentence is recorded: <http://www.youtube.com/watch?v=gSDx4ajnG8g> [accessed August 2, 2013].
- 3 From the 600 hours of footage, Hurwitz produced his version of the trial in *Verdict for Tomorrow* (1961), narrated by Lowell Thomas, which won Emmy and Peabody awards. For a fuller description of the film with a shot list, see <http://www.cine-holocaust.de/cgi-bin/gdq?efw00fbw000662.gd> [accessed February 21, 2014].
- 4 Jeffrey Shandler, "The Man in the Glass Box," *While America Watches: Televising the Holocaust* (New York: Oxford University Press, 1999), pp. 83–132. See also the documentary on Eichmann, *The Specialist: The Portrait of a Modern Criminal* (1999), Rony Brauman and Eyal Sivan, producers.

- 5 A pre-screening of the film took place the day before. Official observers and reporters attended the session, but the public was not allowed in for the showing of the documentary for security reasons.
- 6 Hausner would later publish his own account of the trial in *Justice in Jerusalem* (New York: Harper and Row, 1966).
- 7 For the text of Session 70 of the Eichmann Trial, see the Nizkor Project's transcripts of the proceedings: <http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Sessions/Session-070-06.html> [accessed August 4, 2013].
- 8 For a further development of *Night and Fog*, see John J. Michalczyk, "Night and Fog (1955): A Microcosm of the Genocide," in *Through a Lens Darkly: Films of Genocide, Ethnic Cleansing, and Atrocities* (New York: Peter Lang, 2013), pp. 97–102. Also consult Sylvie Lindeperg, "A History of Gazes," in Giselda Pollock and Max Silverman, eds, *Concentrationary Cinema: Aesthetics and Politics in Alain Resnais' "Night and Fog"* (New York/Oxford: Berghahn Books, 2012), pp. 67–8 on screening the film at the Eichmann Trial.
- 9 Nizkor Project, Eichmann Trial, Session 70.
- 10 Homer Bigart, "Eichmann is Unmoved in Court as Judges Pale at Death Films: Nazi, Seeing Movies for the Second Time, Sits Calmly As Allied Documentaries Show Concentration-Camp Horrors," *New York Times*, June 9, 1961, p. 16.
- 11 *Hannah Arendt*, directed by Margarethe von Trotta (New York: Zeitgeist Films, 2013). The film changes from the black and white archival footage to color to show Arendt (Barbara Zukowa) in the courtroom listening to the arguments surrounding Eichmann's crimes.
- 12 Arendt, p. 274. The Brauman/Sivan film *The Specialist* takes Arendt's perspective on Eichmann who sees himself as the perfect bureaucrat, precise on details, which include the orchestration of the transportation required to bring Jews to their deaths in the extermination camps. See Rebecca Thor's detailed analysis of the challenges to the documentary in "Representing the Eichmann Trial: 10 Years of Controversy around *The Specialist*," http://www.eyalsivan.info/medias/pdf/PDF_specialist/Representing%20the%20Eichmann%20Trial%20-%2010%20years%20of%20Controversy%20around%20The%20Specialist%20MA%20thesis%20by%20Rebecka%20Thor.pdf [accessed February 21, 2014].
- 13 Staff and agencies, "Serb Paramilitaries Found Guilty in War Crimes Trial," *The Guardian*, April 10, 2007, <http://www.theguardian.com/world/2007/apr/10/balkans.warcrimes> [accessed February 5, 2014].
- 14 For a description of the documentation of the genocide from the filmed interviews by Thet Sambath, see John J. Michalczyk, "Who are the 'Enemies of the People?'," in *Through a Lens Darkly: Films of Genocide, Ethnic Cleansing and Atrocities* (New York: Peter Lang, 2013), pp. 168–83. Christian Delage discusses the Khmer Rouge war crimes and tribunal in *Caught on Camera: Film in the Courtroom from the*

