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Annotated Bibliography

Primary Sources

"1946-01-31, Exclusive Interview With U.S. Prosecutor Justice Robert H. Jackson." Interview by Harold Burson. *HaroldBurson.com*. N.p., 3 Oct. 2011. Web. <<http://haroldburson.com/nuremberg.html>>.

This is an interview conducted with U.S. prosecutor Justice Robert H. Jackson. Since it is a primary source, it shows the direct opinions and views of Justice Jackson. In the interview, Justice Jackson often speaks about the measures that were taken to make sure that the trials were not seen as unfair by the future leaders or historians. Jackson says, “The American case is founded on captured German documents...” Also, Jackson acknowledges that in the future, there may be aggressors that end up winning a war, and thus “get away” with their aggression, but he also follows up with the fact that the Allies should not “refuse to prosecute those who are caught because others equally guilty may escape prosecution.” Jackson emphasizes the impact of the trials to the future, and precedent that they set to use rule of law and create “moral and legal barriers” against aggressive war. Jackson treats the Nuremberg trials as a responsibility of the Allies, a responsibility to set an example for future generations, an example set in rule of law, rather than vengeance.

Biddle, Francis. "Challenge to Liberalism." First Annual Dinner of the Liberal Party of New York. Hotel Commodore, New York City. 23 Mar. 1945. Web. 25 Mar. 2014.

This primary speech, given by Attorney General Francis Biddle, was essential in understanding the inner workings and motivations of the soon to be Nuremberg Judge. This speech showcases Biddle’s core values and liberal tendencies bringing a deeper insight to his actions at the Nuremberg Trials. Biddle had been presented briefly in other sources but this source helped us better understand a key player in the Nuremberg Trials. With this knowledge we were better able to reflect on the key influence that the ideologies of different nations had on the Trials.

Birkett, Justice. "International Legal Theories Evolved at Nuremberg." *International Affairs* 23.3 (1947): 317-25. *JSTOR*. Web. 12 Oct. 2013.

This is a primary source written by Justice Birkett, an alternate British judge at the Nuremberg trials. Because of his British background and his relatively prominent role in the trials, it can be expected that his opinion is pro-Allies and also pro-Nuremberg. In the document, Birkett defends the trials and counters the criticisms that apply to Nuremberg. First, he lists the charges made against the

trials, in order to counter each of them. Then, he states that the set up of the Nuremberg trials was justified by article 227 in the Treaty of Versailles. To the criticism that the Court only had victorious powers, Birkett writes that to have neutral powers instead would be impractical because of the extra language barriers, and not only that, but the neutral powers would be difficult to find, since the war involved so many different countries. He also states that the trials were fair because the defendants had “the best German counsel to defend them.” In response to the criticism of the lack of true documentation of the legality of the charges laid down at Nuremberg, he states that international law “is not created by a sovereign body,” and is “not a static thing.” And, to the criticism of the basis of the trials in ex post facto law, he quotes the League of Nations and the Kellogg-Briand pact. Essentially, he believes that the trials were conducted with the “highest standards of international law.” However, Birkett does contend that the London Charter only applied to the Axis powers, which is a fallacy of the trials and their legacy. This document is relevant because it provides arguments in favor of the trials, stating that the Allies were fairly fulfilling a responsibility.

Burson, Harold. "1945-11-20, Session 1." Germany. TS. The American Forces Network, Nuremberg. *HaroldBurson.com*. 3 Oct. 2011. Web.
<<http://haroldburson.com/nuremberg.html>>.

This source was a script for a news broadcast written by Harold Burson about the first day of the Nuremberg Trials. It is a primary source and written to be a broadcast, thus should be relatively objective. However, Burson’s American roots could lead him to see the trials in a pro-Allies way. In the script, Burson describes the general setting of the courthouse and the trials, describes each of the defendants briefly, and recounts an interview with one of the guards at the Trials. This source helps show the importance and significance that the trials held back then. The whole scene described in the source is very anticipatory, with only a few “who were fortunate enough” to get one of the few tickets allotted to the sightseers of the trials. Burson also articulates that the Nuremberg Trials were often called “the most significant trial[s] in the history of the world,” further emphasizing the Trials’ significance.

Burson, Harold. "1945-11-21, Session 2." 1945. TS. The American Forces Network, Nuremberg. *HaroldBurson.com*. 3 Oct. 2011. Web.
<<http://haroldburson.com/nuremberg.html>>.

This is another script written by Harold Burson about the Nuremberg trials. This primary document provides a relatively clear and objective view of the trials, especially since it was written to be a news broadcast. However, the American affiliations that Burson and that the American Forces Network could create a small bias. Most importantly, this document shows the importance, of our overarching idea for this project, the true legality of the crimes. On the second session, after an opening address, there was immediately a “defense plea challenging the legality of the Tribunal to judge to prisoners.” This idea comes

up again in this session alone, with Justice Jackson explaining the legality of the case, citing pacts that outlawed aggressive war that were signed by the Germans. According to this broadcast, Justice Jackson also makes it clear that the crimes that the individuals committed could not have been indicted if they were not “part of the overall plan to wage aggressive war.” Apparently, Germans are on trial “not because they lost the war... but because they started it.” Lastly, this document not only shows the significance of the question of the legality of the trials, along with providing information on how the trials were executed, but it also shows the importance of the trials themselves. The trials were much anticipated, and met with “excitement.”

"Charter of the International Military Tribunal." *Encyclopedia of Genocide and Crimes Against Humanity*. Ed. Dinah L. Shelton. Vol. 3. Detroit: Macmillan Reference USA, 2005. 1203-1207. *World History In Context*. Web. 12 Sept. 2013.

This source is the “Charter of the International Military Tribunal.” It is a primary source, which means that it has not been altered by any other secondary historian’s point of view. Although it was written at the London Conference, in the presence of only the four victorious countries of WWII (the United States, the United Kingdom, France, and the Soviet Union), the document was ratified by other countries. The document basically sets up the International Military Tribunal, lists the crimes that a group or individual can be convicted of (such as “Crimes against Peace”), states the general principles that will guide the IMT, attempts to make the trials “fair,” describes the trial process and the IMT’s powers, delineates how defendants will be sentenced, and explains how the expenses will be paid for. The document is quite useful not only because it is primary, and thus uncorrupted, but also because it gives insight into the point of view of the victors.

"Convention Between the United States of America and Other Powers, Relating to Prisoners of War; July 27, 1929." *The Avalon Project*. Yale University, n.d. Web. 19 Feb. 2014.

This document is more commonly known by the name "The Geneva Convention (1929)." It entered into force on June 19, 1931, and concerned the treatment of Prisoners of War and the wounded. It was a response to the First World War, and along with the the Hague Conventions of 1899 and 1907, served as treaties existing previously to the start of World War Two which could be used in the Nuremberg Trials. A link to the full text of this document can be found on our website on the page, "International Law Prior to the Trials," in the section, "The Existing Treaties."

"Convention (II) with Respect to the Laws and Customs of War on Land and Its Annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899." *Opbw.org*. N.p., n.d. Web. 19 Feb. 2014.

This document is featured on our website under a link on the "History of International Law" page. It was created at the First Hague Convention in 1899, and outlines how prisoners of war must be treated in war on land. It entered into force on the fourth of September, 1900. It was one of the treaties existing previous to the start of World War Two under which Germany might legally be tried, without the issue of ex post facto law, in the Nuremberg trials.

"Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907." *Opbw.org*. N.p., n.d. Web. 19 Feb. 2014.

This document is featured on our website under a link on the "History of International Law" page. It was created at the Second Hague Convention in 1907, and serves as a confirmation of the very similar "Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899." which was passed at the First Hague Convention eight years earlier. It was ratified by all of the major powers, and served as yet another treaty under which Germany could be tried at the Nuremberg Trials, which existed prior to the start of World War Two.

Czechoslovakia. Official News Agency. *Punishment of War Criminals*. By Jaroslav Svansky. London: n.p., 1943. *Truman Library*. Web. 16 Nov. 2013.

This was a statement broadcasted by the Czechoslovak Minister of Justice, Jaroslav Svansky, on the Official News Agency on November 28, 1943. He was a member of Czechoslovakia's Government-in-Exile, which was stating their plan for bringing justice and punishment to war criminals. He announced intentions to institute retroactive laws (ex-post facto laws) and to enact special laws for those who were simply victims, and not "the authors or willing assistants of criminal actions by the enemy." The intentions of the Czechoslovakian government are a helpful comparison to the actions of the IMT. Both had intentions of using ex-post facto laws, although the IMT believed did not believe in excusing crimes of individuals. A different perspective on prosecution helps to shed light on the victor's justice v. responsibility issue.

"CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND (HAGUE, II) (29 July 1899)." *Laws and Customs of War on Land (Hague II); July 29, 1899*. 29, The Hague, The Netherlands. N.p., 1899. N. pag. *The Avalon Project: Lillian Goldman Law Library*. Web. 29 Sept. 2013. <http://avalon.law.yale.edu/19th_century/hague02.asp>.

In describing the general allowed terms of war agreed upon by countries including Germany, this primary document, a specific article of the Hague Conference, was referenced by prosecutors in the Nuremberg Trials to help convict the defendants and was therefore an important document to read to help outline the Trials in the

historical context on the state of international law in regards to the customs and laws of war.

"The Covenant of the League of Nations." *League of Nations*. Proc. of Paris Peace Conference, 10 Jan. 1920, Paris. N.p.: n.p., n.d. *The Avalon Project: Lillian Goldman Law Library*. Web. 3 Jan. 2014.
<http://avalon.law.yale.edu/20th_century/leagcov.asp>.

The charter for the creation of the League of Nations outlined its main principles and is essential to understanding the context of international law at the time before the second world war and the Trials. The Covenant of the League of Nations was the first attempt at an international governing authority and through the reading of it with a background in the context of the failure of the League to prevent World War II, this primary document sheds light on the fundamental problems in authority and procedure that the League had from the beginning, something that the IMT and the creation of the UN sought to avoid in the future.

"Crimes Against Humanity." *Learning About the Holocaust: A Student's Guide*. Ed. Ronald M. Smelser. Vol. 1. New York: Macmillan Reference USA, 2001. 134-137. *World History In Context*. Web. 22 Sept. 2013.

"Crimes Against Humanity" is another primary source document written by the International Military Tribunal. In this document, the types of international war crimes and their distinguishing characteristics are explicitly described. The document is not for general war crimes, however, but specifically for the Nuremberg Trials, as the Nazis are mentioned several times. And, since it was written by the IMT, the crimes could be described in a specific way as to make the crimes of the Allied powers passable. The document also responds to the critics of the crimes, those who state that the crimes are not crimes but rather "political acts," by stating that the IMT was trying to "protect all human beings...under all conditions, completely independent of warlike events." The document provides insight into the definitions of crime that the Nuremberg trials were held on, and the IMT's justification of their definitions of crime.

Dean, Gordon. "Mr. Justice Jackson: His Contribution at Nuremberg." *American Bar Association Journal* 41.10 (1955): 912-15. *JSTOR*. Web. 9 Oct. 2013. <<http://www.jstor.org/stable/25719366>>.

