

Oberammergau and Plague (1946)

*John Q. Barrett**

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On Thursday, April 18, 1946, the International Military Tribunal at Nuremberg recessed for the next four days, for the impending Easter observance. The recess allowed some of the leading French and British participants in the trial, both judges and prosecutors, to return to their homes and families on brief holidays. Participants from the Soviet Union and the United States, by contrast, generally stayed in Nuremberg or its region.

U.S. Chief of Counsel Justice Robert H. Jackson took the occasion to travel in Bavaria. On Friday morning, April 19, he and a small entourage—including his son and executive assistant Lt. William E. Jackson, Jackson’s executive trial counsel Thomas J. Dodd, secretary Mrs. Elsie Douglas, a few other U.S. prosecution staff members, and American Bar Association president Willis Smith, who was visiting the trial—left Nuremberg by car. They headed south to the site of the former Nazi concentration camp at Dachau. They attended a session there of the ongoing American trial of sixty or so defendants who had worked in the Nazi concentration camp at Mauthausen. They also visited the Dachau camp site.

Justice Jackson and his team then continued south to Garmisch, located in the Bavarian Alps. They spent Friday night there, at a rest center for U.S. Army personnel.

On Saturday, they took a steep ride for two hours on the Bavarian-Zugspitze railroad to a hotel on a glacier near the Zugspitze summit. They then took a cable car to the top of the Zugspitze, from which they viewed Italy, Germany, Austria, and Switzerland.

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April 20, 1946: L-R, Two unidentified American military personnel, Justice Robert H. Jackson, another unidentified person, and Mrs. Elsie L. Douglas, atop the Zugspitze.

On the next day, Easter Sunday, Justice Jackson and his colleagues visited the village of Oberammergau. They knew well that its residents had been performing a world-famous eight-hour Passion Play—a story of the life, death, and resurrection of Jesus Christ—once or twice every decade since 1634.¹ Jackson and his group also knew that the play had been scheduled to be performed in 1940 but was cancelled due to the War.

At Oberammergau, Justice Jackson and his colleagues walked on the large, open-air Passion Play stage. They saw the costumes and props. They learned that the play was to have been produced that year, but that it had been cancelled, perhaps by the occupying U.S. Army, because too many of the Oberammergau residents who were cast members, including

¹ Its website: www.passionsspiele-oberammergau.de/en/home; see also JAMES SHAPIRO, OBERAMMERGAU: THE TROUBLING STORY OF THE WORLD'S MOST FAMOUS PASSION PLAY (2000).

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innkeeper Alois Lang who portrayed Jesus, were alleged to have been Nazi Party members during the Hitler years.²



April 21, 1946: L-R, unknown, Lt. William E. Jackson, Justice Jackson, Jean MacFetridge(?), unknown, Mrs. Douglas, Willis Smith(?), and two more unidentified U.S. military personnel, on the Passion Play stage at Oberammergau.

The genesis of the Oberammergau Passion Play was a pandemic in 1633. Bubonic plague then ravaged Bavaria, including the village—it is believed that one quarter of its population had died. The survivors, according to legend, then stood before a cross and promised God that if he would spare their lives, they and their descendants would perform a Passion Play there every decade. Thereafter, not one more person in the village died

² In 1947, Lang was tried in Garmisch before a jury of six German men. He described his resistance to Nazi decrees until, his business nearly ruined, he acquiesced and joined the Party in 1937. A Jewish resident of Oberammergau testified to Lang's deep friendship with him, including the complete acceptance he experienced in Lang's home. A Jewish woman submitted a letter describing Lang's kindness and upright character, which she experienced during six years living in his inn. Apparently based on this sympathetic evidence, the jury fined Lang 1,000 marks, to be paid to a welfare organization. See Kathleen McLaughlin, *Alois Lang, Christus, Wins Mercy As Ex-Nazi on Testimony of Jews*, N.Y. TIMES, May 28, 1947, at 7.

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of the plague. The grateful survivors, believing that God had answered their prayer, began the next year to perform the Passion Play.³

It seems likely that Justice Jackson and his colleagues heard about this history, if they did not know it already, during their visit to Oberammergau.

It is certain that they returned to Nuremberg on Monday, April 22, 1946.

The next day, they resumed their work to hold accountable human perpetrators who had brought the plague of World War II to Europe.

³ See generally Katrin Bennhold, *Pestilence Inspires a Town to Create a Pact With God, and to Suspend It*, N.Y. TIMES, Apr. 6, 2020, at A20, available at www.nytimes.com/2020/04/05/world/europe/germany-oberammergau-passion-play-coronavirus.html (recounting this history).