

The United States in the Nuremberg War Crimes Trial of 1945-46: Balancing Domestic and International Expectations in a Post-War Climate

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In the aftermath of the Second World War, the Allied powers were faced with deciding what course of action to take against the high-ranking German criminals who had decimated most of Europe and committed atrocities against millions of innocent civilians. Without any precedent to guide them, the Allies drafted the London Agreement on August 8, 1945, which chartered the formation of the Allied Control Council.¹ The Council then drafted the Control Council Law No. 10 on December 20, 1945 in order to officially indict the Nazi leaders with newly created international law and set up a trial, later called the Nuremberg War Crimes Trials of 1945-1946, or officially the International Military Tribunal (IMT).²

The IMT is known for being a seminal landmark in the official establishment of international law, making war crimes, crimes against peace, and crimes against humanity internationally illegal. It also marked one of the first times that four nationally discrete powers successfully came together to create and carry out a truly international proceeding. However, much controversy still surrounds the formation of this Tribunal, particularly regarding its legal legitimacy, the precedent set from it, if any, and the implications of that precedent on the United States' subsequent foreign interventions.

In his book, *The Nuremberg Trials in International Law*, historian Robert K. Woetzel argues that the IMT's counts had legitimized the new concept of international law because they were so widely accepted and immediately adopted by the international legal community

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afterwards, despite their being unprecedented before the Tribunal. Therefore, he argues, the valid precedents marked a legitimate change in the resolution of international war crimes.³ However, other historians like Michael R. Marrus argue that the IMT was hastily formed, inadequately legal, and tainted with the political dealings of its post-war context. Thus the IMT should be considered an isolated, unrepeatable resolution to a political situation rather than a legitimate basis for precedent.⁴

So what was the true legacy of the International Military Tribunal? Certainly, one could argue that the Allied powers were mainly motivated to create the Tribunal out of a genuine aspiration for international justice. Accordingly, the precedent-setting end outweighed the partially flawed means and the IMT would mark a great legal step towards international peace and civility. However, it is more realistic to argue that the IMT's central purpose was to address the political concerns of a post-war environment, thus making the Tribunal a delicate balance of opposing demands from domestic civilians and international peers. As such, subsequent international interventions were justified with an illegitimate legal precedent set by the Tribunal.

A Theoretical Legacy: The Optimistic Viewpoint

It is certainly true that the Allied powers had at least in part intended for the IMT to mark a legendary change in international law and deter future acts of war. Theoretically, by establishing legal consequences for wartime misconduct, acts of aggression, and even conspiracy to attempt acts of aggression, the IMT announced that the individual would henceforth be held accountable for his or her actions, regardless of rank, nationality, or location of the crime (see Appendix A: official counts for which the Control Council Law No. 10 prosecuted German criminals). Some historians argue that these legacies were actually accomplished, despite certain drawbacks in the circumstances of the IMT, thus creating a legitimate precedent for future foreign interventions. For example, like Woetzel, historians Ann and John Tusa support this opinion by defending the Tribunal's authenticity of intention. More specifically, they endorse certain validating aspects of

the IMT, such as the prosecutions on the grounds of pre-existing laws from individual nations, the Tribunal expenses compared to those that would have been spent on a swift execution, and the results of the Tribunal themselves with three defendants acquitted and four given relatively light prison sentences.⁵

The genuine intent to make a lasting change in the international community was demonstrated by the fact that the Allies had tried to prevent further aggressive warfare following the First World War, but had failed. In light of that, some argued that the only solution was to try and establish an all-encompassing precedent. As Henry L. Stimson, the U.S. Secretary of War until 1945, reasoned in his 1947 essay, the results of the First World War gave the Allies no choice but to “attack the problem at its root” and figure out a sufficient method of curbing Germany’s acts of aggression.⁶ As established in the terms of the 1919 Versailles Treaty, the Allies agreed to allow the German government to internally judge their own ‘war criminals’ as a sovereign nation would. In place of criminal accusation, the Allies, Axis powers, and many other nations agreed to the treaty commonly known as the Kellogg-Briand Pact of 1928, which essentially denounced further aggressive warfare as a solution for international dispute.⁷ According to his essay, Stimson believed that the world thereafter saw the instigation of aggressive warfare as a decidedly criminal act.⁸ Stimson offers a rather hopeful viewpoint of the implications of the Kellogg-Briand Pact, as the Germans were certainly under diplomatic duress to sign it at the time. Nevertheless, the Pact still demonstrates a common agreement between international nations that Germany broke in their instigation of the Second World War. Therefore, one could argue that the IMT did not subject its defendants to *ex post facto* laws, but instead held Germany accountable for the discrepancy between its previous agreements and actions.

