Michalczyk, John J. "Notes." *Filming the End of the Holocaust: Allied Documentaries, Nuremberg and the Liberation of the Concentration Camps*. London: Bloomsbury Academic, 2014. 153–188. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781474210652.0009>>.

Downloaded from Bloomsbury Collections, www.bloomsburycollections.com, 26 April 2023, 09:25 UTC.

Copyright © John J. Michalczyk 2014. Released under a CC BY-NC-ND licence (<https://creativecommons.org/licenses/by-nc-nd/3.0/>). You may share this work for non-commercial purposes only, provided you give attribution to the copyright holder and the publisher, and provide a link to the Creative Commons licence.

Notes

Foreword

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

Chapter 1

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

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

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

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

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

Chapter 2

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

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

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

Chapter 3

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

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

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

Chapter 4

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

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

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

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

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

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

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

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

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

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

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

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

- 22 "Communique of the Polish-Soviet Extraordinary Commission," p. 26.
- 23 This memorial segment of the film was added in 1960 and includes a spiritual dimension to Ford's work, modifying its tone.
- 24 The anthem is a clarion call to stand up against the German oppression:

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

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

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

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

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

Chapter 5

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

“Throughout the occupation by the Nazis of the invaded countries, a complete record has been kept of the crimes of the Nazis and the Nazi collaborationists. The names of these criminals were recorded, anticipating the day when judgment would be done. This court will decide not only whether the accused are innocent or guilty, but the extent of the crimes. This court will determine what penalty the accused must pay” (p. 179). The film’s working title was *Lebensraum*, alluding to the Nazis’ desire for more geographical space for growth and activity.

- 3 For a synopsis and shot list, see <http://www.cine-holocaust.de/cgi-bin/gdq?efw00fbw000681.gd> [accessed February 18, 2014].
- 4 The eleven-minute film can be found online at <http://www.youtube.com/watch?v=HV1DcxLDxDg> [accessed February 18, 2014].
- 5 President Truman gave Robert H. Jackson carte blanche to choose his team to prepare for the International Military Tribunal, and to request needed assistance from foreign governments as the official representative of the US. See Executive Order 9547 Providing for Representation of the United States in Preparing and Prosecuting Charges of Atrocities and War Crimes Against the Leaders of the European Axis Powers and Their Principal Agents and Accessories, <http://avalon.law.yale.edu/imt/imt9547.asp> [accessed June 23, 2013].
- 6 Jackson report to President Truman, June 6, 1945, <http://avalon.law.yale.edu/imt/jack08.asp> [accessed June 21, 2013].
- 7 At the dawn of the Cold War, Jackson was adamant that the film of the trials be available in the US as an historical lesson, creating a controversy in light of Germany’s status then as an ally against the Soviet threat. See Terry Carter, “A Long-Forgotten Film on the Nuremberg Trials Helps Rekindle Interest in the Holocaust,” *ABA Journal*, February 1, 2001, http://www.abajournal.com/magazine/article/a_long-forgotten_film_on_the_nuremberg_trials_holocaust/ [accessed January 22, 2014].
- 8 Doug Linder, “Nuremberg Trials,” <http://law2.umkc.edu/faculty/projects/ftrials/nuremberg/nurembergaccount.html> (accessed September 11, 2013).
- 9 From the transcript of the November 21, 1945 afternoon session, <http://avalon.law.yale.edu/imt/11-21-45.asp> [accessed January 22, 2014].
- 10 Bruce M. Stave and Michele Palmer, with Leslie Frank, *Witnesses to Nuremberg: An Oral History of American Participants at the War Crimes Trials* (New York/London: Twayne Publishers/Prentice Hall International, 1998), p. 26. Kiley here describes the responsibilities of the Presentation Branch for the preparation of evidence including film captured by the OSS; presentation of the materials with charts and exhibits; planning and laying out the courtroom and its mechanical operation; and the production of public relations material.
- 11 For more details dealing with the physical preparation for the Nuremberg Trials, see “Nuremberg Trials 60th Anniversary,” *Dimensions (online): A Journal of Holocaust*

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

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

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

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

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

contrary to Jackson's approach of not indicting all of the Germans for the evil transgressions of their Nazi leaders.

