**NUREMBERG TRIAL: Crimes against Peace and Humanity 1946**

*“The method of dealing with these and other criminals requires careful thought and a well-defined procedure. Such proceedings must embody, in my judgment, at least the rudimentary aspects of the Bill of Rights, namely notification to the accused of the charge, the right to be heard and, within reasonable limits, to call witnesses in his defense.”* Henry Lewis Stimson Secretary of War 1945

**HOW TO DEAL WITH NAZI REGIME LEADERS.**

* [World War II](https://en.wikipedia.org/wiki/World_War_II) was the [deadliest military conflict in history](https://en.wikipedia.org/wiki/List_of_wars_by_death_toll). An estimated total of 70–85 million people perished, or about 3% of the 2.3 billion people on Earth in 1940
* German surrender May 8, 1945, led to arresting surviving Nazi leaders.
* Many Nazi leaders were dead or missing: [Adolf Hitler](https://en.wikipedia.org/wiki/Adolf_Hitler), [Heinrich Himmler](https://en.wikipedia.org/wiki/Heinrich_Himmler), and [Joseph Goebbels](https://en.wikipedia.org/wiki/Joseph_Goebbels) committed suicide – Martin Bormann, Adolph Eichmann, Heinrich Muller missing
* Soviets want to do show trials like Stalin’s 1930’s purge trials then execute them.
* British simply want to summary executions no time or money spent on trial.
* Americans enraged with Malmedy Massacre December 17, 1944, want a real trial of Nazis.
* An **International Military Tribunal** (IMT) created, but had to deal with difference in how trials were done – Anglo-American Law Indictment is made by prosecution, evidence presented at trials –Continental Law is different, Indictment made by in France a Juge d instruction, in Russia by Commission of enquiry, charges and evidence presented to defense before trial – role of judges also different Continental intervene in trial, Anglo American use cross examination

**THE INDICTMENTS**:

1. **Participation in a** [**common plan or conspiracy**](https://en.wikipedia.org/wiki/Conspiracy_%28crime%29) **for the accomplishment of a** [**crime against peace**](https://en.wikipedia.org/wiki/Crime_against_peace)
2. **Planning, initiating and waging** [**wars of aggression**](https://en.wikipedia.org/wiki/War_of_aggression) **and other crimes against peace.**
3. **Participating in** [**war crimes**](https://en.wikipedia.org/wiki/War_crime)
4. [**Crimes against humanity**](https://en.wikipedia.org/wiki/Crime_against_humanity)