This bias towards action in order to deter future aggression was clearly a popular sentiment among the Allied nations, particularly in the United States. In Paul Carmack’s editorial cartoon, for example, a war criminals’ trial is proceeding with ‘future would-be aggressors’ looking on through a window (see Appendix B).⁹ By portraying the “would-be” war aggressors as anxious bystanders to the Nazi leaders’ punishment,

Carmack argues that the Allies should use their power to pass judgment on the criminals in order to create a permanent precedent and deter other aggressors from starting unjust wars. Therefore, this genuine intent toward justice and precedents suggests that the IMT was designed to set a legitimate legacy on future interventions. However, legacy for the future was not the sole point of consideration for the Allied powers.

Pressure from the Domestic Public

Although the IMT may have been created with the intention of establishing far-reaching precedents to deter future war aggressors, justice was likely only one of many objectives for the IMT's creators. For instance, the United States and its allies had to consider the civilian public's demands to both speedily and severely punish the Nazi leaders. Indeed, American leaders were at risk of losing political favor if the public felt that their demand for retribution was not met. Because this pressure compelled the United States to punish the Nazi leaders regardless of the outcome or legality of the Tribunal, the entire creation of the IMT was more an isolated, political resolution to a major war than a precedent-setting legacy.

Firstly, it is clear that by harshly punishing the German war criminals, U.S. government leaders had much political support to gain from a majority of the American civilians. This public sentiment towards severe treatment can be best seen in Gallup's American Institute of Public Opinion (AIPO) and Office of Public Opinion Research (OPOR) polls taken from 1942 up until months before the end of the war in 1945 (see Appendix C). In them, approximately 40 out of every 100 people polled favored swift execution of the defeated Nazi leaders over any other course of action, suggesting that many Americans found no qualms with the fact that the IMT was unprecedented in its legality. In fact, most only cared that the German war leaders got what they saw as 'proper justice,' regardless of how morally legitimate their punishment may have been.¹⁰ Indeed, according to historian Michael R. Marrus, in most occupied countries, civilians demanded swift death and even torture over any seemingly impartial tribunal because, in their eyes, the Allies possessed the moral high ground.¹¹ The groups

that reflected America's highly moralistic views of the events in Europe were particularly disappointed by the seven Nazi defendants who were acquitted or given light prison sentences instead of death. Most prominent groups included Jewish communities and certain liberal Catholic factions who both championed harsh punishment of the German leaders on ethical grounds.¹² This expectation that the Allies exact retribution from the Nazi criminals on behalf of all who had suffered allowed the U.S. to overlook potential biases in their judgment while still retaining public support, even if they still had to appear impartial in front of international witnesses.

More so than the punishment itself, though, the speed with which civilians demanded the situation's resolution also pressured the Allies to construct the IMT as quickly as they did, thus forgoing the finished craftsmanship of a legitimately conducted trial. *The Washington Post* editorial entitled "Nuremberg Delay" effectively represents the public's impatience for the consequences of the Nazi leaders' crimes. *The Post* editorial team argued that Justice Robert Jackson, as the IMT's chief American prosecutor, should tolerate no further delay of the Tribunal, even if the United States ceased peaceful negotiation with the rest of the Allies and proceeded without their consent.¹³ Although these writers may have demonstrated an overly simplistic and unrealistic perception of a complex situation, they still speak to a popular expectation among the laypeople of America in a heated post-war environment.

This expectation for speed was in fact so widespread and extreme that American representatives acknowledged the pressure's influence in their reports back to President Roosevelt. In Justice Jackson's June 6, 1945 "Report to the President," for example, Jackson explained that he must always bear in mind the public's "deep sense of urgency about these trials" when negotiating with other Allied representatives. He also emphasized his people's hopes that "brigands" would be personally punished and future wars would be prevented through the establishment of international law, particularly after they sacrificed so much to get it.¹⁴ Pressure from the civilian public had clearly compelled the United States representatives to negotiate more aggressively in the planning of the Tribunal.

