



# Judgment at Nuremberg

or when the Eskimos took over Germany in 1933

*“There are no Nazis in Germany. The Eskimos invaded Germany and took over, that’s how all those terrible things happened. It wasn’t a fault of the Germans, it was a fault of those damned Eskimos”.*

chief prosecutor Lawson to the judges

## Introduction

What makes it interesting to deal with “Judgment at Nuremberg” on a website like ours? It’s as simple as that: The crucial questions of Stanley Kramer’s film about truth and responsibility are still unanswered. The Americans failed in prosecuting the Nazi criminals, most of the subsequent German trials were farces, particularly the ones on a local scale.

By telling the story of the film and giving some background information from my personal point of view as a Nuremberg resident, I hope that the reader will share my fascination with the unique entanglement of reality and fiction, past and present I felt since I watched Kramer’s film for the first time. But first the basic facts about “Judgment at Nuremberg”:

## The film

Ad for the premiere in Nuremberg, December 1961

- original title: *Judgment (a.k.a. Judgement) at Nuremberg*
- premiered Dec. 1961 in Berlin at the International Film Festival “Berlinale”.
- running time approx. 178 min.
- all rights owned by MGM.

### **The producer and director**

*Stanley Kramer* (born 1913, deceased 2001); other famous films as director “The Defiant Ones” with Sidney Poitier and Tony Curtis 1958, “On the Beach” 1959; producer of “Champion” with Kirk Douglas 1949, “The Wild One” with Marlon Brando and “High Noon” with Gary Cooper 1952.

### **The staff**

- written by *Abby Mann* (deceased 2008) Academy Award winner for the best adapted screenplay; later wrote “King” in 1978, which he also directed, and “Murderers Among Us: The Simon Wiesenthal Story” in 1989 for TV. In 2001 Abby Mann adapted the script of “Judgment at Nuremberg” for a Broadway play starring Maximilian Schell as Emil Janning. The play premiered March 26 at Longacre Theatre, 48<sup>th</sup> Street.
- music by *Ernest Gold*
- photography by *Ernest Laszlo*

### **The cast**

- *Spencer Tracy* (judge Dan Haywood from Maine)
- *Burt Lancaster* (Emil Janning, former German secretary of justice)
- *Richard Widmark* (prosecutor Lawson)
- *Marlene Dietrich* (Mrs. Berthold, widow of German general executed for war crimes)
- *Judy Garland* (Irene Hoffmann-Wallner)
- *Maximilian Schell* (attorney Rolff to Ernst Janning; Academy Award winner for best actor)
- *Montgomery Clift* (Rudolf Petersen, retarded victim of sterilization)
- *William Shatner* (court officer, later to become famous as Captain James T. Kirk in the legendary TV series “Star Trek”)
- *Werner Klemperer* (former public prosecutor in the Feldenstein case. Klemperer is born 1920 in Cologne, son of the famous conductor Otto Klemperer, a Nazi refugee. Later he became Colonel Klink in the 1960s TV series “Hogan’s Heroes”)

### **The Story - as I see it**

The film starts with a black screen and German marching music. After a while graphic titles appear, followed by a still of the Swastika on top of the grandstand at the Nuremberg party rally grounds. The enormous explosion of the Swastika finally stops the marching music.

Nuremberg in 1948. A subsequent war criminals case of four former Nazi jurists (two judges, one prosecutor and judge, one former secretary of justice). The indictment is “crimes against humanity”.

As the first witness of the prosecution Rudolf Petersen from Frankfurt is called to the stand, an alleged victim of sterilization for political reasons (his father had been a communist). His case had been decided by the hereditary court in Stuttgart, presiding judge Hochstaetter. Defense attorney Rolff attacks the witness by stating that his mother had been feeble minded. To prove the imbecility of the witness, Rolff asks him to connect the words “hare, hunter, field” to a logical sentence. Petersen fails and is dismissed.

At the same time outbreak of the crisis in Czechoslovakia (communist coup d’etat).

The second phase of the trial begins when the prosecution finds Irene Hoffmann-Wallner in Berlin and persuades her to witness about the case of the 65 years old Jewish merchant Leh-

mann Feldenstein sentenced to death for racial pollution and Hoffmann to a prison term for perjury.

Writer Abby Mann shows very detailed knowledge of the most infamous “Rassenschande” trial in Germany, the show case against Leo Katzenberger, important member of the Jewish congregation in Nuremberg. Here the film comes closest to the reality in Nuremberg during the Nazi era: The original headline from Julius Streicher’s anti-Semitic “Der Stürmer”, “Tod dem Rassenschänder!” (death to the violator of the race!) is displayed in the courtroom, the Nuremberg Laws, the Nazi “Sondergerichte” (special courts ), and the Nuremberg party rallies are mentioned.