**THE ACCUSED – The 22 defendants**

* The defendants, who were largely unrepentant, included former cabinet ministers: [**Franz von Papen**](https://en.wikipedia.org/wiki/Franz_von_Papen) (who had [brought Hitler to power](https://en.wikipedia.org/wiki/Adolf_Hitler%27s_rise_to_power)); [**Joachim von Ribbentrop**](https://en.wikipedia.org/wiki/Joachim_von_Ribbentrop) ([foreign minister](https://en.wikipedia.org/wiki/Reich_Foreign_Ministry)), [**Wilhelm Frick**](https://en.wikipedia.org/wiki/Wilhelm_Frick) ([interior minister](https://en.wikipedia.org/wiki/Reich_Interior_Ministry)), and [**Alfred Rosenberg**](https://en.wikipedia.org/wiki/Alfred_Rosenberg), minister for eastern territories.
* Also originally indicted were leaders of the German economy, such as [Gustav Krupp](https://en.wikipedia.org/wiki/Gustav_Krupp) (of the conglomerate [Krupp AG](https://en.wikipedia.org/wiki/Krupp_AG)), former [Reichsbank](https://en.wikipedia.org/wiki/Reichsbank) president [**Hjalmar Schacht**](https://en.wikipedia.org/wiki/Hjalmar_Schacht), and economic planners [**Albert Speer**](https://en.wikipedia.org/wiki/Albert_Speer) and [**Walther Funk**](https://en.wikipedia.org/wiki/Walther_Funk), along with Speer's subordinate and head of the [forced labor program](https://en.wikipedia.org/wiki/Forced_labor_in_Nazi_Germany), [**Fritz Sauckel**](https://en.wikipedia.org/wiki/Fritz_Sauckel). While the British were skeptical of prosecuting economic leaders, the French had a strong interest because of German Imperialism.
* The military leaders were [**Hermann Göring**](https://en.wikipedia.org/wiki/Hermann_G%C3%B6ring), [**Wilhelm Keitel**](https://en.wikipedia.org/wiki/Wilhelm_Keitel), [**Alfred Jodl**](https://en.wikipedia.org/wiki/Alfred_Jodl)**,** [**Erich Raeder**](https://en.wikipedia.org/wiki/Erich_Raeder), and [**Karl Dönitz**](https://en.wikipedia.org/wiki/Karl_D%C3%B6nitz).Also on trial were propagandists [**Julius Streicher**](https://en.wikipedia.org/wiki/Julius_Streicher) and [**Hans Fritzsche**](https://en.wikipedia.org/wiki/Hans_Fritzsche)**;** [**Rudolf Hess**](https://en.wikipedia.org/wiki/Rudolf_Hess)**,** Hitler's deputy who had flown to Britain in 1941; [**Hans Frank**](https://en.wikipedia.org/wiki/Hans_Frank), governor-general of the [General Governorate](https://en.wikipedia.org/wiki/General_Governorate) of Poland; [Hitler Youth](https://en.wikipedia.org/wiki/Hitler_Youth) leader [**Baldur von Schirach**](https://en.wikipedia.org/wiki/Baldur_von_Schirach)**;** [**Arthur Seyss-Inquart**](https://en.wikipedia.org/wiki/Arthur_Seyss-Inquart), [Reich Commissioner for the Netherlands](https://en.wikipedia.org/wiki/Reichskommissariat_Niederlande); and [**Ernst Kaltenbrunner**](https://en.wikipedia.org/wiki/Ernst_Kaltenbrunner)**,** the leader of Himmler's [Reich Main Security Office](https://en.wikipedia.org/wiki/Reich_Main_Security_Office)
* Of the original 24 men indicted, [**Martin Bormann**](https://en.wikipedia.org/wiki/Martin_Bormann) ([Nazi Party](https://en.wikipedia.org/wiki/Nazi_Party) official and head of the [Nazi Party Chancellery](https://en.wikipedia.org/wiki/Nazi_Party_Chancellery)), was [tried in absentia](https://en.wikipedia.org/wiki/Tried_in_absentia), as the Allies were unaware of his death; Krupp was too ill to stand trial and would be tried in a later Nuremberg Trial; and [Robert Ley](https://en.wikipedia.org/wiki/Robert_Ley) (head of the [German Labor Front](https://en.wikipedia.org/wiki/German_Labour_Front)) committed suicide in prison before trial

**JUDGES AND PROSECUTOR**

* US, Britain, Russia and France all had 2 judges each and their own prosecution staff.
* United States appointed judges [Francis Biddle](https://en.wikipedia.org/wiki/Francis_Biddle) (US [Attorney General](https://en.wikipedia.org/wiki/United_States_Attorney_General)) and [John Parker](https://en.wikipedia.org/wiki/John_J._Parker) (Chief Judge [US Court of Appeals for the Fourth Circuit](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_Fourth_Circuit))
* The United States’ chief prosecutor was [Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_%28United_States%29) justice [Robert H. Jackson](https://en.wikipedia.org/wiki/Robert_H._Jackson), who was describes as “a versatile politician and a remarkable orator”,
* No defendant could claim the protection of having to obey orders from a superior, this is called The Nuremberg Principle (They do anyway, always blaming Hitler)
* No defendant could use the *tu quoque* defense – YOU WERE DOING IT TOO (they do)
* Göring will accuse the court of being “**victors trying the defeated**” not justice.