The author, Gordon Dean--an assistant under Chief American Prosecutor Robert Jackson during the Trials--in this source describes the contribution of the procedures and philosophies Jackson applied to the unprecedented Trials. Dean describes the two main pillars of law philosophy Jackson applied and the historical significance he had on the development of international law. The article offers insight into Jackson underscoring the responsibility and the rights that the Allies have in holding the Trials by referencing specific international treaties and

bringing forth the fact that international law had no continuing international authority, and the development of it at Nuremberg was just.

Doman, Nicholas R. "The Nuremberg Trials Revisited." *American Bar Association Journal*.47.3 (1961): 260-64. *JSTOR*. Web. 27 Sept. 2013.

"The Nuremberg Trials Revisited" is a primary source by Nicholas R. Doman and was published in the *American Bar Association Journal* in 1961. Nicholas R. Doman was a prosecutor at the Nuremberg trials. Again, he is pro-Allies, and it shows in his point of view. The article provides information on Dr. von Knieriem's book about the Nuremberg trials. Dr. von Knieriem was tried at the Nuremberg trials and found innocent. This article criticizes his argument. For example, Doman points out that although Knieriem is able to concede that the Germany was a criminal state (especially in the later years of the war) and the "principle of criminal responsibility and punishability," he does not make enough of a difference between the different types of crimes indicted at the trials, such as crimes against peace and crimes against humanity. This source is useful because it provides reasoning that defends the trials and portrays the Allies' point of view, which lionizes the trials as fulfillment of a responsibility to preserve the rights of humanity.

Ehard, Hans. "The Nuremberg Trial Against the Major War Criminals and International Law." *The American Journal of International Law* 43.2 (1949): 223-45. *JSTOR*. Web. 4 Jan. 2014.

This primary source is by Dr. Hans Ehard, a lawyer and politician during the era of World War II. In this document, Ehard is critical of the trials, calling them an "abuse of power" and stating that the lack of agreement over what "aggressive war" is by the international community and the lack of precedent from prior international law makes the Trials unlawful. Amidst his criticism of the trials, he does concede and say that "From a technical point of view, the trial was an important accomplishment." He is stating that the methods (and technicalities) of the Nuremberg Trials were indeed according to a liberal judicial system and were fair, but the trials themselves were baseless. Because Ehard was a German lawyer at during this time period, we can expect him to be a big pro-Nazi and to have a general skew against the Nuremberg Trials and the Allies. However, he does make some important points about the Nuremberg Trials.

Eisenhower, Dwight D. Letter to General of the Army George C. Marshall. 15 Apr. 1945. *Eisenhower Presidential Library and Museum*. N.p., n.d. Web. 18 Dec. 2013.

This primary letter, written by General Dwight D. Eisenhower to General George C. Marshall in 1945, mainly contains information on future war plans and opinions on the abilities and behavior of General Patton. More important to our purposes were Eisenhower's brief references to his visit to a camp, and the horrors he witnessed there. He says that General Patton refused to enter for fear that it

would make him sick, and recommends that General Marshall come and see it for himself. We found a quote by Eisenhower in this letter which we used on "The Atrocities of World War 2" page of our website. He says in the quote that he wanted to see the camps to serve as firsthand evidence of the atrocities he witnessed. This quote was a perfect addition to our page, and helped to give an authoritative and firsthand voice in the discussion of the atrocities committed by the Nazis.

"Enactments and Approved Papers of the Control Council and Coordinating Committee."
Enactments and Approved Papers of the Control Council and Coordinating Committee: Military Legal Resources (Federal Research Division: Customized Research And Analytical Services, Library of Congress). N.p., n.d. Web. 21 Sept. 2013. <http://www.loc.gov/rr/frd/Military_Law/enactments-home.html>.

This is a collection of several volumes of primary documents from 1945 to 1948, including enactments and approved papers, representing the effort of the UK, US, Soviet Union, and France to rule Germany. These are supplied on an official website of the US government, which could possibly have motivation to present information that is favorable to US actions and involvement. But as they are primary documents, there is no alteration. They are available as PDFs on a publicly intended website.

Ferencz, Ben. "The Reckoning: The Battle for the International Criminal Court." Interview. *PBS*. PBS, 14 July 2009. Web. 22 Sept. 2013. <http://www.pbs.org/pov/reckoning/interview_ferencz.php>.

This is a PBS interview conducted with Ben Ferencz, one of the American prosecutors, from July 14, 2009. He discusses the entitlement that the Nazis felt they had, but realistically lacked. He also says that he attempted to create a more humane and peaceful world through law during the trials. It provides a first-hand view of the conduct of the trials, and why both the prosecutors and defendants may have found the trials fair or unfair. It also discusses how the long-term intentions of the trials, which were aiming for an overall more peaceful world, as opposed to short-term vengeance against Nazis. As it was Published on PBS among a broad selection of interviews, it was intended as a source for the general population.

Gaeth, Arthur. *The Executions at Nuremberg*. A&E Television Networks, 10 Oct. 1946. Web. 6 Oct. 2013.

This primary source is an audio clip of Arthur Gaeth reporting for Combined American Network. He witnessed the hangings that followed the Nuremberg Trials and he described each in detail. The significant part of this source were the last statements said by the 10 Nazis who were hanged. The final words of these criminals reflect their final thoughts. Some are regretful and hopeful for a

peaceful future, while others are proud and still stand by Hitler and their actions in death. Hearing their final thoughts shows who have come to peace with the trials and their actions and who hasn't. Wilhelm Frick shouts, "I die innocently, the verdict was wrong!" This source is useful in seeing the defendants' final reactions to the trial. This source gives us context and primary quotes to use as evidence of the reaction to what many of the defendants thought as an unfair trial.

"German-Polish Agreement of January 26, 1934." *The Avalon Project*. Yale University, n.d. Web. 19 Feb. 2014.

The "German-Polish Agreement" also known as the, "German-Polish Non-Aggression Pact of 1934," was an agreement to avoid armed conflict for ten years between Nazi Germany and the Second Polish Republic. Germany broke this agreement when it invaded Poland on September 1, 1939. There is a link to this document on the "The Atrocities of World War Two" page of our website, where it is used as an example of Germany breaking agreements (like this and the Kellogg-Briand Pact of 1928) and waging aggressive war.

Harris, Whitney. "Interview with Nuremberg Prosecutor Whitney Harris: "I Hadn't the Slightest Idea of the Scale of Genocide"" Interview by Annette Langer. *SPIEGEL ONLINE*. Spiegel Online, 18 Nov. 2005. Web. 22 Sept. 2013.
<<http://www.spiegel.de/international/interview-with-nuremberg-prosecutor-whitney-harris-i-hadn-t-the-slightest-idea-of-the-scale-of-genocide-a-385694.html>>.

This is an interview conducted with one of the prosecutors of the Nuremberg trials, published online. As a prosecutor for the Allies, his opinions tend to favor the Allies' methods and the trials in general. He provides a first-hand view of the brutality of the Nazis, and argues that the trials were "without a doubt" fair. He also covers a wide range of topics reaching from ideological differences among the Allies, specific character traits of the defendants, as well as provides personal opinions on World War II and war in general. This interview was published on a public website, Spiegel Online, and was intended for all of its readers.

Heath, Trevor. "Crime in Retrospect-Nuremberg." *The Australian Quarterly* 18.8 (1946): 77-81. Australian Institute of Policy and Science. Web. 11 Oct. 2013.

This journal article, published by Trevor Heath while the Nuremberg Trials were still in session in September of 1946, explores the legality of ex post facto laws. In his conclusion, he argues that the side more favorable depends entirely upon opinion crafted by "your own habit of mind" and not "upon logic." He makes several arguments for both sides of the argument, acknowledging firstly that ex post facto laws violate legal theory in many countries, and legal fact in the USA. He also argues that the so called "international law" is comprised of the opinions of "...Four Powers...of a world State which they and they alone compromise." However, he also references the fact that the Allies had no time to craft laws

before the war, and that the moral need to deal with offenders is greater than the need to "uphold some vague ethical principles." In crafting an opinion on the fairness of the trials, all of his arguments are applicable. But as we have had specific concerns with and discussions on ex post facto laws, his statements on them in particular have been especially helpful.

International Law Commission. *Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal*. Rep. Vol. II. N.p.: United Nations, 2005. *Yearbook of the International Law Commission*. Office of Legal Affairs- United Nations. Web. <http://untreaty.un.org/ilc/texts/instruments/english/draft%20articles/7_1_1950.pdf>.

In describing the principles established by the Nuremberg Principles and the Trials, this primary document from the international organization of the United Nations provides insight into the changes that the Trials offered in international law pertaining to war crimes. This public document can be compared to previous international treaty and convention documents to further describe the development in international law that the Trials presented compared to the previously established laws.

Jackson, Robert H. "Address of Hon. Robert H. Jackson On Accepting First Annual Cardozo Memorial Award." Cardozo Memorial Award. Mayflower Hotel, Washington D.C. 21 Feb. 1941. *The Robert H. Jackson Center*. Robert H. Jackson Center, n.d. Web. 5 Jan.2014.<<http://www.roberthjackson.org/files/thecenter/files/bibliography/1940s/address-on-accepting-cardozo-award.pdf>>.

Written in 1941, this address by the chief U.S. prosecutor of the 1945 Nuremberg Trials describes his approach to the development of international law and the influence from his mentor, Justice Benjamin Cardozo, at his acceptance of the Cardozo Memorial Award. In this address his viewpoint on the development of law is expressed by his statement that freedoms were continually protected by the development, not stifling, of law. This is the view that Jackson brought with him to the drafting of the International Military Tribunal Charter and it is helpful because it ultimately brought forth the Trials and established a new order of international criminal justice.

Jackson, Robert H. "Opening Statement Nuremberg Trials, 1945." The Nuremberg Trials. Nuremberg, Germany. 21 Nov. 1945. *PBS*. Educational Broadcasting Corporation, 2007. Web. 29 Sept. 2013. <http://www.pbs.org/wnet/supremecourt/personality/sources_document12.html>.

The opening address of the Trials by Chief Prosecutor Robert H. Jackson outlines the purpose of the Trials with a theological justification and insistence on conviction with evidence. This primary document has given insight into the frame

of mind of the legal persons in the Trial and is helpful in the further justification of the Trials, where Jackson describes the responsibility the Allies and humanity had to prosecute the war criminals. Though since it is primary, a distorted view might come about as Jackson was the American Chief Prosecutor.

Jackson, Robert H. "Nuremberg in Retrospect: Legal Answer to International Lawlessness." *American Bar Association Journal* 35.10 (1949): 813-16. *JSTOR*. Web. 27 Sept. 2013.

This source is a primary source written by Robert H. Jackson, the chief United States prosecutor at the trials. Essentially, it explains how the Allies were legally justified in holding the trials. Obviously, as one of the American prosecutors, he is for Nuremberg trials, and the document is quite skewed towards that opinion. For example, in one part of the document, he states that even the critics must admit that the Nuremberg trials were valuable because they set a precedent for international law. He quotes one critic, Dr. Hans Ehard, who said, "We must salute the Nuremberg trial as a guidepost for the further development of the law of nations." Another point when he defends the Nuremberg trials is when he talks about the selection of judges. He claims that because of the wide scope of World War II, there were few neutral countries left, and that formal neutrality would not necessarily guarantee true neutrality in decisions the country might make. Also, since America, England, and France all had an "independent judicial tradition rely[ing] upon the individual integrity, detachment and learning of the judge to shape his decisions rather than upon the source of his commission, his nationality or his class," judges from those countries would be well suited for the Nuremberg trials. As for Soviet judges, he states that the Soviet judge alone could not alter the fate of the trials, and thus was okay. As can be seen from the two examples, Jackson was set on defending the trials, and their legal basis. The document provides a clear view of the Allies' point of view.