- Nuremberg Trials to the Trials of the Khmer Rouge* (Philadelphia, PA: University of Pennsylvania Press, 2013), pp. 231–40.
- 15 “Germany May Charge 30 Auschwitz Nazi Guards,” *BBC News Europe*, September 3, 2013, <http://www.bbc.co.uk/news/world-europe-23942519> [accessed September 8, 2013]. An Associated Press item later noted the capture of several of them in the Baden Wuerttemberg area of southwest Germany: “3 Suspected Ex-SS Guards Arrested,” *Boston Globe*, February 21, 2014, p. A3.
 - 16 “Nazis Face Wartime Evidence,” December 6, 1945, http://archive.org/details/1945-12-06_Nazis_Face_War_Crime_Evidence [accessed August 5, 2013].
 - 17 George Stevens refused to use any gruesome images of corpses filmed during the liberation of the camps since the world had seen enough of these ghastly pictures at the close of the war. Instead he used a montage effect of shots from *The Last Stage*. He had been personally horrified at the scene of frozen bodies at Dachau.
 - 18 In *Night and Fog*, there is a single reference to a Jewish deported person because of Resnais and Cayrol’s desire to consider the larger human picture of “man’s inhumanity to man.” One mention of Jews is made in *Nazi Concentration Camps*, while *Death Mills* contains a reference to victims of various religions, “Protestants, Catholics, Jews.” During the liberation, the Allies were unaware of all the details concerning the policies of the “Final Solution to the Jewish Question,” nor were they able to distinguish between a concentration camp and an extermination camp.
 - 19 Peter Novick, *The Holocaust in American Life* (New York: Houghton Mifflin/Mariner Books, 2000), develops the narrative that the Holocaust permeates Jewish life today from the establishment of the US Holocaust Memorial Museum to the number of Holocaust books and films, for example, *Schindler’s List*.
 - 20 From the opening statement of Justice Jackson, Day 2.

Chronology

September 5–10, 1934 Director Leni Riefenstahl films the National Socialist Sixth Party Congress in Nuremberg. The resulting film, *Triumph of the Will* (1935), would be used against the Nazi Party during the Nuremberg Trials. Riefenstahl assisted in naming the Nazi Party officials in preparation for the indictment of the leaders in the Nuremberg Trials.

September 29, 1938 The four European powers represented by Adolf Hitler, Neville Chamberlain, Benito Mussolini, and Edouard Daladier sign the Munich Agreement allowing Germany to annex a part of Czechoslovakia, referred to as the “Sudetenland.”

November 9–10, 1938 The Third Reich government orchestrates a national pogrom against the Jews, referred to as Krystallnacht.

March 12, 1938 Citing “German blood” as the common bond, Germany annexes Austria in the *Anschluss*.

September 1, 1939 Germany invades and occupies Poland, initiating World War II.

June 22, 1940 Germany signs an armistice with France’s Marshal Philippe Pétain beginning four years of “national shame.”

June 22, 1941 In Operation Barbarossa, Germany invades and attempts to occupy the Soviet Union.

August 14, 1941 President Franklin Delano Roosevelt and Prime Minister Winston Churchill announce the signing of the Atlantic Charter, agreeing on common principles of national policies.

December 7, 1941 Japan attacks the naval base at Pearl Harbor bringing the United States into the global conflict.

January 1, 1942 The United Nations Declaration states that the respective countries will continue the war with the Axis Powers until the enemy countries surrender unconditionally.

January 20, 1942 Reinhard Heydrich assembles fifteen administrative leaders of the Third Reich at Wannsee, a suburb of Berlin, to launch “The Final Solution to the Jewish Question,” a plan to transport European Jews to the East and exterminate them.

August 12–16, 1942 US Ambassador Averell Harriman and British Prime Minister Winston Churchill engage in discussion about common wartime objectives and strategies.

August 23, 1942–February 2, 1943 The siege of Stalingrad takes place, after which the Soviets move on the offensive against the German Army occupying Russia.

June 28, 1943 Jan Karski meets with President Roosevelt to discuss with him the situation of Poland, the plight of the Jews and the post-war government in Poland.

October 7, 1943 President Roosevelt creates a commission to investigate war crimes.

October 20, 1943 The mandate of the United Nations War Crimes Commission is to locate, document, and help indict Axis war criminals.

October 30, 1943 The United States, the Soviet Union, the United Kingdom, and China sign the Moscow Declaration stating that war criminals will be handed over to the courts.

July 23–4, 1944 The Soviet Army liberates the Majdanek extermination camp near Lublin, Poland. It is the first encounter of the Allies with the Nazi concentration and extermination camp system.

August 1944 Treasury Secretary Henry Morgentau proposes in his plan to President Roosevelt that Nazi leaders be executed and that German POWs be used to reduce the industrial side of Germany's economy while establishing an agricultural one.

