

The Nuremberg Trial Begins (1945)

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On November 20, 1945, trial proceedings commenced at Nuremberg before the International Military Tribunal (IMT).

This body, the world's first international criminal court, was created by the United States, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic—the victorious Allies of World War II, to which Nazi Germany had surrendered unconditionally in May 1945.

The Allies' August 8, 1945, London Agreement creating the IMT delivered on the Allies' wartime pledges that Nazi leaders who had started and perpetrated the War and its atrocious components—those persons whose culpable conduct spanned many years and locations—would be prosecuted internationally as criminals.

The London Agreement created a four-nation IMT. It was given jurisdiction to try and punish persons who, acting for the European Axis countries, committed crimes against peace, war crimes, crimes against humanity, or conspiracy to commit any of those other crimes.

Following the London Agreement, the IMT process moved toward trial.

Each nation named its judge and alternate judge.

Prosecutors drafted charges against twenty-four persons and six Nazi organizations.

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At U.S. insistence, the Allies agreed that the first trial would be held in Nuremberg. The U.S. wanted the trial to occur there, in its occupation zone, for security reasons, and because Nuremberg's Palace of Justice—a large courthouse with a suitable main courtroom and an adjoining large prison—was mostly intact despite the Allies' wartime bombings of Nuremberg, and these facilities could be repaired and configured for the trial.

At U.S.S.R. insistence, the Allies agreed that the IMT's first meeting would occur in Berlin, in the Soviet occupation zone.

On October 18, 1945, the IMT convened there in public session. The U.S.S.R. judge, General Iona Nikitchenko, served as president judge for this session. The U.K. chief prosecutor, Hartley Shawcross, announced that the four chief prosecutors had agreed on an indictment. Prosecutors from the Soviet Union, France and the U.S. each lodged with the IMT a Russian, French and English language version, respectively, of the indictment. General Nikitchenko read the defendants' names. He announced that each would be served with the indictment and, thereafter, have thirty days to secure counsel and prepare to defend himself at trial.

On the next day, the indictment was served on each defendant, imprisoned in Nuremberg. A week later, defendant Robert Ley, former head of the German Labor Front, hanged himself in his cell. Thereafter, each imprisoned defendant was placed under constant observation. Each soon arranged for defense counsel, most selected from lists that the Allies provided, and each was housed, staffed and compensated by the U.S.

On November 13, the IMT judges tried out the reconstructed main Nuremberg courtroom, Room 600—and primarily its system for simultaneous interpretation in four languages. Every person in the room wore earphones, wired from his or her seat to a central broadcasting system. Each had a switch with which to select a listening channel: 1 for live proceedings, 2 for English, 3 for Russian, 4 for French, and 5 for German. In the front of the courtroom, in a soundproof glass box, twelve persons were on duty to interpret (and of course at any given moment nine actually did interpret) from the language being spoken in the courtroom into a second language. As a test, staff put on a sketch, performing lawyer

and witness roles in each of the possible language combinations. They spoke slowly. Other interpreters served as monitors. When a monitor heard a speaking interpreter fail to keep up with the courtroom speaker, the monitor activated a yellow (slow down) or red (stop) lightbulb on the judges' bench, which allowed the presiding judge to activate the similar lightbulb on the speaker's podium and/or to comment on the problem. With minor glitches, it all worked well enough—the room was ready.

Tribunal pretrial proceedings began on November 14. During the next few days, the IMT determined that defendant Gustav Krupp von Bohlen und Halbach (age 75) was not mentally competent and thus postponed his trial. The IMT also rejected a prosecution motion to add his son Alfried as a defendant. And on the eve of trial, the Tribunal agreed to the U.S.S.R. condition, sought because its chief prosecutor General Roman Rudenko was absent from Nuremberg, that the trial open only with defendants entering their pleas, not making statements or motions.

The trial opened on Tuesday, November 20. Sir Geoffrey Lawrence of the U.K., the IMT president, read an opening statement. Sidney Alderman, a senior U.S. prosecutor, read Count One of the Indictment, which charged defendants with the crime of common plan or conspiracy. David Maxwell Fyfe, U.K. deputy prosecutor, read Count Two, charging crimes against peace. French assistant prosecutors Pierre Mounier and Charles Gerthoffer, and then Soviet assistant prosecutors J.A. Ozol and V.V. Kuchin, read Count Three, which charged war crimes. (Both Mounier and then Ozol read aloud, in Count Three, the word “genocide”—the Nuremberg indictment was the first official document to use it, and this was its first official public utterance.) Kuchin then read Count Four, which charged crimes against humanity. Following Alderman's reading of Indictment Appendix A, a statement of individual responsibility for the crimes, and Appendix B, a statement of criminality of groups and organizations, and Maxwell Fyfe reading Appendix C, the particulars of treaty and agreement violations, the Tribunal adjourned. It had been a solemn, weighty, somewhat soporific, and distinctly historic courtroom day.

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That evening, U.S. judge Francis Biddle hosted a surprise 60th birthday party for his colleague the U.S. alternate judge, John J. Parker, at the requisitioned large home where they resided.

The chief U.S. prosecutor, Justice Robert H. Jackson, was invited but he declined attend. In a letter to Judge Parker, delivered after the party so as not to ruin the surprise, Jackson wrote “I am sure you will understand the pressure which kept me away.”

The next day, Jackson delivered his opening statement—words for the ages, including his and ours—to the IMT.

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Some links—

- Yale University’s Avalon Project website, a repository of Nuremberg trial transcripts, evidence and related documents and reports—[click here](#);
- film/audio of November 20, 1945, IMT proceedings—[click here](#);
- the transcript of the November 20 proceedings—[click here](#);
- film/audio excerpts of Justice Jackson’s November 21, 1945, opening statement to the IMT—[click here](#); and
- the transcript of the November 21 proceedings—[click here](#).