In the Feldenstein case the presiding judge had been Ernst Janning (he later confesses in his statement that the verdict had been made even before the trial started). The defense attorney isn’t prepared for this witness and asks her after the interrogation by the prosecutor to stay available for further examination.

The prosecution tries to make use of weakness of the defense and calls Colonel Lawson himself to the stand, because he had been with the army units liberating concentration camps. What follows now is authentic footage from news reels, but also very problematic: The commentaries given by Lawson are misleading. For example he talks about gassing at Dachau concentration camp, which did not take place. Buchenwald is described erroneously as an extermination camp. These dubious statements obviously were consequences of the author’s dilemma, that the extermination camps in Poland like Auschwitz, Majdanek and others were not liberated by U.S. forces but by the Red Army.

At the same time the Berlin Blockade starts. High ranking officials attempt both to influence judge Haywood and the prosecution to speed up the trial and find a mild verdict.

Defense attorney Rolff asks the question of the guilt of other countries (examples: concordat of the Nazis with the Vatican, open letter to the “Times” by Winston Churchill in 1938 praising the strength of Hitler). Rolff calls to the stand Irene Hoffmann again and imposes massive pressure upon her to make her confess a sexual relationship with Feldenstein. This is the turning point of the film. Janning, until then obstinately silent, stands up in the dock and stops Rolff from questioning, also insists to make a statement which becomes a confession of his and the other defendants guilt.

The final verdicts: four times life sentences to prison for crimes against humanity, one of the three American judges gives a public statement of dissent, because to him the defendants only have fulfilled their duty as functionaries of the legal system.

The titles at the end of the film give interesting statistics: Of 99 sentenced to prison terms from 1945 - 1949 in the US Zone by an American court none is still imprisoned at the time of the film’s showing.

### **Other favorite quotations of mine**

*“He built the Autobahn”.* (Mrs. Halberstadt, servant of the judge, referring to Hitler)

*“We did not know. We have to forget, if we are to go on living”.* (Mrs. Berthold to judge Haywood)

*“But if we didn’t know, it was because we didn’t want to know”.* (Janning’s statement to the court)

Janning: *“I never knew it would come to that”.*

Haywood: *“It came to that the first time you sentenced a man you knew to be innocent”.*

(final dialogue in Janning’s prison cell)

## The Filming in Nuremberg



**The sites of the tribunal today: Palace of Justice, main building**

(photo: Susanne Rieger)

Actually not many scenes were filmed in real locations. There is one shot of the “Palace of Justice” with military vehicles driving by (see below the story behind the scenes) and another near Königstor where Haywood takes a tramway.

The most popular sequence in a real Nuremberg location is probably Spencer Tracy’s walk along the grandstand at “Reichsparteitagsgelände” (party rally grounds), which is accompanied again by German marching music and a speech by Hitler.

My favorite and maybe the funniest scene of an otherwise very serious picture takes place at the Hauptmarkt (central market square) right in front of Saint Mary’s Church (see thumbnail picture on the right of the headline): Haywood buys himself a Frankfurter and puts some mustard on it, while a smoking young woman is standing to his right watching and smiling, him smiling (eye-flirting!), too. She bends her head down to him and says “Auf Wiedersehen, Opa” (Goodbye, grandpa). He lifts his hat and asks the saleswoman what the girl just said. After she translated the girl’s remark, he makes a funny face.

The reason why I consider this scene to be great is first because it is almost free of any meaning to the story (at best a reminiscence to the fabulous German postwar “Frauleins”), and second because of its humor which is only expressed in Tracy’s wrinkled face.

As harmless as it might seem, this short sequence caused an uproar in Nuremberg’s newspapers, not because of the sacrilege of eating a Frankfurter in the world capital of fried sausages, but because of its lack of political and historical correctness.

### **What the local press wrote**

For the Nuremberg press the filming work of a famous American director and even more the presence of Spencer Tracy in the city was one of the stories of the year. In the articles from those days one can feel an ambivalence about what was going on from May 10 to 15, 1961 when Kramer and his crew worked in Nuremberg. On one hand the journalists and most likely the local folks were flattered by the international attention, on the other they were not comfortable with the film's plot. More or less explicitly there was an "Oh no, not again this Nazi staff!" attitude.



