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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 Aktionen*. 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.