January 22, 1945 Franklin D. Roosevelt is inaugurated as US President for an unprecedented fourth term.

January 27, 1945 Soviet forces liberate the remaining 7,000 survivors of the extermination camp of Auschwitz, following death marches of prisoners to German camps.

February 4–11, 1945 At the Yalta Conference, the Allies reinforce the Moscow Declaration, agreeing to prosecute Axis leaders, reorganize post-war Europe, and place Poland in the sphere of the Soviet Union. The Polish government-in-exile ceases to exist.

April 4, 1945 The US 4th Armored Division and the 89th Infantry Division liberate Ohrdruf, a subcamp of the Nazi concentration camp of Buchenwald, near Gotha, Germany.

April 11, 1945 US troops liberate the Buchenwald concentration camp.

April 12, 1945 President Roosevelt dies suddenly and is replaced by Harry S. Truman.

April 12, 1945 US Generals Dwight D. Eisenhower, Omar Bradley, and George Patton review the concentration camp of Ohrdruf.

April 1945 President Truman asks Samuel Rosenman to approach Supreme Court Justice Robert Jackson and inquire about his willingness to serve as chief US prosecutor in a war crimes trial.

May 2, 1945 President Truman appoints Supreme Court Chief Justice Robert H. Jackson as chief US counsel for the prosecution of Nazi war criminals.

May 8, 1945 End of the war in Europe—"V-E Day."

June 26, 1945 UN Charter is created and comes into effect on October 24, 1945.

July 1, 1945 The Allied occupation forces divide Germany.

July 7, 1945 Chief Justice Jackson proposes Nuremberg as the site of the International Military Tribunal.

July 17–August 2, 1945 The Potsdam Conference of the three Allies—the Soviet Union, the United Kingdom, and the United States—takes place outside of Berlin in order to create a new, post-war world order, hold Nazi war criminals accountable and establish peace treaties.

August 6, 1945 An atomic bomb is dropped on Hiroshima.

August 8, 1945 The London or Nuremberg Charter provides for the establishment of an International Military Tribunal.

August 9, 1945 A second atomic bomb is dropped on Japan targeting Nagasaki, convincing the Japanese to surrender.

September 2, 1945 World War II officially ends and marks the Japanese surrender, accepted by Supreme Allied Commander General Douglas MacArthur.

October 13, 1945 Francis Biddle is chosen as Chief US Judge, while the British representative Sir Geoffrey Lawrence is elected as the Chief Judge at the Tribunal.

November 20, 1945 The Nuremberg Trials begin.

November 21, 1945 Chief Justice Robert H. Jackson delivers his opening statement at the trials.

November 29, 1945 The US prosecutors present the documentary evidence on the series of camps liberated by the Allies.

December 11, 1945 On Day 17 of the trial, the US prosecutors introduce the film *The Nazi Plan* to illustrate the rise of the Nationalist Socialist Party on its path to a war of aggression.

December 13, 1945 The US prosecutors use a very brief 8mm amateur film allegedly shot by an SS soldier revealing the brutal treatment by German soldiers on innocent men, women, and children.

February 5, 1946 On Day 51 of the trial, the French prosecutors introduce a short anti-Masonic and anti-Semitic propaganda film entitled *Occult Forces (Forces Occultes)*.

February 19, 1946 On Day 62 of the trial, the Soviets present their documentation of the German invasion and occupation of the Soviet Union, *Film Documents of the Atrocities Committed by German Fascists in the USSR (Kinodokumenty O Zverstvakh Nemetsko-Fashiskikh Zakhvatchikov)*.

July 26, 1946 The prosecution makes its final statement.

August 31, 1946 The defense offers its final statement.

October 1, 1946 The verdicts are announced. Of the twenty-three defendants, eleven are found guilty and sentenced to death by hanging. Three are acquitted while the remainder are sentenced to various prison terms from ten years to life.

October 16, 1946 The death sentences are carried out on three gallows erected in a gymnasium in the Nuremberg prison courtyard. Göring escaped the execution by taking a cyanide pill smuggled into the prison.

December 9, 1948 The constitution of the United Nations Convention on the Prevention and Punishment of Genocide is adopted at the Paris session and entered into force on January 12, 1951, after more than twenty countries from around the world ratified it.

April 11, 1961 The Adolph Eichmann Trial begins in Jerusalem.

December 15, 1961 Eichmann is sentenced to death.