**Palace of Justice, jury's building where the international tribunal and the subsequent war criminals trials took place**

(photo: Susanne Rieger)

The "8 Uhr-Blatt", local representative of the yellow press, covered every move of the team in Nuremberg. On May 13, 1961 they reported the "Beautiful Fountain" at central market square losing its gloss because it had to witness an inexcusable historical lie, when the scene with Tracy and the young "Fraulein" mentioned above was filmed. The cause for the newspaper's embarrassment were the piles of sausages and baked rolls displayed in the market stand which were not available at the time of the Nuremberg trials. Two days later the "8 Uhr-Blatt" paper reported with kind of malicious joy, that the armed forces denied any kind of support to the filming crew.

As a consequence the armored car and the Jeep driving by the "Palace of Justice" in a short scene were German army vehicles, painted with US emblems.

After so much controversy the journalists were relieved when they could offer their readers 'real' Hollywood gossip, the relationship between Spencer Tracy and the "freckled almost-Garbo" Katherine Hepburn. Like paparazzi they besieged the Grand-Hotel after they learned about a mysterious lady accompanying Tracy and even living on the same floor as him. The showdown took place in "Germanisches Nationalmuseum" where Hepburn and her private secretary were discovered by a then young ambitious reporter.

### **Why “Judgment at Nuremberg” became no success at Nuremberg’s box offices**

Did the German public get the point of Kramer’s film? Scarcely, one must say. On Friday, December 15, 1961 the local “8 Uhr-Blatt” covered the world premiere of “Judgment at Nuremberg” the night before in Berlin. The most remarkable statement of a German at the gala had been made by the ruling mayor of Berlin, Willy Brandt, who opened the premiere calling it an “important political event”. He emphasized: “We are no shirkers. If the film serves justices, then we welcome it”.

The newspaper critic attending lamented about the “too detailed court scenes”, though he had to admit that also from his point of view “all aspects of the guilt and the responsibility of the German people are dealt with great honesty. Hard cuts and dramatic addresses give the film a passionate tone and make it an exciting subject of discussion, which not only concerns the Germans but everybody in the world believing in justice”.

What I could find out, “Judgment at Nuremberg” had been shown in one Nuremberg movie theater and disappeared after only two weeks from the program. It had been no commercial success in the United States either, but to an unbiased spectator the question arises, why in particular the residents of Nuremberg, otherwise eager to see their city recognized by an international public, showed almost no interest in the film.

The entry in official municipal chronicle, not famous for its sense of humor, arrogantly mocked the film on the occasion of the premiere: “Stanley Kramer’s new film ‘Judgment at Nuremberg’ premiered in Berlin; the scenes were filmed partially in Nuremberg [...]. The wrong details noticed primarily by residents of Nuremberg watching the scenes filmed here, are the results of the ignorance of the conditions in Germany and German peculiarity”.

### **“German peculiarities”: Amnesia and pity for oneself**

Kramer and Mann were no historians, but what they delivered with “Judgment at Nuremberg” is a true kaleidoscope of German postwar history. The film itself, but also its making and the reactions to it reflect perfectly the condition and attitude of the Germans, maybe unwillingly.

By incident reality paralleled fiction in 1961: When Kramer and his crew were in Nuremberg, in Jerusalem Adolf Eichmann, Hitler’s henchman of the Jews and prime example for a killer with white cuffs, was tried. In real life the quest for truth and responsibility ended with the death sentence. At the end of the film the defense attorney offers judge Haywood a bet: He bets that not later than in five years all the convicted jurists will be free again. This might not be the right place to be ironic, but one must say that postwar reality more often followed Rolff’s idea than the principles of the Jerusalem court.

Another perfect example for this assertion is the outcome of the several trials against the judges in the case of Leo Katzenberger, which Abby Mann used for the Feldenstein case in the film. The trials were dragged around until the 1970s. None of the ruthless judges expired his life in a prison cell, but as a pensioner in the comfort of his neat upperclass home.



**Palace of Justice, courtroom 600 in the jury's building (view to the corner of the defendants' stand)**  
(photo: Susanne Rieger)

It was the Cold War that diminished the pressure upon us Germans to persecute the “murderers among us.” Also on the political stage the year 1961 imitated Kramer’s film: In August the Berlin Wall was erected, finally giving Western Germany the status of the most important dam against the red flood from the East. When today’s historians particularly in the USA justify NATO’s politics towards the Warsaw Pact because they were successful, they also pardon the sin of the “second guilt” of Germany in first place, but also of other European countries (Austria, Italy, France) by failing to bring the Nazis and their collaborators to justice.