Jackson, Robert H. *Report of Robert H. Jackson United States Representative To The International Conference on Military Trials*. Rep. London: n.p., 1945. *Loc.gov*. Web. 29 Sept. 2013. <http://www.loc.gov/rr/frd/Military_Law/pdf/jackson-rpt-military-trials.pdf>.

This primary document was privately submitted as a report to the government in 1945, and not released to the public until February, 1949. In the Preface, Jackson reports on the events and decisions of the London Conference in 1945. He discusses disagreements throughout the conference, as well as the compromises made in regard to the trials' organization. His report provides a window into legal discrepancies that largely existed between the US and UK, and the Soviet Union and France. Both groups had different court structures, and he explains that conflicts arose in discussions on how an International Trial should be performed. In the end, the compromises seemed to work largely in favor of the accused. When arguments on how the defendants should be allowed to present evidence and testify arose, they were given the benefits of both judicial systems. This

would support the argument that the trials were indeed fair, and in fact were more fair than a trial of any of these countries individually would be. In addition to this, Jackson also provides specific information regarding the agreed upon definitions of crimes, the position on pleas of "acts of state," privileges of the defendants, and stances on evidence. The fact that Jackson worked for the US government must be noted, as this makes it more necessary to determine whether particular statements are biased.

Johnson, D. H. N. "The Draft Code Of Offences Against The Peace And Security Of Mankind." *International and Comparative Law Quarterly* 4.3 (1955): 445-68. Print.

This primary source analyzes the United Nations document "The Draft Code Of Offences against the Peace and Security of Mankind." Johnson goes into an in-depth discussion of international law after Nuremberg, and focuses especially on this document. He states that although it had its flaws, "The Draft Code of Offences Against the Peace and Security of Mankind" was an important step towards codification of international law. This source shows the legacy of Nuremberg and the effect that the trials had on the codification of rule of law.

"The Kellogg-Briand Pact, 1928." *Office of the Historian*. U.S. Department of State, n.d. Web. 14 Oct. 2013.

This primary source is the Kellogg-Briand Pact, which was agreement of the "renunciation of war as an instrument of national policy." This pact was signed by several countries, including Germany, in 1928. This is a significant document because it was one of the main pieces of evidence that the Allies used for the illegality of "Crimes against Peace." It is mentioned several times as a valid reason to indict the Nazis by the Nuremberg trials' supporters, including in *Nuremberg in Retrospect: Legal Answer to International Lawlessness*, by Justice Jackson. However, critics of the trials also point out that this pact was violated several times by the Soviet Union as well, and the Soviets were never indicted the way the Nazis were. This pact is an essential part of our project, since it could dictate whether or not the indictment of the Nazis was legally viable.

"London Agreement of August 8th 1945." *Nuremberg Trial Proceedings Vol. 1*. Proc. of International Conference on Military Trials, 8 Aug. 1945, London. London: n.p., 1945. *The Avalon Project*. Web. 25 Mar. 2014. <<http://avalon.law.yale.edu/imt/imtchart.asp>>.

This document is the declaration of the Allied intention to try the war criminals of World War Two whose crimes are not confined to one territory with an international military tribunal. References in this primary document are made to the Moscow Declaration of 1943 which first declared Allied intention of criminal prosecution and the Charter of the International Military Tribunal, which sets the procedure for the structure of the trials. This document is important in gathering

the circumstances and intentions that the Allies operated under in response to the atrocities of World War Two, as they tried to seek justice in a fair and liberal proceeding.

Morgenthau, Henry, Jr. *Germany is Our Problem*. N.p.: Harper & Brothers, 1945. Print.

This primary document outlines Henry Morgenthau's plan for a post-war Germany first originally given to President Franklin Roosevelt to take to the Quebec Conference. Essential in understanding the contention and differing options that the Americans had for a post-war Germany plan, *Germany is Our Problem* outlines the plan that called for the summary execution of Nazi officials and a pastoralization of the German economy. This stands in contrast to the Stimson plan which called for fair trials. This document stands significantly in history as part of the debate that ultimately led to the Allies choosing to pursue a liberal legal process of an international trial.

"Moscow Declaration on Atrocities by President Roosevelt, Mr. Winston Churchill and Marshal Stalin, Issued on November 1, 1943." *Cvce.eu*. N.p., n.d. Web. 19 Feb. 2014.

This declaration made by the four Allied Nations of the United States, Great Britain, France and the Soviet Union called for the unconditional surrender of the Axis powers for the termination of World War Two. The last part of the Moscow Declaration is the "Statement on Atrocities" in which the Allied powers declared that they would prosecute the war criminals who have committed the heinous crimes of the war. Criminals whose crimes have a territory would be sent to that territory to be tried under a tribunal. This document is significant because it is the first joint Allied statement regarding the enactment of justice in the prosecution of war criminals.

"Motion Adopted By All Defense Counsel, 19 November 1945." *The Avalon Project*. Yale University, n.d. Web. 19 Feb. 2014.

This statement, read at Nuremberg on the nineteenth of November, 1945, was delivered by Dr. Stahmer on behalf of all of the attorneys and defendants present at the trial. Stahmer served as counsel for the defendant Hermann Goering. In the motion, he discusses some of the major failures of the prosecution's case. On the "Defense" page of our website, we specifically reference a quote by Stahmer which criticizes the Allies' ex post facto law use, which he considers to be a violation of the "great fundamental principles of the political systems" possessed by the signatories of the Charter for the Tribunal.

"Munich Pact." *Munich Conference* (1938): n. pag. Web. 20 May 2014.
<<http://avalon.law.yale.edu/imt/munich1.asp>>.

The "Munich Pact" is a primary document agreed to by Hitler and the Allies of Great Britain, France, and Italy in which the policy of appeasement was undertaken in response to Hitler's invasion of Czechoslovakia. The significance of this document is that it showcases Europe's and the League of Nation's general policy towards Nazi Germany's rising aggression in Europe, leading ultimately to Germany's invasion of Poland and the beginning of World War II. Appeasement only encouraged Hitler to pursue more aggressive goals and the "Munich Pact" can be seen as a failure in the attempt to stop Nazi aggression.

"A NON-AGGRESSION PACT." *Sunday Times* (Perth, WA : 1902 - 1954) 28 Jan 1934: 1 Section: First Section. Web. 6 Jan 2014 <<http://nla.gov.au/nla.news-article58713187>>.

This article in an Australian Newspaper is a primary source written directly after the Non-Aggression Pact between Germany and Poland was signed. Reporting that the Pact depends on the Kellogg-Briand Pact condemnation of war as a national policy, this article is insightful in building the context of which war and international law were regarded to before World War II. In a larger context, this source can be used to understand how underdeveloped international law was at that point because of Germany's eventual invasion of Poland in 1939.

"Nuremberg War Crimes Trial: Rules of Procedure." *The Avalon Project : Nuremberg War Crimes Trial : Rules of Procedure*. N.p., n.d. Web. 16 Nov. 2013.

This source provided information on the basic Rules of Procedure for the Nuremberg Trials. This source helps us to address how fair the IMT's policies towards defendants were. It shows that the IMT made several efforts to give the defendants as much opportunity to defend themselves as they might receive in any of the countries' domestic courtrooms. Among other rules, it was required that defendants were receive copies of their indictments and other official papers translated into a language they understood at least 30 days before their trial commenced. It also allowed defendants to choose to defend themselves, or to receive either chosen or assigned legal counsel. It also stated that defendants may apply for witnesses or documents, and that the Tribunal would attempt to locate these sources for the defendant. In addition, it states some unrelated rules about the secretariat and conduct of the court. As this was originally published just for the IMT, it allows us to see how the trials were structured, and how much of an effort the IMT was truly making to create a trial environment that was fair to the defendants, whether they were actually trying to allow them a genuine trial or just point on a show of vindictive justice.

Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal. 1950: n.p., n.d. Web. 05 Oct. 2013. <<http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument>>.

This Primary source is the first publication recognizing the principles of international law exercised during the Nuremberg trials. It has seven stated principles, and distinguished several key facets of international law. Most notably in relevance to our question is that "any person who ... commits a crime under international law is ... liable to punishment" and that an international crime can be committed even if an internal crime is not being committed. Additionally, it states that a Government official is still responsible for their international crimes, and is also unable to relieve anyone else from their responsibility under international law. This very clearly shows that, despite the fact that many of the defendants tried were Government officials or acting under direct orders from those who were, that did not exempt them from responsibility in the eyes of the IMT. This document was published in 1950, and is available to the public.

"Punishment and Prevention of War Crimes." *Human and Civil Rights: Essential Primary Sources*. Ed. Adrienne Wilmoth Lerner, Brenda Wilmoth Lerner, and K. Lee Lerner. Detroit: Gale, 2006. 35-38. *World History In Context*. Web. 12 Sept. 2013.

This primary source was published by the League of Nations on October 10, 1943. Though it was written before the Nuremberg Trials took place, this document gives background information and touches on the events that lead up to these trials. The League proclaims what they believe is necessary to do in response to the crimes committed during World War II. This source is significant because it contextualizes the opinions of the Allies going into the trials. It also identifies the responsibilities that the Allies felt they had in upholding international law. This source gives a preview of the bias that led to what some thought to be improper executions of justice.

"Punishment of War Criminals." *Crime and Punishment: Essential Primary Sources*. Ed. K. Lerner and Brenda Lerner. Detroit: Gale, 2006. 136-140. *Global Issues In Context*. Web. 12 Sept. 2013.

"Punishment of War Criminals" was written by the International Military Tribunal. Because it is a primary source, there is no outside interpretation to sway the information. However, as the document was written by the IMT, and the IMT only, it could be inclined to represent the Allied powers in a favorable light, and could be skimming over information that could prove the Nuremberg Trials a victor's justice. The primary source portion of the source looks into the trial of Hermann Goering, one of the more influential Nazi leaders. It lists the courts he was indicted on, the evidence against him (there is little evidence for him included in the document), and the verdict (guilty). The document provides a view into the evidence used for indictment by the IMT.

"Rome Statute of the International Criminal Court." *Encyclopedia of Genocide and Crimes Against Humanity*. Ed. Dinah L. Shelton. Vol. 3. Detroit: Macmillan Reference USA, 2005. 1258-1268. *World History In Context*. Web. 12 Sept. 2013.

This primary source is the Rome Statute of the International Criminal Court. Even though it wasn't adopted until July 17th 1998 and it wasn't enacted until July 1st 2002, this document still contains important evidence in the legality, or the lack of it, of the Nuremberg Trials. This document enacts a permanent international court similar to the International Military Tribunal. Also included are definitions of genocide, war crimes and crimes against humanity. By looking at the documents that enacted the international laws that were used in the Nuremberg Trials, lack of legality can be proved. This evidence is crucial in proving the infringement on the rights of the defendants which directly ties this information to the theme.