**PROSECUTION**

* US prosecutes **Indictment 1 Conspiracy** using Nazi documents from before the war such as the Hossbach Memorandum 11/1937 which justified *Lebensraum* (Living Space) was a leading motivation of Nazi Germany to initiate WWII, and it would continue this policy until the end of the war.
* Britain prosecutes **Indictment 2 Crimes against Peace** – Invasions of Poland and various countries breaking treaties. The Kellogg-Briand Pact (1928) renounced war as National policy.
* France prosecutes **Indictments 3 & 4 in the West** focused on forced labor, economic plunder, and massacres (Lidice Czech town destroyed after Reinhard Heydrich killed 1942).
* Soviets prosecutes **Indictments 3 & 4 in the East** – since most Death Camps were in the East their evidence was particularly difficult to watch and listen to, gas chambers and crematoriums and all the horrors of the Holocaust.

**DEFENSE**

* The defendants tried to blame their crimes on Hitler, who was mentioned 1,200 times during the trial—more than the top five defendants combined. Other absent and dead men including Himmler, [Reinhard Heydrich](https://en.wikipedia.org/wiki/Reinhard_Heydrich), [Adolf Eichmann](https://en.wikipedia.org/wiki/Adolf_Eichmann), and Martin Bormann were also blamed.
* United States admiral [Chester Nimitz](https://en.wikipedia.org/wiki/Chester_Nimitz) testified that the [US Navy](https://en.wikipedia.org/wiki/United_States_Navy) had also used [unrestricted submarine warfare](https://en.wikipedia.org/wiki/Unrestricted_submarine_warfare); Dönitz's counsel successfully argued that this could not be a crime
* Hess claims amnesia, his sanity is in doubt, he wants to use as evidence the Nazi-Soviet Nonaggression Pact, also known as the Molotov-Ribbentrop Pact, (August 23, 1939), nonaggression pact between Germany and the Soviet Union that divided Poland and made WWII possible – Soviets don’t want this evidence and it is not allowed.
* Midway through the trial, [Winston Churchill](https://en.wikipedia.org/wiki/Winston_Churchill)'s [Iron Curtain speech](https://en.wikipedia.org/wiki/Iron_Curtain_speech) denouncing the Soviet threat delighted the defense – this breakdown between allies with Communism Hitler claimed would happenand change course of war.

**JUDGMENTS**

* 12 are found guilty and sentenced to Death by hanging (Göring will commit suicide hours before execution), seven are sentenced to prison terms in Spandau Prison ranging from 10 years to life, three acquitted (Schacht, von Papen, Fritzsche) – Soviets infuriated by acquittals and file dissenting opinion.

**CODA** (a concluding event, remark, or section)

* In all there will be [13 Nuremberg trials held in Nuremberg, Germany between 1945 and 1949. The trials were held to bring Nazi war criminals to justice](https://www.bing.com/ck/a?!&&p=60322913cb689b5aJmltdHM9MTY4NDg4NjQwMCZpZ3VpZD0yMDM2Zjc1Mi1iMDgxLTZiYTItMzM1OC1lNDQ5YjExMjZhODMmaW5zaWQ9NTgyMg&ptn=3&hsh=3&fclid=2036f752-b081-6ba2-3358-e449b1126a83&psq=how+many+nuremberg+trials+were+there+&u=a1aHR0cHM6Ly93d3cuaGlzdG9yeS5jb20vdG9waWNzL3dvcmxkLXdhci1paS9udXJlbWJlcmctdHJpYWxz&ntb=1) and end Nazism.

*“The importance of the trial should not be measured in terms of the personal fate of any of the defendants…But the four powers and eighteen other nations had preferred the infinitely more complex task of holding a trial , re-establishing the rule of law, examining the fundamentals by which they believed behavior should have been governed in the past and must be determined in the future”* Robert H. Jackson Final Report to President Harry Truman

**BIBLIOGRAPHY**

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