

## FOREWORD



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**T**his book addresses German war crimes trials that need a higher profile in our understanding of how the Allies contended with the defeat of the Hitlerian regime in 1945. The twelve trials of German war criminals held under American auspices in Nuremberg, conducted between October 1946 and April 1949 following the verdict of the four power International Military Tribunal (IMT), have struggled to find their identity and their place in historical discourse ever since their last verdict was handed down in 1949. Unlike the IMT, the trials in question have suffered from historiographical neglect. Nomenclature itself has been part of the problem, and what these trials have been called has been a matter of confusion. History has generally designated the IMT trial as *the* Nuremberg Trial, and representations are often accompanied with the now-familiar iconography: Courtroom 600 in the Nuremberg Palace of Justice, with the chief Nazi defendants, most prominently Hermann Göring, in the dock. Commentators and students alike regularly confuse this “Nuremberg Trial” with the “Nuremberg Trials,” in the plural. Telford Taylor, chief prosecutor in charge of the twelve trials, wrote an excellent book on the proceedings against the “major German war criminals” at Nuremberg before the IMT and titled his book, erroneously, *The Anatomy of the Nuremberg Trials*, inexplicably using the plural. In his volume, Taylor referred to “Nuremberg” as “the first Nuremberg trial.” Adding further to the confusion, the latter was designated at the time, and is still occasionally referred to, as the “Göring trial,” using the name of the lead defendant among the 23 accused. As Taylor told his readers, he intended to write a description of the “subsequent trials,” “presided over by American judges applying international laws of war,” but unfortunately he never did so. And so we have no explicit correction of this point by the person who perhaps had the most authority to do so. As a result, those who do not get beyond Taylor’s title may perhaps be forgiven if they somehow blend the proceedings before the IMT into something loosely called “the Nuremberg Trials.”

And then there are the official records: readers strolling through library stacks on the hunt for the 42 blue-bound volumes of the IMT proceedings – entitled *Trial of the Major War Criminals before the International Military Tribunal* and known as the “blue series” – may well come across 15 green-bound volumes, known as the “green series,” with a deceptively similar title, *Trials of War Criminals before the Nuernberg Military Tribunals, Under Control Council Law No 10*, and not immediately know how to distinguish between the two. It is the latter that record the proceedings that are the subject of this book.

Terminological imprecision continues. What Taylor called the “subsequent trials” are sometimes referenced the “Subsequent Proceedings,” dignified with upper case, or just generically as the “subsequent proceedings,” and occasionally denoted by the courts before which the cases were heard, the “Nuernberg Military Tribunals,” or NMT, specifying the city in which they were held – for whatever reason rendered as “Nuernberg,” or “Nürnberg,” the German rendering of the city, rather than “Nuremberg,” largely reserved for the trial before the IMT. The trials are often denoted by the acronym “NMT,” designating the tribunals before which the cases were heard, although the courts were actually presided over by civilian judges – and these can easily be confused with other American trials, conducted under the authority of the United States occupation forces, and which occurred elsewhere in Germany.

The essays assembled here by the diligent and thoughtful editors Alexa Stiller and Kim Priemel give us a much needed perspective on the intentions of the American trial planners, the conduct of the proceedings, and how they appeared from the vantage points of contemporaries and subsequent generations. We learn of the wide variety of defendants – industrialists, government people, the military, and diplomats. We read of both blinkered paper pushers and hard-core killers. We examine the strategies, frustrations and distractions of those who participated in the trials – judges, prosecutors, and defense attorneys. And most of all we get a selective sense, through the vast documentation associated with these trials, filling more than 300,000 pages of evidence, of the many problems associated with judging the leadership of the Third Reich.

Looking back on the work of the American organizers of the trials, I believe the essays in this book highlight a significant contribution to a worthy objective. For all of the flaws in the conduct of these proceedings, and notwithstanding their failure to live up to the more idealistic hopes at the time, the work described here sought, in the words of Telford Taylor, “the establishment of world order under the rule of law.” That remains an aspiration of course, but for those who continue to seek it, the Nuernberg Military Tribunals deserve our respect and our continuing contemplation.

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