Sigal, Clancy. "Phone Interview." Telephone interview. 16 Dec. 2013.

Clancy Sigal was an American GI who snuck away from his unit to attend the trials. We found an interview that he had done with NPR online, and were very interested in speaking to him. After we found his email and contacted him, he agreed to speak with us. The ability to speak directly with someone who experienced the trials firsthand was an incredibly helpful, interesting, and unusual experience for us. His memories of the trial, as well as his personal perspectives on the world before and since, proved to be invaluable to our research.

Smith, Willis. "The Nuremberg Trials." *American Bar Association Journal* 32.7 (1946): 390-96. *JSTOR*. Web. 27 Sept. 2013.

"The Nuremberg Trials," written by Willis Smith for the *American Bar Association Journal* is a primary source that recounts the trials. Smith was at the trials as an observer for the American Bar Association under War Department orders. Because Smith is American, is representing an American association, and is publishing in an American journal, he could be more biased for the Allies and portray them in a better light. However, because it is a primary source, it should still be useful in providing insight into the thoughts of Americans on the trials. Interestingly, Smith spends a fair amount of time discussing the technology at the trials that allows the languages to be translated for everyone. Other than that, he states that he has no doubt that the decisions made "will be as fair and as just as human intelligence, upon its highest plane, can produce," making his pro-trial opinion clear. He lionizes the IMT, saying that it is unique in its efforts to "improve the administration of justice in the affairs of humankind." Smith also wants the defendants to be charged, asking, "Can there be any contention that those acts [the crimes of the defendants] were in accord with civilization?" He also defends the trials against the criticism of the ex post facto laws. Through the document, it is clear that Smith sees the trials as just and necessary, a fact that is not surprising, considering the fact that he is American.

Sprecher, Drexel A. *Inside the Nuremberg Trial: A Prosecutor's Comprehensive Account*. Vol. 1. Lanham, MD: University of America, 1999. Print.

This primary account of the Nuremberg Trials was written by Drexel A. Sprecher, who was a U.S. prosecutor at the trials. Sprecher's account was split between two books, with this first volume focusing mainly on the events leading up to the trial, as well as the presentations made by the prosecution, including those made by the French and the Soviets. The accounts included information on nearly every facet of the trials, and helped to provide information in the recounting of events, actions, and conflicts happening in the trials. It also provided some authoritative firsthand quotes that we could use in communicating ideas on our website.

Statement on Atrocities. N.p.: n.p., n.d. *Statement on Atrocities*. Web. 29 Sept. 2013. <<http://www.ibiblio.org/pha/policy/1943/431000a.html>>.

This statement, jointly signed by President Roosevelt, Prime Minister Churchill and Premier Stalin is a primary source published as part of the Moscow Conference's Joint Four-Nation Declaration from October, 1943. It is an official statement released to the general public by the allied governments which states that all Nazi party members, or anyone who has been responsible for taking a consenting part in the "atrocities, massacres and executions" stated earlier in the document would be judged and punished by the countries in which their crimes were committed. It is explicitly stated to be a warning both to those who have already committed crimes, and one with the intention of dissuading anyone else to join the ranks of the Nazi party. Its stated intentions do perhaps sway from the actual conduct of the Nuremberg trials, however, because it claims "German soldiers who take part [in shooting or executing officers, hostages, or peasants] ... will know they will be brought back to the scene of their crimes and judged on the spot by the peoples whom they have outraged."

Stresemann, Gustav. "The New Germany." Nobel Lecture. Oslo University, Norway. 29 June 1927. *The Official Website of the Nobel Prize*. Nobel Media AB 2013, n.d. Web. 5 Jan. 2014. <http://www.nobelprize.org/nobel_prizes/peace/laureates/1926/stresemann-lecture.html>.

Stresemann's Nobel Prize lecture provides first-hand perspective on the aftermath of Germany after World War I. He was a co-laureate of the Nobel Peace Prize for the reconciliation of Germany and France in 1926. His speech holds a description of the victors' justice handed out by the Allies and was essential in understanding the normally vague concept of victor's justice. A concept which was important in understanding the international and legal context for post-war actions before World War II and the Nuremberg Trials.

Taylor, Telford. *The Anatomy of the Nuremberg Trials: A Personal Memoir*. New York: Knopf, 1992. Print.

The Anatomy of the Nuremberg Trials is a primary source book (or as the author calls it, a “personal memoir”) about the entirety of the Nuremberg Trials. It is written by Telford Taylor, who was the assistant to Robert H. Jackson. Although Taylor is American and was on the Allied side, the book is quite impartial, going into great depth about some of the faults of the Nuremberg Trials (as well as its accomplishments). And, although Taylor chooses to call the source a “personal memoir,” it provides extremely valuable information on the points of view of other individuals involved in the trials, including many of the other justices and the prosecuted Nazis.

Taylor, Telford. "The Nuremberg War Crimes Trials: An Appraisal." *Proceedings of the Academy of Political Science* 23.3 (1949): 19-34. Web. 11 Oct. 2013.

This is a journal article written by Telford Taylor, an American prosecutor at the Nuremberg Trials. It was written in 1949, only several years after the trials had ended. In it, he discusses the topics of study the Nuremberg Trials have created for scholars of law, science, and political science, and how they will affect the future. As an American prosecutor, he could certainly be considered biased to the Allies' benefit, and as such he did not hesitate to blatantly refer to German doctors as "stupid" for considering that taste might be what made salt water poisonous to drink. As we are questioning the fairness of the trials to the defendants, his speculation on whether it was truly accurate for defendants to plead necessity or duress was relevant to our considerations. So, too, was his assertion that, "From the outset, the fundamental principle of all war crimes trials, at Nuremberg and elsewhere, has been that they are a judicial process for the enforcement of law which is binding on all men." As the intentions of the Allies with the conducting of the Trials is one of our central considerations, a primary opinion on the subject is certainly a constructive one to have.

United Nations General Assembly Resolution 177. The United Nations, 21 Nov. 1947. Web. 4 Mar. 2014.

This primary source is Resolution 177 of the United Nations General Assembly. This specific resolution states that the United Nations requests that principles of Nuremberg should be written down and codified into law, which thus lead to the Nuremberg Principles. These principles were a codification of most of the principles of the Nuremberg Trials, showing the Trials' importance in the later development of rule of law in an international context.

United States. Cong. Woodrow Wilson. *President Wilson's Fourteen Points*. PBS. Web. 4 Dec 2013. <http://www.pbs.org/wgbh/amex/wilson/filmmore/fm_14points.html>.

President Wilson's Fourteen Points presents the idealistic vision of what the League of Nations was meant to be and offers the context in which the League was to be in terms of international law and relations. The League of Nations being

the first international governing authority which ultimately failed in preventing World War II was important to understand in its first advocate's, Wilson's, vision. *Fourteen Points* connects to the precedent of the Nuremberg Trials in the world of international law by being the structure and context the Trials found themselves in during the drafting of the IMT.

"The Universal Declaration of Human Rights." UN News Center. UN, 10 Dec. 1948. Web. 12 Nov. 2013.

The Universal Declaration of Human Rights is a primary source that was adopted by the UN on December 10, 1948. This document is essential for it states rights that were born out of the Nuremberg Trials and World War Two as a whole. These rights include the right to life, liberty and the security of person without distinction of any kind including religion, race and political or other opinion. This document is extremely important in analyzing the legacy of the Nuremberg Trials.

UN General Assembly. *Convention on the Prevention and Punishment of the Crime of Genocide*. Vol. 78. N.p.: United Nations, 1948. Treaty Ser. Refworld. Web. 14 Dec. 2013.

The Convention on the Prevention and Punishment of the Crime of Genocide is an extremely significant published by the UN General Assembly. This convention is a direct effect of the Nuremberg Trials and its contents define rights and responsibilities regarding the topic of genocide. In Articles 1, 2, and 3 the term genocide is clearly defined establishing and protecting rights of those who may be subjected to this crime. In Articles 5, 8, and 12 create a responsibility of the signatories to uphold this Convention. International Courts, similar to the International Military Tribunal, are listed as options to execute justice in Articles 6 and 9. This primary source is helpful in mapping the legacy of the Nuremberg Trials.

Secondary Sources

"About ICTR." *UN ICTR*. United Nations, n.d. Web. 04 Jan. 2014. <<http://www.unictr.org/AboutICTR/GeneralInformation/tabid/101/Default.aspx>>.

This article comes from the official website for the International Criminal Tribunal for Rwanda, which is an international tribunal that came after the International Military Tribunal. The article contains information about the ICTR, including the origins of the tribunal, the aims of the trials, and the jurisdiction under which the court operates. Because this article comes from the official website of the International Criminal Tribunal for Rwanda, it is probably very biased, not including any information that would be antagonistic toward the ICTR.

"About the ICTY." *ICTY*. International Criminal Court for the Former Yugoslavia, n.d. Web. 04 Jan. 2014. <<http://www.icty.org/sections/AbouttheICTY>>.

This article is from the official ICTY website. The ICTY was an international tribunal that came after Nuremberg, and which was inspired by Nuremberg. This page offers information about the ICTY, including its goals and its accomplishments. Because this comes from the official website for the International Criminal Tribunal for the former Yugoslavia, it will most definitely be biased, only stating the positives about the ICTY, and not any problems or issues that it might have had.

"Adolf Eichmann Trial: 1961." *Great World Trials*. Detroit: Gale Research, 1994. *World History In Context*. Web. 12 Sept. 2013.

This is a secondary source about the trial of Adolf Eichmann, which was conducted about fifteen years after the Nuremberg trials officially ended, in Israel, a country that was nonexistent during the Nuremberg trials. However, this could cause this source to possibly be less relevant in our research. Having this trial much later might reduce any influence of victor's justice that could have been present at the actual trials, which is a major component of our topic. However, this source still gives general facts about the case. But, it does not take a point of view or opinion about it, as it only includes facts.

"ADVERSARIAL AND INQUISITORIAL SYSTEMS: A BRIEF OVERVIEW OF KEY FEATURES." *Law Commission*. New Zealand Government, n.d. Web. 25 Mar. 2014. <http://www.lawcom.govt.nz/sites/default/files/adversarial_and_inquisitorial_systems_2.pdf>.

By providing significant analysis into the adversarial and inquisitorial systems of judicial proceedings, this source provides an understanding of the court system used in the Nuremberg Trials. The use of the adversarial system in the Trials brought opportunities for more individual liberty, such as the ability to argue with evidence and the selection of witnesses and evidence by both the prosecution and the defense. The connections made with the use of this system and the Allies attempts at creating a fair trial provide a deeper understanding and evidence for the creation of fair trials through the processes at Nuremberg.

"The Avalon Project : Nuremberg Trial Proceedings Vol. 1." *The Avalon Project : Nuremberg Trial Proceedings Vol. 1*. Yale Law School, 2008. Web. 25 Mar. 2014.

This secondary source was extremely helpful in clarifying and stating the specifics. This is a reliable source that had lists of all the different members of each group that participated in the trials. The most helpful aspect of this website

for the purposes of our project was the information on the defense counsel. The names of the defense counsel are difficult to because they are often overlooked in the outlining of the Trials. Unlike other sources that are not specific, this website gave us the information we needed to better understand the defense aspect of the Trials.