Furthermore, the public's demands were even powerful enough to warrant an official response from American leaders like FDR, as shown by his public "Statement Condemning War Crimes" in 1944, in which he incriminates German war leaders and promises the American public that they will be pursued and delivered up to justice.¹⁵ FDR fortified his political support and popularity from the American majority by reassuring them that their demands for retribution would be addressed through the Tribunal. These external political factors which influenced the U.S. government's actions indicate that the IMT was born at least in part out of external pressures rather than true intent to set precedents against war aggressors. Therefore, the Tribunal should be treated as an isolated political event with little lasting impact, at least legally.

Pressure from International Peers

On the other hand, the United States also had to consider the opposing expectations and potential judgment of its international peers. Because the Allies could not risk appearing too partial and therefore corrupted to international critics, but also couldn't risk being too lenient from the civilian perspective, they were compelled to balance the two political expectations and formulate the complex blend that made up the IMT. These political concerns regarding various international predicaments indicate that the United States representatives had many factors in mind when designing the IMT.

First, keep in mind that no type of international trial had ever happened before, not to mention one so publicized, so personal, or so expansive in respect to the allegations explored. The IMT was also distinctive because the roles of prosecutor and defendant were played by the conqueror and the conquered, but it was not acknowledged as such a victor's punishment. This was most likely because the World Wars were the first to involve myriad other international bystanders; this unique interconnectedness caused a need for a transparent and impartial resolution to the war. So for the first time, the entire world would witness and have a stake in the outcome of such a trial. Justice Jackson clearly had that fact in mind, particularly when using it to defend the United States' jurisdiction in overseeing and leading the Tribunal's prosecution. In his "Opening Statement before the

International Military Tribunal,” Jackson argued that the attention of the international community compelled the U.S. and Allies to judge the Nazi war criminals impartially because they would be treated with the same documented justice if they ever ended up conquered in war.¹⁶ In order to reduce criticism from the IMT’s wide audience, the Allies had to make sure the Tribunal appeared as unbiased as possible about the fate of the Nazi leaders. Jackson even goes so far as to call the IMT “one of the most significant tributes that Power has ever paid to Reason.”¹⁷

Such criticism of the IMT was indeed looming over the Allies at the time, as exemplified by the personal account of Friedrich Rainer, an Austrian Nazi sympathizer who was compelled to testify in the Tribunal. When discussing the actual lasting effects of the IMT, Rainer predicted that future wars will in no way be impeded or humanized. In fact, they may be even more likely to happen because the Tribunal was conducted ultimately as a form of victor’s justice, no matter how impartially the Allies may have presented it.¹⁸ Although entirely biased as an ex-follower of the Nazis, he was one of many to point out the idealism embedded within the motivations and justifications for creating the IMT as a supposedly more civil method of exacting punishment. With people like Rainer witnessing the outcome of the Tribunal, their doubt certainly influenced the Allied powers at least in part to keep the judgment balanced with others’ expectations.

In addition to the evident criticism from ex-followers in occupied Germany, there were indeed other groups who skeptically regarded the United States’ direction in Nuremberg. According to historian William J. Bosch, for example, international lawyers of the time revealed just how slippery the slope was that the Allies straddled. As experts with intimate knowledge of international law and legal philosophy, certain lawyers argued that Nuremberg’s condemnation of war aggression was clearly born out of the Allies’ preconceived assumptions rather than a legitimate legal foundation.¹⁹ However, the IMT’s legality is much more complicated than a simple yes or no because it was essentially the first of its kind. It was not conducted according to any single country’s legal structures nor was it an unceremonious execution, as many civilians had wished. Foreign affairs scholars and historians of the time indeed demonstrated the complexity of the situation through their disapproval

of the IMT, made particularly significant because a vast majority of them agreed on this subject.²⁰ Even the Allied military systems were also wary of severe Nazi punishment. As soldiers within a similarly rigid hierarchy of power as the Nazi armies, some objected to the proceedings on the basis that the jury intentionally disregarded the defense of some who were ordered to commit crimes by a superior.²¹ Some also became uncomfortably aware that these consequences would be enforced upon every nation's military, including their own, and yet none of the Americans or others had been formally accused of misconduct.

While none of these groups were particularly interested in calling attention to themselves, they still represented key points of objection to the Tribunal that the American government was seriously conscious of. Some of the groups were even regarded as experts in international events such as the IMT and posed potential threats to the reputation of the entire international council, not to mention America's claims to international jurisdiction in the first place. So in order to maintain a just and authoritative reputation to the international parties, the Allies had to ensure that the IMT at least appeared unbiased.

