



Franklin D. Roosevelt
Presidential Library and Museum

CURRICULUM GUIDE

Investigating the Holocaust *Nuremberg: Its Lesson for Today*

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Morgenthau
Holocaust
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PRODUCTIONS

SECTION I

Nuremburg: The Trial and the Film

The Trial: Prosecuting the Nazi Atrocities for History

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

Excerpt from the opening statement
Justice Robert Jackson, American Representative
International Military Tribunal
Nuremburg, Germany 1946

In the fall of 1946, while much of the world lay in ruin – the result of six long years of world war – representatives of the victorious nations met in a city located deep in the heart of the defeated enemy's territory. Their task was to seek justice for those who had perished by laying before the world the depth and depravity of the Nazi regime. Justice Jackson said that 3,000 people could have been put on trial, but there were only 12 trials with about 24 defendants in each case. The idea was not to try the petty crimes of little people, but to try the top power brokers, the people who were at the heart of creating the atmosphere and conditions that allowed it all to happen.

The Nuremburg trials were unique for many reasons:

- a) it was civilization itself bringing the charges against these defendants for *crimes against humanity, crimes against peace, war crimes, and conspiracy,*
- b) it established the concept that individuals could be personally held accountable; that "national sovereignty" was not an acceptable defense,
- c) the evidence presented was the Nazis' own papers, books, letters, words, and films that they, themselves had created and preserved,
- d) for the first time motion picture film was being used as evidence in an international tribunal.

Justice Jackson summed up the immensity of the trial by saying,

"The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility... What makes this inquest significant is that these prisoners represent sinister influences that will lurk in the world long after their bodies have returned to dust ... Civilization can afford no compromise with the social forces which would gain renewed strength if we deal ambiguously or indecisively with the men in whom those forces now precariously survive."

Nuremburg: The Trial and the Film

The Film: Documenting the Nazi Atrocities for History

The film *Nurnberg* documents the trial of some of the highest ranking members of Hitler's Third Reich. It was created from more than 50 hours of footage filmed over the course of the year-long trial. The evidence against the nearly two dozen defendants was introduced in the form of books, papers, letters, orders, and speeches. Among the most damning evidence were films the Nazis themselves had created.

At the time, the idea of using film as evidence in a trial was new. Unlike other forms of evidence, film by itself was considered lacking important identifying elements such as – where and when it was shot, and for what purpose it was shot. But because these moving images were clearly made by the Nazi government for both propaganda and record-keeping purposes, they proved very effective to demonstrate the Nazis' intent, means, and documentation of the murder of millions of innocent men, women, and children.

Like every film, *Nurnberg* is a “construct,” the result of many individual decisions that had to be made by a group of people. Therefore, it reflects (either consciously or unconsciously) their individual and collective biases.

The 1946 film was intended to serve two purposes:

- 1) to create an indisputable record of criminal atrocities using the criminals' own records – papers, books, letters, words and films – as evidence of the evils of Hitler and the Nazi regime,
- 2) to explain to European audiences, and the world, the actions and events that thrust Europe into such a ghastly war so soon after the First World War.

While the film could have been presented in a number of ways, the manner selected was to use the four counts of the indictments:

- 1) crimes against humanity,
- 2) crimes against the peace,
- 3) war crimes,
- 4) conspiracy,

as the narrative to tell of the horrifying events.

Completed in 1946, *Nurnberg* was shown widely in Germany and Europe to audiences who wanted to know, and to try to understand, how Europe had been thrust into such a horrific war while the memories of the First World War were still so fresh. Viewing the film was not required, but it was encouraged. (A similarly themed film about the Nazi atrocities, *Death Mill*, came out in 1946. Germans were required to have their ration books stamped proving that they had seen it in order to get their rations).

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For those that did view *Nurnberg*, comments fell into five broad categories:

- 1) Some could not believe what had happened and thought it was made up propaganda or in today's words "Fake News."
- 2) Some felt they now finally knew what really happened.
- 3) Some felt, "Well, that is all behind us now, we must focus on the future not the past."
- 4) Some felt it was too early to see it, they were not ready to accept it yet.
- 5) Some felt, "How can they be judging us after all the numerous crimes the Soviets had committed?"