"Background and Preparation for the Nuremberg Trials." *Archive.adl.org*. Anti-Defamation League, 2006. Web. 29 Sept. 2013.
<http://archive.adl.org/education/dimensions_19/section1/background.asp>.

This secondary source discusses such practical processes of the trials as the Rights of the Defendants to defense, assistance of counsel, cross-examination, and having access copies of the indictment in a language they understood. In addition to these specifics, it provides a long-spanning overview of the trials, beginning with the Holocaust and ending with the twelve trials at Nuremberg following those of the International Military Tribunal. It also provides several quotes from various historians and professors discussing the effects of the Nuremberg Trials on modern international law. This information on specific legal conduct allows us to make judgements on how "fair" the trials were. This knowledge on the manner of the proceedings allow us to judge if the trials were a fair execution of a responsibility, or a "rigged" case of Victor's Justice. This is published on the Anti-Defamation League website, and intended for the general public.

Barrett, John Q. Telephone interview. 2 Jan. 2014.

Professor Barrett is a professor of law at St. John's University and is on the board at the Robert H. Jackson Center. He is currently working on a biography about the head prosecutor and with his specialization in Jackson and law, Barrett was extremely helpful in understanding the framework of the Trials. Barrett offered insight into how Jackson and others shaped the International Military Tribunal Charter and the legal ideals that they took into the precedent setting Nuremberg Trials. Professor Barrett also was helpful in suggesting other sources to add to our understanding of the law behind the Trials.

Bass, J, Gary.. "Atrocity & legalism." *Daedalus* 1(2003):73. *eLibrary*. Web. 06 Oct. 2013.

In framing the connection between international justice and military force, Bass—a professor of politics and international affairs at Princeton University--provides historical context in comparing the execution of international justice during World War I, World War II, and the more recent conflict of the War on Terror. This scholarly journal links the responsibility of enacting justice on an international scale to its feasibility with brute force. Produced purely for academic reasons, this source, while it does back the necessity of force for international justice to occur, contains evidence and regards events with facts.

Bassiouni, M. Cherif, Richard A. Falk, and Yasuaki Onuma. "Nuremberg: Forty Years After." *American Society of International Law* 80 (1986): 59-68. JSTOR. Web. 13 Oct. 2013.

"Nuremberg: Forty Years After" is a document that reflects on the Nuremberg trials' legacy. It is broken into three main sections, each written by Bassiouni, Falk, and Onuma. Bassiouni examines both the moral-ethical legacy, and the second (and more important) which examines the legal legacy. The second section goes into detail about the legal problems of the Nuremberg trials. For example, it states that the defense of "obedience to superior orders" was often accepted prior to the Trials, but was not accepted for some reason at the Trials. Bassiouni that the Paris Pact (the Kellogg-Briand Pact) and the Locarno Pact were "not adequate to satisfy a rigorous interpretation of the principles of legality" in terms of crimes against peace. But, the source does contend that the Nuremberg Trials did relatively well in terms of procedural fairness. He concludes by stating that "Nuremberg was in part 'victors' vengeance" with reference to a legal framework, but not with a reference to a moral-ethical one," which is a very similar statement to our own thesis. In Falk's section, he differentiates between "Nuremberg's achievement" and "Nuremberg's illusion." The latter is the idea the Nuremberg would "provide a new framework for the behavior of governments in relation to war and peace, and in relation to the treatment of civilian populations." He criticizes the precedent set by the trials, such as the lack of any law against nuclear weapons (since the Allies had used these). Falk states that the creation of the illusion was due to post-war optimism, and also to give the Nuremberg trials a sense of justice, so that the apparent "precedent" that the trials were claimed to have set justified them. Instead of setting a formal legal precedent, says, Falk, the true effect of the Nuremberg trials was on the "civic consciousness" of people. Onuma also agrees with the previous two, and states that "the legacy of Nuremberg... in a strict legal sense is rather dismal." This source is essential because it provides interesting evidence against the trials, and also looks at how effective the Nuremberg trials really were at setting a precedent for future international law, which was one of the "responsibilities" that the Allies were supposedly fulfilling with the trials.

Beschloss, Michael R. *The Conquerors: Roosevelt, Truman, and the Destruction of Hitler's Germany, 1941-1945*. New York: Simon & Schuster, 2002. Print.

This book was extremely helpful in understanding the interactions between world leaders during the end of World War II and into postwar planning. *The Conquerors* focuses on the American leaders, giving insights on the not only official decisions and meeting but also personal conversations. Beschloss follows the Allies as they make plans for the postwar world in various conferences and through various declarations. This book was specifically helpful in expanding our sections on the Moscow Conference and the Morgenthau Plan. We were able to get specific quotes from many world leaders which really helped expand the evidence to support our argument.

Biddiss, Michael. "Victors' justice? The Nuremberg tribunal." *History Today*. 01 May. 1995:40. *eLibrary*. Web. 06 Oct. 2013.

This source describes the difficulty of setting up the International Military Tribunal to prosecute war criminals and outlines the issues that undermined the legitimacy of the Trials. The involvement of the USSR, the crimes by the Allies, and the lack of precedence for the charge of "conspiracy" were described to approach the view of the Trials as a form of Victor's Justice in regards to the court proceedings. This secondary analysis from a reputable database provides views about the right that the Allies had in prosecuting on the charge of "conspiracy" and the flaws in the court procedures.

Cronkite, Walter. Listening In On the Nuremberg Trials. N.d. Walter Cronkite: History's Lessons. NPR, 20 Feb. 2006. Web. 29 Sept. 2013. Transcript.

Walter Cronkite, a famed CBS reporter, does this piece on a special series called Walter Cronkite: history's lessons on NPR. Cronkite was a reporter covering the Nuremberg Trials making this a very significant source. He gives insight on the Trials as well as integrates old clips of his reports, clips of Goering and others in trial, and readings of Louis Nizer. Nizer was a famous American attorney who gave a speech at the Town Meeting in February of 1944, which the readings are from, and wrote a book, *What to do with Germany*. Both of these works influenced the shaping of allied policy. This source is useful because it is by a person involved in the Trials and it includes primary clips. This radio piece explains America's reasoning behind an international commission holding trials by looking back on the outcome of World War One.

"Defendants in the Major War Figures Trial." UMKC, n.d. Web. 18 Dec. 2013.

This website, created by the University of Missouri-Kansas City, is a secondary source that provided quotes stated by many of the defendants at the original Nuremberg Trials. It was most useful for its quote by Alfred Jodl, who was the Chief of Operations for the German High Command. In one of his quotes, he claims that he was shocked by many of the accusations made in court, and had no idea that any of them were going on. This fit perfectly under the "Defense of Superior" order section of our "Controversy" page.

Douglas, Lawrence. "Phone Interview." Telephone interview. 4 Mar. 2014.

Professor Lawrence Douglas is James J. Grosfeld Professor of Law, Jurisprudence and Social Thought at Amherst College, and the author of the book, *The Memory of Judgement*. Professor Douglas agreed to speak with us through a phone interview, and was able to answer many questions we had, as

well as introduced new ideas and topics to our research. He was particularly helpful in elaborating on the concepts of "ex post facto" and "tu quoque," which can be found on our "Faults" page.

"Draft Code of Offences against the Peace and Security of Mankind." The United Nations, 1954. Web. 4 Mar. 2014.
<http://legal.un.org/ilc/texts/instruments/english/draft%20articles/7_3_1954.pdf>.

This primary document codifies international law and specifically states actions that are now considered crimes in an international context. The document references the Charter of the International Military Tribunal and its counts many times. The document also references the structural proceedings at the Nuremberg Trials. For example, it specifically states against the defense of superior order, which had also not been accepted at the Nuremberg Trials. This document shows the effect that Nuremberg had on codifying rule of law in an international context.

Drumbl, Mark, and Melissa Block. "Nuremberg's Legacy, 60 Years Later." *All Things Considered*. NPR. 28 Sept. 2006. NPR. NPR. Web. 05 Oct. 2013.
<<http://www.npr.org/templates/story/story.php?storyId=6161866>>. Transcript.

This radio piece was aired in September 2006. The commentator Mark Drumbl discusses modern genocide prosecutions, and relates them to statements about the Nuremberg Trials relevant to our purposes. He discusses the fact that many jobs related to propagating genocide (especially in the cases of the Holocaust) were jobs paid by state, and that committing crimes became a civic duty. His acknowledgement of the fact that civil threat is much nearer and more daunting than international threat to an individual play into answering the question of whether individuals deserve to be tried for committing crimes they were ordered to commit. He also says that the Nuremberg Trials alone were not enough to "reconstruct shattered societies." Published on NPR, this was intended for a general and public audience.

Feltman, Brian K. "Legitimizing justice: the American press and the International Military Tribunal, 1945-1946." *The Historian* 66.2 (2004): 300+. *World History In Context*. Web. 12 Sept. 2013.

This secondary source, by Brian K. Feltman, delves into the significance that the press brought to this uncensored trial. The author uses the lack of censorship as evidence of showing the truth in the IMT and Jackson's goal of holding and impartial trial focused on defending the rights of those prosecuted. This article argues on the side that believes the trials were a great achievement in history and therefore this source is extremely helpful in understanding that side. At the same time it recognizes the critics that believe the Nuremberg Trials were a prime example of victor's justice. Feltman uses many excerpts from primary sources to back up his argument and explores the idea that the trials were more influential on

the future of international law than the individual verdicts and the crimes committed in the Holocaust.

Ferencz, Benjamin. "The Holocaust and the Nuremberg Trials." UN Chronicle Dec. 2005: 26+. World History In Context. Web. 14 Oct. 2013.

This article shows the controversy between the intentions of head prosecutor Jackson and the actual legality of the trials. It was agreed upon by the Allies to make the Nuremberg Trials fair. Jackson said, "We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow." The Allies and specifically Jackson felt it was their responsibility to hold a fair trials yet one of the four counts that the defendants were convicted on was based on ex post facto law. Aggressive war, after the General Assembly of the UN in 1946, was deemed an international crime changing from being an international right. This source directly connects to the theme for it shows evidence of what Jackson thought his responsibility was and at the same time some of the rights that were taken away from the defendants.

Fichtelberg, Aaron. "Fair Trials and International Courts: A Critical Evaluation of the Nuremberg Legacy." *Criminal Justice Ethics* 28.1 (2009): 5-25. Web. 8 Oct. 2013.

In this article Fichtelberg delves into not whether the Nuremberg trials were fair or not, but rather why it was important that there was a fair trial rather than a show trial, as suggested by Stalin, or immediate execution, as suggested by Churchill. Fichtelberg argues that even though the reasons of attributing blame, telling the story so it can be understood by the general public and restoring the community may be reason for a fair trial in a domestic setting, the same does not go for international context. The attribution of blame in international trials only cover the leaders of the events while letting the majority people who actually pulled the trigger walk free. Telling the story, Fichtelberg argues, is not the job of an international court., but rather their job is to render justice and that is all. As for restoring the community, the point of an international tribunal is that they are not part of the community of the accused. Therefore it becomes harder for people to accept the findings whether or not the trial was fair. According to Fichtelberg, the only argument in favor of making international trials, such as Nuremberg, fair is so that the trial can pose as a role model for other countries that do not recognize the rule of law. This source is significant because it helps shape our understanding of international law and fair trials versus show trials or immediate execution. Fichtelberg's argument also connects to the theme of responsibility as his main argument is that the Allies had the responsibility to be a role model of democracy to other countries

Finch, George A. "The Significance of the Nuremberg Trials." *Proceedings of the Section of International and Comparative Law (American Bar Association)* (1946): 22-28. JSTOR. Web. 12 Oct. 2013. <<http://www.jstor.org/stable/25742723>>.