In addition to fearing any one critic discounting their legitimacy, the United States also had to consider the post-war political situation still being resolved in Germany at that time. More specifically, as historian Michael R. Marrus points out, the United States was still particularly concerned about the continuing threat of Nazism throughout Europe. In order to deter its further spread, the Allies had to ensure that the IMT's verdict established a strong condemnation of the ideology.²² Only then could Germany be thoroughly de-Nazified and neutralized for Americans to potentially ally with against the Soviet Union in the distant, but looming, future. The consideration of all of these differing opinions result in the Allies, and especially the U.S. government, having to simultaneously balance political interests and diplomatic expectations all while serving the primary objective of punishing the Nazis.

American Hypocrisy: Foreign Policy with the Soviet Union

Even more crucial in the United States' eyes than containing Nazism in Europe, however, was the immediate need to sustain peaceful

relationships with its allies throughout the whole tribunal process. After all, the entire Nazi prosecution and the ultimate establishment of consequences for war crimes relied on the four powers collectively carrying out their actions as an agreed international body. As shown by the minutes of the London Conference for the preparation of the IMT on July 23, 1945, negotiation was still fraught with ideological dissent and subtle deal-making, despite the Allies' collective goal to remain a united force. Once it became clear that the four powers could not easily reach a decision on certain key aspects of the Tribunal, such as its location and which nation would have principle jurisdiction over it, Justice Jackson began making threats of American withdrawal from participation if they couldn't have the trial in Nuremberg and start the proceedings without further delay. He also argued that, should the war criminals be divided upon whatever occupied zone they committed their crimes in, the United States would have enough territory, criminals, and evidence to conduct a trial without the others' consent, as many American civilians had called for.²³ Certainly a far better lawyer than politician, Jackson's attempts to secure the U.S.'s dominance over the Tribunal were unsophisticated to say the least, but they did produce results. Nevertheless, it is clear that diplomatic negotiation with the other Allied powers was an immediate and relevant concern of the United States throughout the entire Tribunal's process.

Most importantly out of all of America's allies, though, the United States had to work the hardest to sustain the already tenuous rapport with the Soviet Union. By overlooking the Soviets' (and in fact their own) guilt as stated by the laws set in Nuremberg, the United States essentially illegitimized the legacy of the IMT. In the political context of America's post-war relationship with the Soviet Union, the common enemy that both were allied against had just been defeated and the only goal still in common with the Russians was the resolution of that defeat. With Cold War tensions already present in American and Soviet minds, one of the last few plans they could both agree on without potentially starting another war among the victors was the formation of the Tribunal, and even those negotiations were "deeply entrenched [in differing] commitments of ideology and national interest."²⁴ As described by Sidney S. Alderman, the Special Assistant to the Attorney General of the United States at Nuremberg, the U.S. went

to great lengths to avoid confrontation or even insinuations against the conduct, views or motives of the Soviet Union. This included calling to attention actions such as the tacit Nazi-Soviet Pact made during the war and the transparently aggressive Soviet invasion of Poland in 1939. He goes on to conclude that the IMT was successfully created for the sole reason that the Soviets and Americans had the same ultimate objective throughout the process: to try and condemn criminals of the Axis powers.²⁵ Because the United States representatives were bound by the political need to remain peaceful with their allies in order to effectively try the Nazi leaders, they had to create a double standard of acceptable war conduct.

Nuremberg's True Legacy: A Fifty Year Long Redemption?

While these interpretations don't necessarily speak to how morally legitimate the counts set in Nuremberg should *theoretically* be, it is clear that the IMT was tainted by the political interests of the time and was not the precedent-setting legacy that some idealists argue it was. Rather than a seminal legacy deterring future aggressive warfare, the IMT was more of an isolated resolution to an unrepeatable political circumstance. All aggressive warfare and misconduct against humanity since the Second World War is evidence to the fact that the IMT's intended legacy of preventing future wars was most decidedly not accomplished. Not only did the unique politics of the post-war climate inhibit this Tribunal from establishing the legitimate precedent that it could have, but international politics continued to render its rules dishonored and ignored, at least until very recently. This reality is shown by the fact that the IMT's laws were arguably never enforced for a whole fifty years until the 1990s, when the United Nations Security Council established international tribunals to investigate, record, and prosecute misconduct in war and atrocities against humanity.²⁶

