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Introduction to the Volume

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Introduction to the Special Nuremberg Trials Symposium Volume

MICHAEL BAZYLER & STANLEY GOLDMAN

2015–2016 marked the 70th anniversary of one of the greatest criminal trials in history: the trial of the so-called Major Nazi War Criminals in Nuremberg, Germany before the International Military Tribunal (“IMT”). The IMT trial began at 10 a.m. on November 20, 1945 with a public reading of the indictments by the American, British, French and Soviet prosecutors. There was no jury. The defendants would be adjudged guilty or innocent by a panel of judges from the same four Allied prosecuting countries. The twenty-two defendants were charged with three crimes under international criminal law: war crimes, crimes against humanity and the waging of an aggressive war, or crime against peace.

The trial lasted 315 days and ended on October 1, 1946, with twenty-two verdicts read out by the IMT judges. The Allied judges convicted nineteen Germans, including the number two Nazi, Hermann Göring, and acquitted three. Celebrated war correspondent journalist Martha Gellhorn, in Courtroom 600 when the judgments were read out, reported: “It took forty-seven minutes on the afternoon of 1 October to deliver sentence. . . . After it was over, an empty stunned feeling in the courtroom, the judges filed out, the courtroom was quiet, the trial was over, justice had been done. Justice seemed very small suddenly. Of course, it had to be, for there was no punishment great enough for such guilt.” On October 15, 1946, those sentenced to death were hanged, with the exception of Göring who committed suicide. The last execution was carried out at 2:45 a.m.

Today, Nuremberg is not just a name of a city in Bavaria. It is an idea that serves as the guidepost for how perpetrators of genocide and other mass atrocities should be dealt with worldwide.

Nothing more attests to the vibrancy of the Nuremberg legacy than the statement of Louise Arbour, the former chief prosecutor for the modern-day Yugoslav and Rwandan war crimes tribunals: “Collective-

ly, we're linked to Nuremberg. We mention its name every single day." In the same vein, the International Law Section of the ABA held a conference in November 2005 on the 60th anniversary titled "Nuremberg and the Birth of International Criminal Law."

To mark the anniversary of the IMT trial and the subsequent criminal proceedings before American judges in Nuremberg of the second-tier Nazi defendants, Loyola Law School of Los Angeles held a symposium on November 20, 2015, *the very day when the IMT trial began seventy years earlier*. The symposium featured speakers from the United States and abroad and focused on the Nuremberg idea, its implementation seventy years ago, and its modern impact on law and society. The keynote presentation was delivered by Benjamin Ferencz, at age ninety-six—the last living Nuremberg prosecutor.

This special volume of the Loyola International and Comparative Law Review presents the symposium proceedings that took place in Los Angeles on November 20, 2015. Not everyone we invited, and not everyone we wanted to invite, could be with us on that special day. And so we asked distinguished Nuremberg scholars to contribute essays to this special volume.

Ours was not only a venue where celebrations of the Nuremberg trials idea took place. One of the major programs took place on May 4, 2016 in Krakow, Poland in conjunction with the annual March of the Living, and organized by the March of the Living International, the Raoul Wallenberg Centre for Human Rights, and Jagellonian University. This symposium, focused on the double entendre of Nuremberg: the Nuremberg of Hate, where eighty years ago Nazi Germany enacted the Nuremberg Race Laws, taking away the rights of its Jewish citizens; and the Nuremberg of Justice, where modern international justice was fathered.

We are grateful to Professors Irwin Cotler and Alan Dershowitz, the symposium co-chairs, and distinguished Washington D.C. attorney Richard D. Heideman, program chairman, for allowing us to include in this volume the proceedings from Krakow. Mr. Heideman and the Loyola student editors deserve special mention in beautifully meshing the two symposia together. Their hard work and devotion to this project made this publication possible.

While the Nuremberg proceedings were seemingly relegated to the dustbin of history during the Cold War era, their resurrection as a template for modern international criminal justice after the fall of the Berlin Wall has led to a multiplicity of books, articles and essays on the IMT

trial and a smaller number on the subsequent Nuremberg prosecutions. And so you may wonder whether anything new can be said about Nuremberg. As the essays that follow demonstrate, there is still much to be learned about what took place in Nuremberg's Palace of Justice between 1945 and 1949.

It is our hope that this special issue spurs young scholars to mine the transcripts of the proceedings, trial evidence, and other documents connected with the Nuremberg of Justice. As for us, we are already looking forward to 2020, to commemorate the 75th anniversary of Nuremberg. Our fondest wish is for Mr. Ferencz to be with us on that occasion.