This argument published by the American Bar Association examines the claim of “acting under orders” by the defendants and the legal authority and the rights the Allies held after Germany’s unconditional surrender and during prosecution. In addition, this secondary source provides information about the historical significance of the Trials in the development of the definition of “aggression” by the newly formed United Nations. Written in 1946, the wider significance of the Trials’ connection to the development of the United Nations is unable to be wholly analyzed.

Finch, George A. "Superior Orders and War Crimes." *The American Journal of International Law* 15.3 (1921): 440-45. *JSTOR*. Web. 27 Oct. 2013. <<http://www.jstor.org/stable/2188006>>.

Written after World War 1, Finch describes in the American Journal of International Law the situation of the “superior orders” defense, examining the claim and opposing viewpoints through multiple court cases, including two directly after the First World War. This objective source provides context to claim of the defense during the Nuremberg Trials, as there are conflicting views of whether the Allies had the right to hold individuals accountable for the crimes of the Nazi Party.

Glueck, Sheldon. *The Nuremberg Trial and Aggressive War*. New York: A.A. Knopf, 1946. Print.

In this book Glueck argues the legality of the waging of aggressive war count in the Nuremberg Trials. He states the opposing arguments and then rebuts using evidence of past documents, treaties and agreements as well as quotations from other authorities with the same view. This source is significant for it addresses both sides of the argument of the legality of this count. Glueck covers the opposition that marks this count as retroactive and then goes on to argue that in the basis of customary law this is not true. Additionally, Glueck delves into the question of whether individuals can be punished when the preceding documents made aggressive war a crime of a sovereign state. He argues that if the sovereign state does not punish its individual for his or her criminal action in regards to international law then the individual can no longer hide behind the application of international law only to his or her sovereign state. This source is important in understanding the controversy of the legality of the counts in the Nuremberg Trials as well as understanding what past documents are applicable to international law at the time.

Goldensohn, Leon, and Robert Gellately. *The Nuremberg Interviews*. New York: Alfred A.Knopf, 2004. Print.

This primary source book contains abridged interviews with defendants and witnesses of the Nuremberg trials, conducted by American psychiatrist Leon

Goldensohn. In addition to personal interviews and psychiatric analyses, it also contains an introduction (secondary source) by editor Robert Gellately. The introduction contains specific information regarding the layout and conduct of the trials, as well as relevant speculation about the motivations of different nations for holding the trials, as opposed to alternate courses of action. The in-depth structure of this introduction is incredibly helpful in its attention to fine detail, and discussion of the incentives for each nation to call for summary executions and legitimate trials, in turn. It also draws and points to several other primary source documents, which provided some direction for further reading into even more detail.

Goldstone, Richard J. "World Peace through Justice Award lecture." *Washington University Global Studies Law Review* 8.4 (2009): 619+. *World History In Context*. Web. 12. Sept. 2013.

This source is a lecture given by Richard J. Goldstone, who was present at the Nuremberg Trials. Even though that was the case, Goldstone chooses to focus on the legacy of the Nuremberg Trials and how they affected international law and rights. Goldstone presents an argument portraying how the Nuremberg trials affected international criminal justice. This source focuses on the significance of the effects of the Nuremberg Trials.

Goodheart, A. L. "Questions and Answers concerning the Nuremberg Trials." *The International Law Quarterly* 1.4 (1947): 525-31. Web. 11 Oct. 2013.

In this journal article, Goodheart, who was spoken both academically and non-academically on the trials, discusses some of the questions most frequently asked by listeners. He discusses mainly facets of the trials pertaining to their fairness and their necessity. He makes the point that the trials were fair for the fact that defendants could supply evidence, judges had to justify their verdicts, and in the end, three were acquitted. He also discusses defense of superior order and the important effects of the trials, but most relevant to our project was his discussion of ex post facto law. He makes the point that violations of rules of war (which were long established) would along have been enough to try and convict defendants. However, he explains that ex post facto laws can only be considered unreasonable or unfair when their criminality is unclear or not obvious when they are violated. In the case of the Nuremberg Trials, he argued, genocidal crimes and the slaughtering of millions of innocents were obviously criminal even before the IMT made it them legally so.

"ICC - About the Court." *ICC*. The International Criminal Court, n.d. Web. 04 Jan. 2014.

This article is from the official website of the International Criminal Court. The article gives general information on the International Criminal Court and the Rome Statute, including the date that the Statute was adopted, the date that it officially went into force (by ratification), and information on what the ICC is

trying to accomplish. Because the article comes directly from the official website of the International Criminal Court, it is probably very biased, and does not include any information that is negative towards the trials

"The Influence Of The Nuremberg Trial On International Criminal Law." *The Robert H. Jackson Center*. The Robert H. Jackson Center, n.d. Web. 02 Jan. 2014.

This document is a secondary source found on Robert H. Jackson's website (but was not actually written by Jackson, making it a secondary source). The source goes into the influence that Nuremberg had on international criminal law and the documents, conventions, and international tribunals that followed Nuremberg. The document starts by discussing the Nuremberg trials, then goes on to other tribunals and documents that were established because of the precedent that Nuremberg created. Because this source was found on Robert H. Jackson's website, it might be pro-Allies, and view the Nuremberg trials in a much more positive light and mask the inadequacies, but still is an extremely useful source in figuring out the influence of Nuremberg.

"International Law." *Europe Since 1914: Encyclopedia of the Age of War and Reconstruction*. Ed. John Merriman and Jay Winter. Vol. 3. Detroit: Charles Scribner's Sons, 2006. 1433-1438. *World History In Context*. Web. 12 Sept. 2013.

Providing a concise overview of the history of international law in Europe, this public, secondary source from the established database of *World History In Context* provides information about the different sections of international law and the treaties and conventions that enacted them. This helps in piecing together the context of international law prior to World War II and will help examine the legal situations presented in the aftermath of the war with regard to previously instituted legal customs.

Kerker, Sindee. "Phone Interview." Telephone interview. 10 Feb. 2014.

Ms. Kerker, an associate professor of criminal justice at Lynn University, agreed to speak with us over the phone about the Nuremberg Trials. At her University library, they possess several original volumes of court documents relating to the trials. Because of this, Ms. Kerker teaches classes specifically about the Nuremberg Trials' conduct. She was able to provide us with lots of helpful information regarding specific facts about the trials, and to answer questions we had regarding them.

Kessler-Harris, Alice. "From Retribution to Restoration." *The Women's Review of Books* 16.6 (1999): 15-16. *JSTOR*. Web. 5 Jan. 2014.
<<http://www.jstor.org/stable/4023127>>.

This source is a review of Martha Minow's book examining the response after mass violence and genocide, *Between Vengeance and Forgiveness*. Kessler-Harris examines the three courses of action that Minow proposes as a way to react to the aftermath of collective violence undertaken by large organizations or governments and proposes that Minow include a deeper examination through the perspective of victims that continue to be shamed and psychologically tormented by their communities, the victims of sexual assault. Minow focuses on making known the plight of the victims and receiving justice through legal tribunals or truth commissions. Ultimately this source was helpful in providing an insightful perspective on the victims and how they can be affected differently through these post-violence responses.

Lang, Jr, Anthony F. "Crime and Punishment: Holding States Accountable." *Ethics & International Affairs* 2(2007):239. *eLibrary*. Web. 06 Oct. 2013.

In acknowledging the ambiguity of international justice in holding states or individuals accountable, Lang, a professor at the University of St. Andrew, is able to examine the structures necessary for an environment for either holding individuals or states accountable for crimes under international law. This analysis is helpful in establishing context in which responsibility would be assigned in the past and in different international situations. Also, the way in which the conflicting goals of states would affect the person or entity that would be prosecuted.

Linder, Douglas O., and Sean Bradley. "Famous World Trials: Nuremberg Trials 1945 - 1949." *Untitled Document*. University of Missouri-Kansas City School of Law. Web. 20 Mar. 2014.

This website was integral in the creation of the courtroom diagram. It presented clear information and visuals that helped in understanding what the courtroom of the Nuremberg Trials was actually like. Using this information we were able to see the similarities between the Nuremberg Trial courtroom and a legitimate courtroom of the adversarial system. From this information we were able to analyze further the structure of the Trials and how it played into reaching the goal intended by the Allies.

Mallard, William D., Jr. "Nuremberg— A Step Forward?" *International Lawyer* 4.4 (1970): 673-81. Print.

This source was written by William D. Mallard Jr. in 1970 on the Nuremberg trials. Although it is was published a long time ago, that does not mean that it is unusable, as it still provides valuable information on the different schools of thought on the Nuremberg trials. It focuses on the credibility of calling "aggressive war" a crime to indict the Germans, whether international laws should apply to nations or individuals, the fact that many of the laws used to convict the defendants were ex post facto laws, and the defense that the individuals in trial

were just obeying superior orders. He concludes that aggressive war was rightfully considered a crime, but more often against nations than individuals and that the defense that a defendant was “just taking orders” is not applicable when an individual is obviously being unlawful. At the very end, he states that even though the Allies could have possibly done unfair trials, they were able to at the very least replace the common vengeance and summary executions that followed war with some sort of law.

Marrus, Michael R. "The Nuremberg trial: fifty years after." *The American Scholar* 66.4 (1997): 563+. *Student Edition*. Web. 6 Oct. 2013.

In this article, Micheal Marrus argues that while the Nuremberg Trials weren't legally perfect, justice prevailed and the impact was necessary. Marrus goes through each count addressing the problems as to show the contradicting view. He then goes on to explain why these problems and why critics of today's alternative proposals were not relevant at the time of the Trials. While the rights of the defendants may have been not fully appreciated due to ex post facto law and tu quoque, Marrus believes that the Allies had the responsibility to punish the Nazi leaders. He also argues that due to the German's unconditional surrender the Allies had the right to deal with the Nazi leaders in whatever fashion they deemed appropriate. Thus, the defendants should have been expecting no trial at all and rather swift execution which wa the Allies alternative. This source puts the Nuremberg Trials in context as Marrus tries to look past the imperfections to present an argument that encompasses the positive historical significance of this event.

Minow, Martha. *Between Vengeance and Forgiveness: facing history after genocide and mass violence*. Boston: Beacon Press, 1998. Print.

Minow, Dean of Harvard's Law School, expertly weaves together the multiple forces involved in post-war justice in her deep and clear analysis of the actions of people, governments and organizations do after the mass violence of wars and conflicts. This source was helpful in understanding the legacy of international tribunals that carried on after the landmark Nuremberg Trials and differing conflicts and post-war actions were examined.

Neff, Stephen C. "A Short History of International Law." *International Law*. Ed. Malcolm D.Evans. Oxford University Press, 2003. 31-58. PDF file.