Whatever their individual views, collectively people struggled to understand what had happened and why. And *Nurnberg* struggled to provide them some answers.

The film was not shown in US theaters after the war. As the ash and dust of the Second World War was still settling, the United States government began shifting its focus toward the Cold War with Russia. The US government suppressed the film because of the onset of the Cold War. Our former allies (the Soviets) suddenly became our new enemies. Recognizing that the American public's support for post war Germany was vital to blocking Russian expansion and aggression, *Nurnberg* was pulled from release and rarely seen again.

Most Americans at the time actually knew very little of what had gone on during the war. Information in those days was disseminated by newspapers, radio and newsreels. Drips and drabs of information about the crimes of the Nazis were known, but only when all the dark pieces were connected and brought into light did the full repugnant picture appear. Returning once again to the words of Justice Jackson,

"We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow...."

Information, knowledge and understanding of the past, are the keys to safeguarding a better future.

Vocabulary

Conspiracy – an agreement to do an unlawful or wrongful act or an act that becomes unlawful as a result of the secret agreement.

Construct – an ideal whose existence must be created and established by decisions made by the mind as opposed to a real object that is readily observable.

Crimes Against Humanity – a category of crimes against international law which includes the most egregious violations of human dignity, especially against civilian populations.

Crimes Against the Peace – namely, planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of crimes against the peace.

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Evidence – encompasses the rules and legal principles that govern the establishment of proof of facts in a legal proceeding.

Justice – the quality of being fair and reasonable in treatment before the law.

Primary Source – information or material such as diaries, letters, reports, photographs, memos, newspaper articles and so on that provides direct knowledge or first-hand accounts of events, practices or circumstances surrounding an event.

Secondary Source – a document or record such as a text book or book describing an event, practice, or circumstance that is created with information originally created, discovered, or presented by someone else, somewhere else.

Tribunal – a group or institution with the authority to judge, adjudicate or determine claims or disputes.

War Crimes – the idea that individuals can be held accountable for crimes such as genocide or maltreatment of prisoners committed during, or in connection with, war.

Films

Nuremberg: Its Lesson for Today (Running time 1:57)

“Investigating the Holocaust” is a series of short videos derived from *Nuremberg: Its Lesson for Today*, a powerful, feature-length documentary restoring and reprising the 1946 Stuart Schulberg/Pare Lorentz production titled, *Nurnberg*. These videos feature original film footage used as evidence by the International Military Tribunal at the Palace of Justice in Nuremberg, Germany – the most famous courtroom drama in modern times, and the first to make extensive use of film as evidence.

Justice Served – The Trial Concludes (Running time 5:26)

The Nuremberg trial set precedent, holding leaders accountable for acts of war and genocide. The victorious Allies need not have afforded due process to their enemies, but they recognized that individual accountability was inseparable from peace. The trial remains a testament to the rule of law and the power of international cooperation, laying the foundation for the ultimate establishment of the International Criminal Court.

Questions

Essential Questions

- 1) Why was it important that the Nazi leaders be put on trial?
- 2) Why was it important to make a “record” of the trial?
- 3) How did using “film images” and the concept of “conspiracy” impact the administration of justice?
- 4) Why was the film banned in the United States?
- 5) Was justice served at Nuremberg?

Nuremberg: The Trial and the Film

Short Answer Questions

- 1) Why were the Nazis tried in Nuremberg?
- 2) From what nations were the members of the tribunal selected?
- 3) Who represented America at the tribunal?
- 4) Why was it just these particular men who were put on trial when there were so many Nazis who were involved?

Primary Source Questions

- 1) What forms of evidence were introduced at the trial?
- 2) Who were the four Tribunal members?
- 3) What countries were the Tribunal members from?
- 4) Where did the prosecutors get the evidence that was produced at the trial?
- 5) What made the evidence so compelling?