- 24 In a similar photo of the Nazi concentration camp system in *Justice at Nuernberg* (Chicago, IL: Marvel Press, 1946), one reads "Through motion pictures, documents and affidavits, the court learned how prisoners were shot at random, how poison was injected into their bodies, and how life became so intolerable that many prayed for a quick death" (p. 183)
- 25 Primo Levi, *The Drowned and the Saved* (New York: Vintage/Random House, 1989), pp. 11–12, quoted in Lawrence Douglas, "Film as witness: screening 'Nazi Concentration Camps' before the Nuremberg Tribunal," January 11, 1995, <http://codoh.com/library/document/526> [accessed June 26, 2013]. This material can be also found in Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven, CT: Yale University Press, 2005), Part One.
- 26 From Justice Jackson's opening statement, <http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-by-robert-h-jackson/opening-statement-before-the-international-military-Tribunal/> [accessed June 23, 2013].
- 27 Earlier war crimes cases, for example of World War I issues, were tried in the respective national courts. A clip from *Nazi Concentration Camps* would also be shown as a film within a film in Stanley Kramer's *Judgment at Nuremberg* (1961), dealing with a 1948 trial of four judges, one of whom, Dr. Ernst Janning, is played by Burt Lancaster. The prosecution also used *Nazi Concentration Camps* as evidence in the Adolf Eichmann trial in Jerusalem from April 2 to August 14, 1961.
- 28 <http://avalon.law.yale.edu/imt/11-29-45.asp> [accessed June 23, 2013].
- 29 Displayed at the exhibition of "Filming the Camps: From Hollywood to Nuremberg," at the Museum of Jewish Heritage (March 22–October 14, 2012) were the captions by the cameramen who routinely attached the details to the reels of film being submitted for evidence. Clips from the US Signal Corps footage shot by John Ford and George Stevens, and later Sam Fuller, illustrate the mission of the Hollywood directors at the liberation of the concentration camps.
- 30 <http://avalon.law.yale.edu/imt/11-29-45.asp> [accessed June 23, 2013].
- 31 For the full English text of the fifty-nine-minute film see Ulrike Weckel, *Beschämende Bilder: Deutsche Reaktionen auf alliierte Dokumentarfilme über befreite Konzentrationslager* (Stuttgart: Franz Steiner Verlag, 2012), pp. 584–91. It can also be found in the Donovan Nuremberg Trials Collection, http://library2.lawschool.cornell.edu/donovan/pdf/Nuremberg_3/Vol_IX_16_03.pdf [accessed January 28, 2014].
- 32 Document PS-2430, *Nazi Concentration and Prisoner-of-War Camps: A Documentary Motion Picture*, film shown at the Nuremberg Trial, November 29, 1945.

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

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

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

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

- 45 It would take the Nuremberg Physicians Trial (December 9, 1946 to August 20, 1947) to come to grips with international regulations pertaining to voluntary, informed consent in medical experimentation.
- 46 From the transcript of the Nuremberg Trials, Day 19, December 13, 1945, <http://avalon.law.yale.edu/imt/12-13-45.asp> [accessed February 9, 2014].
- 47 Count One is presented in the Charter in the Avalon Project site, <http://avalon.law.yale.edu/imt/count1.asp> [accessed July 25, 2013]. .
- 48 “Justice Jackson’s Report to the President on Atrocities and War Crimes,” http://avalon.law.yale.edu/imt/imt_jack01.asp [accessed February 6, 2014].
- 49 Raoul Hilberg, *The Destruction of the European Jews* (New Haven, CT: Yale University Press, 2003).
- 50 Philip Kennicott, “Art of Justice: The Filmmakers at Nuremberg,” *The Washington Post*, November 29, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/28/AR2005112802026.html> [accessed August 15, 2013].
- 51 Siegfried Kracauer worked on the German part of The Museum of Modern Art’s collection from 1941 to 1943 and had full knowledge of the German film holdings which he used for his classic text on German Expressionism, *From Caligari to Hitler: A Psychological History of the German Film* (1947). His guidance in analyzing the films for the crew was noteworthy.
- 52 For very rich detail on the search for Nazi footage for *The Nazi Plan*, see Sandra Schulberg, *Filmmakers for the Prosecution: The Making of Nuremberg: Its Lesson for Today*, http://www.americanbar.org/content/dam/aba/events/international_law/2012/08/section_of_internationalallawattheabas2012annualmeeting/makingofnuremberg_itslessonfortoday.authcheckdam.pdf [accessed February 19, 2014].
- 53 Riefenstahl went through the “denazification” process first with the Americans and then with the French.
- 54 Philip Kennicott, “Art of Justice: The Filmmakers at Nuremberg.”

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

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

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

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

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

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

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

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

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

Chapter 6

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

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

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

Chapter 7

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

note the Appendix which shows the German's dominant views of Jews, the disabled, and Slavs.

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

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

Gardelegen

Military Cemetery

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

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

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

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

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

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

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

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

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

Epilogue

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

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

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