Professor Stephen Neff outlines the important points in the history of international law, spanning from the first definitions the term “international law” entailed and through to the twentieth century. This source provides the historical context of the developed law which the Nuremberg Trials were held under, in addition with the precedents the Trials brought by acting as a broad and substantial text of historical descriptions of international law.

"The Nuremberg Judges." *PBS*. PBS Online/WGBH, 3 Jan. 2006. Web. 25 Mar. 2014.
<http://www.pbs.org/wgbh/amex/nuremberg/peopleevents/p_judges.html>.

In outlining the key figures of the Nuremberg Trials, this source from the research of PBS's documentary program *American Experience* explores the impact of the individuals in the development and institution of the court. Judges are examined and their roles are explained as well as the political situations that they came from in their countries, such as Judge Biddle's and Prosecutor Jackson's roots in American judicial proceedings compared with the Soviet judge's--Nikitchenko--past dealings under the inquisitorial system under Stalin. This lays out the backdrop for the judicial proceedings of the Trials and offers a new perspective in the Allied quest for fair and effective means of prosecuting the war criminals of World War Two.

"Nuremberg's Legacy, 60 Years Later." Perf. Mark Drumbl. By Mark Drumbl. Hosted by Melissa Block. *All Things Considered*. Hosted by Melissa Block, Robert Siegel, and Audie Cornish. Natl. Public Radio. 2 Oct. 2006. Transcript. *National Public Radio*. Web. 2 Dec. 2013.
<<http://www.npr.org/templates/story/story.php?storyId=6161866>>.

Mark Drumbl, professor of law at Washington and Lee University, provides his argument about the legacy of the Nuremberg Trials. In outlining the list of international crises that occurred after the Trials, such as in Rwanda and the former Yugoslavia, Drumbl argues that the ideals of individual punishment established by the Trials have failed to deter violence brought on by the state by the individual, i.e. Rwanda. This source counters the argument of triumph in Nuremberg's legacy and in so provides a differing perspective on the responsibilities that the Trials established.

"The Nuremberg Trials." Dir. and prod. Michael Kloft. Narr. Joe Morton. Episode #18.06. *American Experience*. Prod. Mark Samels. PBS. WGBH, Boston, 30 Jan. 2006. Transcript. *PBS*. Web. 6 Oct. 2013.
<<http://www.pbs.org/wgbh/amex/nuremberg/filmmore/pt.html>>.

This film, which was accessed as a transcript, contained specially written narration, clips from the trials, and interviews with several subjects knowledgeable about the trials. It has several focuses, and seems to return often to Hermann Göring. But it provides several relevant notes, including Martha Minow's statement that the Allies agreed, "It is no defense to murder to say that other people are murdered." Also discussed is the refusal of some defendants to accept blame, Göring's insistence that his actions were in defense of his homeland, and that Göring and his wife thought he would be sentenced to a punishment "more befitting his rank" than death by hanging. This is evidence that the defendants were perhaps not expecting to be tried so severely as they were, and that many claimed (and most likely truly believed) that they should not be considered guilty

because they were acting under orders of state when their crimes were committed.

"The Nuremberg Trials." *The Nuremberg Trials*. United States Holocaust Memorial Museum, n.d. Web. 12 Sept. 2013.
<<http://www.ushmm.org/outreach/en/article.php?ModuleId=10007722>>.

This is a secondary source which provides a basic overview of the Nuremberg Trials. It also provides short overviews of three prominent dates related to the trials: when the charter of the IMT was announced, the indictment of leading Nazis, and when the verdict was given. However, it is not an especially detailed source, and is more factual than speculative. This is a document intended for the general public.

"The Nuremberg Trials: People and Events." *PBS*. PBS, 03 Jan. 2006. Web. 25 Mar. 2014.

This secondary source was excellent in summarizing the key aspects of the Nuremberg Trials and surrounding events. It gave specifics in a brief manner that overviewed the entire process. Specifically, this source was useful in identifying the head prosecutors and elaborating on their plans for prosecution. From this website we were able to retrieve information like the fact that the prosecution mainly used hard evidence rather than eyewitness testimony in order to legitimize their argument. These facts were essential in understanding the specifics of prosecution and leading us to more in-depth subject areas.

Overy, Richard. "Making Justice at Nuremberg 1945-1946." *BBC News*. BBC, 17 Feb. 2011. Web. 29 Sept. 2013.

This secondary source looks into the idea of victors justice. Professor Richard Overy, the author of this article, is very critical of the proceedings of the Nuremberg Trials. Overy states that the International Military Tribunal arbitrarily chose the defendants, points out that the crimes accused were not crimes at the time of action, and argues that the prosecution team was poorly informed. All of these points circulate around the idea that even though the Allies attempted in upholding the rights of the defendants, they ultimately failed in doing so. This source is helpful for it shows the point of view of one who is critical of the Trials. While Overy does feel the Allies had a responsibility to punish the war criminals he does not think that the way the Trials were held were justifiable. He points out the errors in the Trial and how it was unfair that the Allies wrote loopholes for their own actions in the new laws. To keep positive Allied relationships the other countries kept quiet about the crimes committed by the Soviet Regime. Overy argues that Goering was right in his quote written on his indictment statement, "The victor will always be the judge and the vanquished the accused."

Paust, Jordan J., and Telford Taylor. "[Introduction]." *Proceedings of the Annual Meeting (American Society of International Law)* 80 (1986): 56-59. JSTOR. Web. 12 Oct. 2013.

This source, has two separate sections, one called "Remarks by the Chairman, Jordan J. Paust" and the other called "Remarks by Telford Taylor." In Paust's section, he writes about the effect of the Nuremberg trials, and how they created a sense of need to comply to international laws, and to seek out and persecute those who do not comply. Another effect that he notes is the increasing attention paid to crimes of aggression and crimes that go against human rights after the Nuremberg trials. Paust's writing gives a sense of the precedent that Nuremberg set for the future, and the moral implications that it set on the world. In Telford's section, he mainly writes about the London Charter of 1945, what he claims was the essential document in expanding international law in war. He states that its precursor, the Kellogg-Briand pact, which is often used to defend the legitimacy of the trials, did not fully cause aggressive war to be thought of as a crime, since in 1944, the U.N. War Crimes Commission could not agree on the issue. Telford's section of the document is important because it provides some strong counter-arguments for some pro-Nuremberg statements, especially ones about the Kellogg-Briand pact, which is referenced several times by Justice Jackson himself, that should be examined carefully.

Picart, Caroline Joan S. "Attempting to Go Beyond Forgetting: The Legacy of the Tokyo IMT and Crimes of Violence Against Women." *U. of Pennsylvania East Asia Law Review* 7 (n.d.):n. pag. Web. 2 Jan. 2014.

This secondary source speaks about the Tokyo War Crimes Trials that took place after World War Two and the Nuremberg Trials. In this article, Picart goes into much depth into the relationship between the Tokyo War Crimes Trials, especially emphasizing the differences in the two trials and the two tribunals that the trials stemmed from. However, she does concede that the Nuremberg Trials and the International Military Tribunal did *directly* impact and inspire the Tokyo War Crimes Trials and the Tokyo IMT, although the two trials and tribunals may have ended up to be slightly different in content. Because the document is a secondary source, it is much more likely to be impartial than some primary sources, because the author is more likely to be more detached from the whole issue.

Podgers, James. "Remembering Nuremberg." *ABA Journal* 79.10 (1993): 88-92. JSTOR. Web. 4 Oct. 2013.

This article is a secondary source written by James Podgers, a lawyer and assistant editor of the ABA Journal. The article is about Telford Taylor, a prosecutor at the trials, and, according to the article, the American lawyer that spent the most time at Nuremberg. The article emphasizes the Trials' importance, particularly the new concept of illegal aggressive war, which the Trials were

founded on. In the article, Podgers writes about Taylor's recollections of the trials. One of the most interesting ones is of Justice Jackson's shortcomings, which could provide evidence that answers the question of the legality of the trials, our main topic. For example, Justice Jackson was, according to Taylor, "unable to put him [Goering] on the carpet" while prosecuting him. Taylor also admits that the precedent set for aggressive war as a crime was "not achieved neatly," stating that the Kellogg-Briand Pact, which is often cited as evidence for the illegality of aggressive war, did not actually state that aggression in war was illegal under international law. Also, Podgers adds in that even the UN has yet to officially call it a crime. This source is important because it introduces Telford, an American who experienced the Nuremberg trials, and would obviously have a bit of bias towards the Allies, but can still admit the fallacies of the Trials. Although Telford still sees the Trials to some extent as a fulfillment of a responsibility to set a precedent, he still sees how this responsibility might have been undermined by imperfections of the Trials.

Post, Ted. "The Trial of the Century." Editorial. *Newsweek* 6 Nov. 1995: n. pag. Web. 5 Oct. 2013.

This article, published in *Newsweek* in 1995, discusses The Nuremberg Trials. The author, Ted Post, brings up several quotes from the Chief American Prosecutor, Robert Jackson, that in many ways justify the trials. Post questions how the defendants could be fairly tried for committing crimes that were not technically crimes when they were committed. He suggests that doing so could signify vengeance as opposed to justice. However, he includes the quote from Jackson that challenges this mindset, "If you were to say of these men that they are not guilty, it would be as true to say there has been no war, there are no slain, there has been no crime." This addresses the difficult conflict over whether performing the trials was unfair and unjust to the defendants, and whether choosing not to hold them would be just as unfair and unjust to all of those who were victims of their crimes.

Radin, Max. "Justice at Nuremberg." *Foreign Affairs* 24.3 (1946): 369-84. *JSTOR*. Web. 13 Oct. 2013. <<http://www.jstor.org/stable/20029976>>.

The author, Radin, examines the parts of the arguments against the Trials, focusing on the jurisdiction of the Allies and the claim of the Trials violating the legal theory of "ex post facto." In also examining the specific charges against the defendants and how law and public opinion affected the interpretation and philosophies of law, this article presents analysis of the international rights present and interpreted at the Trials. Ultimately, this secondary source helps in identifying the key legal interpretations that shaped the Trial.

Rheinstein, Max. Rev. of *The Nuremberg Trials and Aggressive War*, by Glueck Sheldon. *The University of Chicago Law Review* 14.2 (1947): 319-21. *JSTOR*. Web. 14 Oct. 2013.

This critical review of Sheldon Glueck's *The Nuremberg Trials and Aggressive War*, explains the views expressed in the work as well as Knopf's thoughts. Glueck argues that there was an international custom that recognized aggressive war as an international crime among civilized nations thus justifying this count in the Nuremberg Trials. Glueck's evidence included statements from the Hague Conventions of 1899 and 1907, the Geneva Convention of 1923 and the Kellogg-Briand Pact of 1928. Glueck's argues that these statements have developed the previously stated custom. Knopf, on the other hand, argues that in actuality the count of aggressive war is based off ex post facto law and that the Nuremberg trials set a bad example for the efforts of democratizing Germany. This review is helpful in seeing the opposing views from Glueck's book as well as understanding that declaring defendants guilty of aggressive war was an infringement on their rights. The information in this source directly relates to the theme of rights or in this case the lack of them.