May 31, 1962 Eichmann is hanged in the Ramleh prison, concluding the trials of the major Nazi war criminals.

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Filmography

***None Shall Escape* (1944)** Director anticipating the International Military Tribunal, André DeToth presents a type of post-war Nuremberg Trial of a Nazi war criminal through flashbacks of his life. Wilhelm Grimm (Alexander Knox), joins the Nazi Party and rises to a high rank in the Party, and is then accused of war crimes to which witnesses testify.

***Nuremberg Trials* (1947)** A Soviet-made documentary about the trials and crimes of the Nazi leadership. Most of the film describes Nazi criminal deeds in detail, particularly those committed in the Soviet Union as shown in the “Atrocities” film presented at the international Military Tribunal. The compilation film of footage of the trial and Nazi massacres claims that if not stopped, the Nazis would have “turned the whole world into a Nazi concentration camp.”

Nuremberg: Its Lesson For Today (The Schulberg/Waletzky Restoration, 1948/2010) Stuart Schulberg wrote and directed the seventy-eight-minute documentary, while Joseph Zigman edited the program, relying on footage shot by the US Signal Corps and also used in *Nazi Concentration Camps* and *The Nazi Plan*, both films screened at the trials. Pare Lorentz initiated the production, but Erich Pommer from the Motion Picture Branch of the US Military in Berlin completed it. The restored documentary with Liev Schreiber narrating shows how the four allied prosecution teams—from the United States, Great Britain, France, and the Soviet Union—built their case against the top Nazi leaders. As documented in the film, the trial established the “Nuremberg principles” laying the groundwork for all subsequent international crimes against the peace, war crimes, crimes against humanity, and genocide. Following its completion in 1948 and premiere that autumn in Stuttgart, Germany, the film was shown in the Western Zone in 1948/9.

***Sealed Verdict* (1948)** Lewis Allen directs a post-war drama of a Nazi officer, General Otto Steigmann (John Hoyt), on trial before an Army tribunal. Sentenced to death the general pleads with Major Robert Lawson (Ray Milland) to reassess the verdict.

Council of the Gods (Der Rat der Götter, 1950) Director Kurt Maetzig films a war crime narrative based on Richard Sasuly’s research about I.G. Farben’s responsibility in the deaths of countless people through its chemical production. The film focuses on the Nuremberg-style trial of chemist Dr. Hans Scholz who has to face the tribunal to answer for his collaboration in the killing apparatus of the Nazis.

***Verboten!* (1959)** Sam Fuller, a director who first filmed a concentration camp at Falkenau, develops a relationship between a German nurse, Helga, and a wounded

American soldier in a hospital. “David eventually marries Helga and takes a job with an occupation relief agency. Unbeknownst to either of them, Helga’s brother Franz belongs to the Nazi Werewolves who assassinate American officials and disrupt the distribution of food and medicine. Ashamed of her brother’s bigotry and subversive activities, Helga forces him to attend the Nuremberg Trials. The camera alternates between them sitting in the spectators’ box and documentary footage of the trial with narration based on Robert Jackson’s opening statement. This creates the impression that the characters from the film actually are at the proceedings” (Lawrence Baron).

Judgment at Nuremberg (1961) Director Stanley Kramer’s dramatic film deals with the trial of four former judges, one of whom is Ernst Jannings (Burt Lancaster). The prosecution, in cross-examining the judges, confronts the judges on questions of individual complicity in crimes committed by their governments, especially in condemning innocent men to death. Torn between condemning the defendants for their actions or downplaying their deeds in light of the American need for a German ally against the Soviets, Judge Haywood (Spencer Tracy) opts for justice. Scenes from the liberation of the camps serve as a flashback to the Nazi criminal deeds.

Verdict for Tomorrow (1961) Leo Hurwitz, who recorded the Eichmann Trial in Jerusalem, produced an abbreviated, comprehensible film of the trial using the footage he shot. The film, narrated by Lowell Thomas, introduces scenes of the early onslaught of the Jews with the destruction of their shops and concludes with images of the ovens and dead bodies in the liberated concentration camps. The defense attorney Robert Servatius presents his case, Eichmann offers his own testimony, and he is then cross-examined by Judge Hausner.