To many historians, the 1993 International Criminal Tribunal for the investigation of "ethnic cleansing" in the former Yugoslavia marked a near revival of the Nuremberg spirit, only this time supported by years of preparation and legal credibility. Similar investigations began for the

genocide in Rwanda a year later in 1994.²⁷ Even as recently as this year, the International Criminal Court, established by the United Nations in 2002, announced intentions to begin human rights cases against crimes committed on Palestinian land. The United States, however, may still have yet to answer for much of its military misconduct committed in foreign countries throughout the years.²⁸ While it still looks like true change will forever be mired down by political obstacles, the international community has nevertheless presented its aspirations to uphold the spirit that at least partially initiated the IMT after over fifty years. It is perhaps an idealistic but hopeful sentiment that the rather tainted legacy of the International Military Tribunal may yet be redeemed by future international creations. ●

Appendix A

Control Council Law No. 10, Article II

1. Each of the following acts is recognized as a crime:

(a) Crimes against Peace. Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war of violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

(b) War Crimes. Atrocities or offenses against persons or property constituting violations of the laws or customs of war, including but not limited to, murder, ill treatment or deportation to slave labour or for any other purpose, of civilian population from occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

(c) Crimes against Humanity. Atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial or religious grounds whether or not in violation of the domestic laws of the country where perpetrated.

(d) Membership in categories of a criminal group or organization declared criminal by the International Military Tribunal.

2. Any person without regard to nationality or the capacity in which he acted, is deemed to have committed a crime as defined in paragraph 1 of this Article, if he was (a) a principal or (b) was an accessory to the commission of any such crime or ordered or abetted the same or (c) took a consenting part therein or (d) was connected with plans or enterprises involving its commission or (e) was a member of any organization or group connected with the commission of any such crime or (f) with reference to paragraph 1 (a) if he held a high political, civil or military (including General Staff) position in Germany or in one of its Allies, co-belligerents or satellites or held high position in the financial, industrial or economic life of any such country.

3. Any persons found guilty of any of the crimes above mentioned may upon conviction be punished as shall be determined by the tribunal to be just. Such punishment may consist of one or more of the following:

(a) Death.

(b) Imprisonment for life or a term of years, with or without hard labor.

(c) Fine, and imprisonment with or without hard labour, in lieu thereof.

(d) Forfeiture of property.

(e) Restitution of property wrongfully acquired.

(f) Deprivation of some or all civil rights.

Any property declared to be forfeited or the restitution of which is ordered by the Tribunal shall be delivered to the Control Council for Germany, which shall decide on its disposal.

4. (a) The official position of any person, whether as Head of State or as a responsible official in a Government Department, does not free him from responsibility for a crime or entitle him to mitigation of punishment.

(b) The fact that any person acted pursuant to the order of his Government or of a superior does not free him from responsibility for a crime, but may be considered in mitigation.

5. In any trial or prosecution for a crime herein referred to, the accused shall not be entitled to the benefits of any statute of limitation in respect to the period from 30 January 1933 to 1 July 1945, nor shall any immunity, pardon or amnesty granted under the Nazi regime be admitted as a bar to trial or punishment.

Appendix B

Paul Carmack, *The Christian Science Monitor* editorial cartoon (October 19, 1945).

Another Reason for Firmness



Appendix C

Roper and Gallup's American Institute of Public Opinion (AIPO) and Office of Public Opinion Research (OPOR) polls on Nazi leader treatment (March 26, 1942 – April 27, 1945).

TIME	POLL	QUESTION	None of our Affair	Take Power	Be Lenient	Hard Labor	Trials	Isolate-Exile	Reeducate	Imprison	Torture	Kill Them	As they treated others	Forgive	Control	Punish	Other Answers	No Opinion	No Answer	
March 26, 1942	OPOR	If we win the war, how should we treat Nazi leaders?		3				8		17	3	40	6	3	3	7	4	5	1	
June 9, 1942	AIPO	After the war is over, how should we treat the Nazi leaders?	2		2		2			31	2	35	5					5	12	4
July 15, 1942	OPOR	When the war is over in Germany, how do you think we should treat the Nazi leaders?			6	2	4	7		11	5	44	10					2	8	3
February, 1945	AIPO	After the war is over, how should we treat the Nazi leaders?			3		10	2		13	7	41			18			5		
April 27, 1945	AIPO	After the war, what do you think should be done with members of the Nazi Party who defend themselves by claiming that they committed crimes under orders of higher-ups in the party?	2				19		3	42	19							15		