Rosen, Tove, ed. "The Influence Of The Nuremberg Trial On International Criminal Law." *The Jackson Center*. Robert H. Jackson Center, n.d. Web. 6 Oct. 2013. <<http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-related-to-robert-h-jackson/the-influence-of-the-nuremberg-trial-on-international-criminal-law/>>.

An article from The Jackson Center, an organization dedicated to preserving the life and records of Chief American Prosecutor Robert H. Jackson, this frames the historical significance of the Nuremberg Trials in the terms of the development in international law and justice. By tracing its direct connection to the Rome Statute of 1998 and examining the history of “crimes against humanity” and war crimes in international law, this secondary source proves itself to be helpful in understanding the specific rights explicitly developed at the Trials and the understanding of the responsibility held by the international community directed stated with references to primary documents.

Sadat, Leila Nadya. "The Nuremberg Paradox." *The American Journal of Comparative Law* 58.1 (2010): 151-204. *JSTOR*. Web. 9 Oct. 2013. <<http://ssrn.com/abstract=1408153>>.

Professor Sadat provides a perspective on the incorporations of the Nuremberg precedents in French and American domestic laws and also describes the state of international law after the First World War. This source outlines the effect of American actions in hindering the development of international law after World War One in additions to outlining the charge of “crimes against humanity,” led by the French during the Nuremberg Trials and its appearances and lack of appearances in courts after the Trials. *The Nuremberg Paradox* ultimately brings forward the context of international law in terms of the effects countries had on it growth and stagnation and clarifies the journey of international law before and after the Trials.

Scharf, Michael P. "HAVE WE REALLY LEARNED THE LESSONS OF NUREMBERG." Address. Nuremberg and the Rule of Law: A Fifty-Year Verdict. Decker Auditorium, The Judge Advocate General's School, United States Army, Charlottesville, VA. 17 Nov. 1997. Web. 6 Oct. 2013.

This address, given by Michael P. Scharf, overviews the four criticisms of the Nuremberg Trials. He argues that when critiquing the Trials you must do it, not according to modern standards, but rather in the historical context of the time. While many critics have thought up alternatives to the Trials, Scharf says they only alternative considered at the time was execution. Scharf writes that the first critique of the Trails are that because the tribunal was composed of representatives from the Allies, there is threat of victor's justice. Second, ex post facto law was used. Third, the prosecutors were allowed to introduce ex parte affidavits against the defendants. Lastly, the Trials did not give the right to appeal. This source was helpful in understanding the unfair aspects of the Trials that imposed on the rights of the defendants. The information in this address helps formulate an argue meant that directly connects to theme of rights and responsibilities.

Shnayerson, Robert. "Judgment at Nuremberg." *Smithsonian* Oct. 1996: 124+. World History In Context. Web. 22 Sept. 2013.

This secondary source is an article printed in the *Smithsonian* written by Robert Shnayerson. This article describes the Nuremberg Trials as heroic for seeking justice impartially, instead of seeking vengeance. Shnayerson delves into Jackson's prosecution and describes many examples if the evidence he used against the accused. It's article also looks at the defense of those tried. Because of its rich examples and descriptions, this source is helpful in understanding the nuts and bolts of the trial. Though it starts out by celebrating these trials, the article then becomes more factual. The mix of opinions and facts allows the reader to see the Trials through the perspective of someone who focusses on the Allies responsibility to trying the war criminals rather than the rights of the defendants.

Sigal, Clancy. *A Jewish Soldier Witnesses Nuremberg*. N.d. *Morning Edition*. NPR, 02 Oct. 2006. Web. 29 Sept. 2013. Transcript.

Commander Clancy Sigal of the American army, shares his experience at the Nuremberg Trials on Morning Edition on NPR. Sigal was the only Jew in his unit and he snuck away to attend the Trials. His intention was to look Goering in the eyes and shoot him. Upon his arrival he was forced to check his weapon before entering the courtroom. Sigal reflects on his experience, expressing his hatred towards Goering and the Nazi Regime. This perspective is fascinating for Sigal is not only an American soldier, but also a Jew. His shares how his perspective changes from planning to murder Goering to being glad that he didn't and finding pride that, "we found it in ourselves to give the worst men due process." This

source is significant for it leads to Sigal's autobiography and shows a glimpse of how he thought it was his responsibility to kill Goering going into the trial, but coming out of the trial he was proud to have respected Goering's right, thus connecting to the theme of responsibility.

"Special Court for Sierra Leone: ABOUT." *Special Court for Sierra Leone*. N.p., n.d. Web. 04 Jan. 2014. <<http://www.sc-sl.org/ABOUT/tabid/70/Default.aspx>>.

This webpage is off of the official website of the Special Court for Sierra Leone. This court is one of the many that was influenced by Nuremberg's legacy. The webpage offers general information about the Court, including goals of the Court. Because this webpage is part of the official website for the Special Court for Sierra Leone, it can be expected that the information on the page is biased, and might ignore any possible flaws and problems of the court. However, it still is useful for providing basic information on the Court.

Stave, Bruce M. "Phone Interview." Telephone interview. Jan. 2014.

Professor Bruce M. Stave is a Distinguished Professor of History Emeritus at University of Connecticut, and a co-author of the book, "Witnesses to Nuremberg." In this book, Bruce and his co-authors conducted and compiled multiple interviews with primary witnesses to the Nuremberg Trials. Because of this, Professor Stave was able to answer specific questions we had regarding different facets of the trials, including everything from the shocking quality of the evidence, the feelings of the average American, and the portrayal of the trials by media and journalists back home.

"Trials of the War Criminals." *Learning About the Holocaust: A Student's Guide*. Ed. Ronald M. Smelser. Vol. 4. New York: Macmillan Reference USA, 2001. 69-84. *World History In Context*. Web. 12 Sept. 2013.

This secondary source described the general proceedings of the Nuremberg Trials, the Subsequent Nuremberg Trials, the Krasnodar Trials, the Bergen-Belsen Trials, the Zyklon B Trials, and the trials in Germany and Poland. It helped in establishing the situation around the trials. Also, pertinent international treaties and conventions were referenced and introduced and will ultimately help in investigating the international right in holding the trials through further research. In coming from an established database with both primary and secondary sources in the bibliography, this public document is reliable and meant to objectively educate.

United States Holocaust Memorial Museum. "International Military Tribunal At Nuremberg." *Holocaust Encyclopaedia*. United States Holocaust Memorial Museum, 10 June 2013. Web. 12 Sept. 2013. <<http://www.ushmm.org/wlc/en/article.php?ModuleId=10007069>>.

As an article from the United States Holocaust Memorial Museum this public source is reliable and for educational purposes. The information is back up by other articles such as in the *World History in Context* database and provides a description of the Nuremberg Trials and the judges and attorney who were involved. The information about the legal counsel provided more information to thoroughly investigate the court proceedings, which will help in determine how the trials proceeded under international law.

"Victors' Justice: Were Nazis Tried for War Crimes Subjected to Victors' Justice?" *History in*

Dispute. Ed. Tandy McConnell. Vol. 11: The Holocaust, 1933-1945. Detroit: St. James Press, 2003. 252-263. *World History In Context*. Web. 12 Sept. 2013.

By providing three differing viewpoints and justifications collected from college professors, this secondary source provides information about court proceedings and insight into the values and actions of the Allies, most notably the United States and the Soviet Union. From a credible database, this public source would have no reason to distort. The critics of the trial propose that the US shifted the trials to benefit their resistance to the spread of Soviet power while supporters cite multiple treaties enacted before the war. By presenting differing arguments and perspectives into the trials, this source has helped better our argument by either the lack of or clear connections of evidence.

Walkinshaw, Robert B. "The Nuremberg and Tokyo Trials: Another Step Toward International Justice." *American Bar Association Journal* 35.4 (1949): 299-302. *JSTOR*. Web. 9 Oct. 2013.
<<http://www.jstor.org.ezproxy.bpl.org/stable/25716817>>.

This excerpt from the *American Bar Association Journal* was published in 1946 and comments on the historical significance of the Trials in the precedent it set for the prosecution of international crimes. In also examining the charge of "aggressive war" and the relationship between international customs and the legal structure that is present inside a state, this secondary analysis provides a focused perspective on the rights present during and in forming the Trials. As it is from a legal journal only a few years after the Trials concluded, this source also includes insight into how some lawyers saw the legal situation during and directly after the Trials.

Wilkes, Donald E. "The Trial of the Century-- And of All Time, Part One." *Flagpole Magazine* 10 July 2002: 8. Web. 6 Oct. 2013.

This article, written by Professor Donald E. Wilkes Jr., argues that the Nuremberg Trials was the greatest trial of the century. He does this by portraying the vastness of the trial by means of stating the facts of the length of the transcripts, the amount of evidence, the number of people on the prosecution team, the length of

the trial, the number of witnesses and more. Wilkes then goes on to argue that there is evidence for pronouncing defendants guilty of all or many of the four counts. This source is useful because it shows the significance of the evidence that convicted the defendants. It also gives us historical context by stating the facts and the numbers. This source also relates to the theme of rights and responsibilities when Wilkes goes into the right of the Allies due to the Germans unconditional surrender in a schoolhouse in Reims, France.

Wippman, David. "The International Criminal Court." *The Politics of International Law*. Ed. Christian Reus-Smit. Cambridge: Cambridge University Press, 2004. 151-88. Print. Cambridge Studies in International Relations 96.

As a secondary source full of compilations of essays about different aspects of international law, this book has provided insight on the differing theories and perspectives on the role international law, jurisdiction, consent and ect, which is helpful in categorizing past international treaties by jurisdiction and political interests and in examining arguments questioning the legality of the Nuremberg Trials. Published by the prestigious Cambridge of University, this public source is intended for education and has no reason to distort.

Wyzanski, Charles E. "Nuremberg: A Fair Trial? A Dangerous Precedent." *The Atlantic*. N.p., 1 Apr. 1946. Web. 29 Sept. 2013.

This article was written by American federal judge, Charles E. Wyzanski in 1946. Wyzanski criticizes the Trials, not for punishing the defendants, but for how they went about doing it. The article goes through each of the four counts, identifying the legal problems. According to Wyzanski ,Count 3, war crimes, has limited issues because the murder and torture of war criminals had been internationally established as a crime at The Hague Conference of 1907. Additionally, Wyzanski finds no problem with the International Military Tribunal not recognizing superior orders as a defense because all German, French, Russian, British and American courts settle this open question more often than not in the same way. In regards to Count 4, crimes against humanity, the definition given in the indictment uses loose terms of international conventions but it never specifies a certain treaty in which these conventions are stated; Wyzanski says there isn't one. This count uses ex post facto law, which is against the fundamentals of international law. It also goes against another fundamental concept of "*nullum crimen et nulla poena sine lege*"--no crime and no penalty without an antecedent law." Wyzanski criticizes Count 2, crimes against peace, because though it had been outlawed, it had only been outlawed for sovereign states not individuals. Other problems are also apparent. Lastly in count 1, conspiracy, Wyzanski argues that it is ridiculous for a member of a government that is being accused of conspiracy, to be responsible for every action that government has done. This source is extremely useful in understanding the side critical of the Trials, its fairness and its protection of defendant's rights because Wyzanski gives a detailed explanation of the problems with each count as well as identifying overall issues of the Trials.

