Nuremberg Trials

In June 1945, after Germany’s surrender, delegations from the four Allied powers—the United States, Great Britain, France, and the Soviet Union—met in London to write a charter. It established an international tribunal, or court, that would be responsible for conducting trials of Germany’s leaders. Article 6 of the charter described the jurisdiction, or authority, of the tribunal:

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

1. 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;
2. WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to . . . murder, 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;
3. 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.

Article 8 of the charter discussed a possible defense argument that might be used by the accused:

The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

For Justice Robert Jackson, one of the purposes of the Nuremberg trials was to show the world exactly what the Nazis had done. The “undeniable proof of incredible events” provided by the prosecutors during the trials would spell out the details. Some Germans claimed that only after hearing the evidence in the trials did they fully understand the crimes their nation had committed.

Alfons Heck, who became a high-ranking Hitler Youth leader during the war, was captured in Germany by the Allies in March 1945. When his captors confronted him with evidence of atrocities committed by Germans, he refused to believe it:

I was forced to look at documentary footage of concentration camps and death camps. And it was the first time that I was shown the atrocities committed by our nation. We looked at this, and I said to my friends, “What do they take us for? This stuff is staged!” And one of us began to snicker, and our captors became so incensed that they started yelling at us, “You Goddamned Nazi bastards! Do you think this is a comedy? This is what you have done!”

When Heck was released by the Allies in 1946, he went to Nuremberg. He said that what he learned there made him begin to believe what his captors had told him.

It was almost a year before I was able to accept the veracity of the films that I had seen. And it occurred at the war crimes trials in Nuremberg in 1946. . . . While I listened on the loudspeakers outside, I heard the full evidence of the accusations directed at the 22 top Nazis who were on trial. One of them was my leader, the former leader of the Hitler Youth, Baldur von Schirach. He was the principal reason why I came to Nuremberg. I wanted to know what he had to say, in particular, in regard to the activities of the Hitler Youth. Von Schirach told the Court, “It was my guilt that I have trained youth for a man who became a murderer a million times over.”

Baldur von Schirach received twenty years for crimes against humanity. That, in turn, implicated me too in the count [accusation] of mass murder because I had served Hitler as fanatically as von Schirach. I had an overwhelming sense of betrayal in Nuremberg and I recognized that the man I had adored was, in fact, the biggest monster in human history . . .

The experience of the Hitler Youth in Nazi Germany constitutes a massive case of child abuse. Out of millions of basically innocent children, Hitler and his regime succeeded in creating potential monsters.

Could it happen again today? Of course it can. Children are like empty vessels: you can fill them with good; you can fill them with evil; you can fill them with compassion. So the story of the Hitler Youth can be repeated.

1. How did Alfons Heck first respond to evidence of concentration camps and death camps? Why do you think he responded this way?
2. What did Heck mean when he said, “The experience of the Hitler Youth in Nazi Germany constitutes a massive case of child abuse”? Do you agree with Heck that children are “empty vessels”?
3. What do Heck’s remarks suggest about the value of the trial to the German people? Was it important for them to hear what had happened during the war in the perpetrators’ own words?

*The Russian commissar [officer] spoke fluent German. He took a great interest in the German . . . employees in the Danish bunker. The younger women, who had been kept out of sight by curtains, empty cardboard boxes, and so on, were told to come out and take a spot on the mats with the men and children. I was requested to sit next to the commissar; I had no idea what his intentions were. He gave a fairly long speech:*

*“If I were to ask you individually, I am certain that not one person among you would be a Nazi. We know this already; now that the German army has been defeated, all Germans are suddenly opponents of Hitler and have always been anti-Nazi. . . . I am a Russian, a Communist, and a Jew. I have seen the German atrocities in my country. My mother and father were murdered by the SS, because they were Jews; my wife and my two children have disappeared; my home is destroyed. Millions of people have gone through what I and my family have gone through. Germany has murdered, raped, plundered, and destroyed. . . . What do you think we’d like to do now that we have defeated the German armed forces?”*

*The Germans crouched down, trembling with fear. The commissar stared at Carl’s oldest son, a twelve-year-old boy. [Carl was the caretaker of the Danish legation.]*

*“Stand up!” he ordered. “How old are you?”*

*“Twelve years old,” answered the boy.*

*“That’s around the age my boy would have been today. The SS criminals took him from me . . . ”*

*His hand disappeared under his uniform. He brought out a revolver and pointed it at the boy. Carl leaped up; his wife grabbed for the boy.*

*“But commissar, this boy cannot be made responsible . . . ” I began. The tension was dreadful.*

*“No, no, ladies and gentlemen,” continued the commissar. “I won’t shoot. But you must admit, I’d have reason enough. So many people are crying out for revenge.”*

*He put the revolver back under his uniform.*