Witnesses to the Holocaust: The Trial of Adolf Eichmann (1987) Lori Perlow produced a ninety-minute documentary with a selection of parts of the 1961 Eichmann Trial with Joel Grey (*Cabaret*) narrating the program. The film includes numerous eyewitness accounts which provide one of the first comprehensive public examinations of the Holocaust. It was produced in conjunction with the Jewish Museum’s traveling exhibition “Justice in Jerusalem Revisited: The Eichmann Trial.”

Fascist Legacy (1989) Ken Kirby directs a two-part BBC series on Italian war crimes during World War II. The first part, *A Promise Fulfilled*, deals with the crimes committed by Italy during the invasion of Ethiopia, while the second part, *A Pledge Betrayed*, focuses on the failure to extradite Italian war criminals.

Nuremberg: Tyranny on Trial (1995) Using Whitney Harris’ text and articulate interview about the nuances of the Nuremberg Trials, this documentary shows the Allies taking the high road in establishing a just means of trying the Nazi war criminals. It makes a final strong moral plea for non-aggression, nevertheless understanding the long series of conflicts, insurgencies, and genocides that plague our civilization.

The Trial of Adolph Eichmann (1997) Daniel B. Polin and Kenneth Mandel produced the two-hour ABC television broadcast with David Brinkley reporting. Material included Allied liberation footage, testimony of survivors, as well as Eichmann's own words about his study of Hebrew, his work as a bureaucrat, and his participation at the Wannsee Conference in January 1942. For a shot list, see <http://www.cine-holocaust.de/cgi-bin/gdq?dfw00fbw002907.gd> [accessed February 21, 2014].

American Experience: MacArthur (1999) The television program includes material dealing with the Tokyo War Crimes (1946–8) overseen by Supreme Commander General Douglas MacArthur during the occupation of Japan.

The Specialist (1999) Rony Brauman and Eyal Sivan produced this documentary of a “portrait of a modern criminal” akin to Hannah Arendt’s coverage of the Eichmann Trial in *Eichmann in Jerusalem: A Report on the Banality of Evil*. Using the 350 hours of the taped trial, the film reveals the ordinariness of a common bureaucrat.

Nuremberg (2000) The TV mini-series is based on the book *Nuremberg: Infamy on Trial* by Joseph Persico. The film recreates the prosecution of the original twenty-four Nazis standing trial from the preparation of the Tribunal to the final days of the prosecution team in Nuremberg. It stars Alec Baldwin as Chief Prosecutor Justice Robert H. Jackson, Brian Cox as Reichsmarschall Hermann Göring, and Christopher Plummer as the British representative Sir David Maxwell-Fye.

Adolph Eichmann: The Secret Memoirs (2002) Using the Steven Spielberg Archive in Jerusalem, Alan Rosenthal and Nissim Mossek produced the film. Rosenthal was an associate producer during the original filming of the trial in 1961. The film title refers to the memoirs that Eichmann dictated in 1960 to Willem Sassen, a Dutch collaborator and member of the SS, later a reporter, and which were referred to but never used during the Eichmann Trial. *Life* magazine published an “interview” with Eichmann on November 28, 1960.

Nuremberg: Göring’s Last Stand (2006) Commemorating the sixtieth anniversary of the Nuremberg Trials, the British TV series takes place in the Nuremberg prison while the Nazi war criminals are on trial. The program examines the clever interplay of Hermann Göring and the guards, primarily Colonel Burton C. Andrus, in charge of security and the daily routine of the defendants.

Nuremberg: Nazis on Trial (2006) The re-enactment film is a three-part BCC special that features one-hour treatments of the personalities of Albert Speer, Hermann Göring, and Rudolf Hess. The series was produced to coincide with the sixtieth anniversary of the Nuremberg Trials. The first episode depicts the trial of Albert Speer—the only defendant who took responsibility for his crimes and served twenty years in the Spandau Prison. The second episode follows the trial of Herman Göring, Hitler’s right hand and second in command, while the last episode recreates the prosecution of Hitler’s deputy, Hess, as he attempts to plead insanity.

Eichmann (2007) This feature film by Robert Young, released in Brazil and then in the US in 2010, focuses on the interrogation of Eichmann, and is based on the original documents from the interrogation.

The Trial of Adolf Eichmann (2011) Director Michaël Prazan offers a fresh view of the 1961 Eichmann trial in Jerusalem using interviews, archival footage, and commentary.

Hannah Arendt (2012) Margarethe von Trotta situates the Jewish political philosopher at the heart of a discussion of evil during the trial of Eichmann.

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