Coming generations, not biased by the experience of this confrontation, will ask the question about the necessity of sparing many representatives of the old regime for the sake of stability and I guess they will deny it.

For the last time let's return to the local level. Nuremberg’s journalists (and also leading politicians) blamed Kramer to ignore the situation here. From my point of view one might say that these critics could have been thankful for the Americans’ lack of detailed knowledge about Nuremberg. I am sure that Kramer and Mann would have been very interested in a list of jurists working in Nuremberg at the infamous “Sondergericht” (special court) and other institutionalized perversions of the course of justice before 1945 and their careers in the Federal Republic. Again, this is one of the mind-bugging twists of fiction and reality connected to the story of “Judgment at Nuremberg”: Watching the scenes filmed at the “Palace of Justice” one has to keep in mind that behind more than one window of the majestic building there sat a man at his desk, then in his late 50s or early 60s, who could have told Kramer the story first hand - from the standpoint of the perpetrator.

The source of the list which is supposed to close my reflections about an outstanding film and its remarkable story could cause the reader to doubt the contents. It is the “Braunbuch. Kriegs- und Naziverbrecher in der Bundesrepublik,” published 1965 in East Berlin. I would have liked to use a textbook free of the suspicion of propaganda, but I couldn’t find any, because no local historian dealt with the Nazi past of Nuremberg courts and their personnel yet.

*Gerhard Jochem*

**Some careers: Jurists in Nuremberg before and after 1945**

<b>Name</b>	<b>Date of birth</b>	<b>before 1945</b>	<b>in 1965</b>
<i>Ankenbrand, Dr. Otto</i>	Feb. 19, 1907	judge at special court (SC) Nuremberg	judge in Erlangen (neighboring city of Nuremberg)
<i>Bäumler, Dr. Josef</i>	Feb. 07, 1902	senior judge at SC Nuremberg	senior judge in Amberg (Upper Palatine)
<i>Benker, Hans</i>	Apr. 11, 1907	public prosecutor at SC Nuremberg	judge in Schweinfurt (Lower Franconia)
<i>Brem, Walter</i>	Dec. 13, 1902	judge at SC Nuremberg	senior judge in Fürth (neighboring city of Nuremberg) until August 1965
<i>Carmine, Dr. Erich</i>	Aug. 24, 1906	inquiring judge at the "Volksgerichtshof" (people's court) in Berlin	judge in Nuremberg
<i>Francke, Fritz</i>	Aug. 11, 1911	SS-noncom; legal advisor of SS-Sturm II/36	judge in Nuremberg
<i>Grueb, Dr. Josef</i>	May 18, 1902	senior public prosecutor for political crimes in Nuremberg	senior judge in Munich
<i>Heinke, Erhard</i>	March 13, 1913	public prosecutor at SC Breslau (Silesia)	senior judge in Nuremberg
<i>Jenniches, August</i>	Sept. 07, 1909	public prosecutor at SC Nuremberg	senior judge in Nuremberg
<i>Kori, Manfred</i>	Jan. 24, 1906	public prosecutor at SC Leoben (Austria)	judge in Nuremberg
<i>Kristl, Dr. Karl</i>	July 01, 1910	assessor of the division for political crimes at district court Eger (Bohemia)	senior judge in Nuremberg
<i>Kühn, Dr. Fritz</i>	March 13, 1906	public prosecutor at SC Nuremberg	senior public prosecutor in Nuremberg
<i>Mayer, Dr. Josef</i>	June 25, 1905	judge at SC in Nuremberg	senior judge in Nuremberg
<i>Ostermeier, Dr. Robert</i>	May 29, 1903	senior judge at SC Nuremberg	senior judge in Nuremberg
<i>Reubold, Dr. Hans</i>	Sept. 29, 1900	senior public prosecutor at SC Munich	senior judge in Nuremberg
<i>Stumpf, Richard</i>	Feb. 04, 1907	public prosecutor at SC Litzmannstadt (Lodz, Poland)	senior public prosecutor in Nuremberg
<i>Weinelt, Dr. Wilhelm</i>	June 02, 1904	senior judge at SC Prague	judge in Nuremberg



**Filmographic sources**

- *The Internet Movie Database*: <http://us.imdb.com/>
- *David Hart's Home Page*:  
<http://chomsky.arts.adelaide.edu.au/person/DHart/Films/JudgementNuremberg.html>  
Though containing minor errors about names and dates, his text about "Judgment at Nuremberg" is an interesting read

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