Notes

1. International Military Tribunal, "London Agreement of 8 August 1945," in *Trial of the Major War Criminals before the International Military Tribunal* (Nuremberg: International Military Tribunal, 1947), 1:8-9.
2. Control Council, "Control Council Law No. 10," in *Final Report to the Secretary of the Army on the Nuernberg War Crimes Trials under Control Council Law No. 10*, ed. Telford Taylor (Washington D.C.: Government Printing Office, 1949), 6.
3. Robert K. Woetzel, *The Nuremberg Trials in International Law* (New York: Praeger, 1960), 242-44.
4. Michael R. Marrus, "The Nuremberg Trial: Fifty Years Later," *American Scholar* 66, no. 4 (1997): 568.
5. Ann Tusa and John Tusa, *The Nuremberg Trial* (New York: Atheneum, 1984), 488-89.
6. Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25, no. 2 (January 1947): 2.
7. League of Nations, "International Treaty Providing for the Renunciation of War," in *United States Statutes at Large*, ed. United States Congress (Washington D.C.: United States Congress, 1931), 46:2343. Note that the "International Treaty Providing for the Renunciation of War" was the technical title that the United States Congress gave for the treaty commonly referred to as the Kellogg-Briand Pact signed at Paris on August 27, 1928.
8. Stimson, "The Nuremberg Trial: Landmark," 2.
9. Paul Carmack, "Another Reason for Firmness," cartoon, *Christian Science Monitor*, October 19, 1945.

10. American Institute of Public Opinion and Office of Public Opinion Research, "Opinions about the Treatment of German War Criminals," table, in *Judgment on Nuremberg: American Attitudes toward the Major German War Crime Trials*, by William J. Bosch (Chapel Hill: University of North Carolina Press, 1970), 92-93.
11. Marrus, "The Nuremberg Trial: Fifty Years Later," 568.
12. William J. Bosch, *Judgment on Nuremberg: American Attitudes Toward the Major German War-Crime Trials* (Chapel Hill: University of North Carolina Press, 1970), 118, 126.
13. "Nuremberg Delay," *The Washington Post*, September 20, 1945.
14. Robert H. Jackson to Franklin Delano Roosevelt, June 6, 1945.
15. Franklin Delano Roosevelt, "Statement Condemning War Crimes" (speech, March 24, 1944).
16. Robert H. Jackson, "Opening Statement before the International Military Tribunal" (speech, Nuremberg, Germany, November 21, 1945).
17. Ibid.
18. Friedrich Rainer, My Internment and *Testimony at the Nuremberg War Crimes Trial: The Account of Friedrich Rainer, Austrian Nazi* (Lewiston: Edwin Mellen Press, 2006), 99-110.
19. Bosch, *Judgment on Nuremberg*, 40.
20. Ibid., 145-47.
21. Ibid., 166-67.

22. Michael R. Marrus, *The Nuremberg War Crimes Trial 1945-46: A Documentary History* (New York: Bedford/St. Martin's, 1997), 253.
23. Robert H. Jackson, *Report of Robert H. Jackson, United States Representative to the International Conference on Military Trials, London 1945* (Washington, D.C.: Department of State, 1949), 3 43-45. Note that this book is in part comprised of the minutes of the conference proceedings in London that prepared the IMT.
24. Marrus, *A Documentary History*, 48.
25. Sidney S. Alderman, "Negotiating on War Crimes Prosecutions, 1945," in Raymond Dennet and Joseph E. Johnson, eds., *Negotiating with the Russians* (Boston: World Peace Foundation, 1951) 49-53; Marrus, *A Documentary History*, 246.
26. Diane F. Orentlicher, "A Half Century of Silence: The Politics of Law," 1995, in *War Crimes: The Legacy of Nuremberg*, ed. Belinda Cooper (New York: TV Books, 1999), 107-11.
27. Belinda Cooper, *War Crimes: The Legacy of Nuremberg* (New York: TV Books, 1999), 115.
28. Somini Sengupta, "Is the War Crimes Court Still Relevant?" *The New York Times*, January 10, 2015.

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