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***The Nuremberg Trials: Did the Trials prove
extermination?***

Congressman, John Rankin of Mississippi, stated: "As a representative of the American people I desire to say that what is taking place in Nuremberg, Germany, is a disgrace to the United States... A racial minority, two and a half years after the war closed, are in Nuremberg not only hanging German soldiers but trying German businessmen in the name of the United States."

by Mark Weber, IHR

A common response to expressions of skepticism about the Holocaust story is to say something like "What about Nuremberg? What about the trials and all the evidence?!" This reaction is understandable because the many postwar "war crimes" trials have given explicit, authoritative judicial legitimacy to the Holocaust extermination story.

By far the most important of these was the great Nuremberg trial of 1945-1946, officially known as the International Military Tribunal (IMT). The governments of the United States, the Soviet Union, Britain and France put on trial the most prominent surviving German leaders as "Major War Criminals" for various "war crimes," "crimes against peace," and "crimes against humanity." In the words of the Tribunal's Charter, these "Nazi conspirators" carried out their crimes as part of a great "Common Plan or Conspiracy."

In addition, twelve secondary Nuremberg trials (NMT) organized by the US government alone were conducted between 1946 to 1949. Similar trials were also conducted by the British at Lüneburg and Hamburg, and by the United States at Dachau. Since then, many other Holocaust-related trials have been held in West Germany, Israel and the United States, including the highly-publicized trials in Jerusalem of Adolf Eichmann and John Demjanjuk.

Germany's wartime treatment of the Jews figured prominently in the Nuremberg trials. In their condemnation of the defendants, the Allies gave special emphasis to the alleged extermination of six million European Jews. Chief US prosecutor Robert H. Jackson, for example, declared in his opening address to the Tribunal:

The most savage and numerous crimes planned and committed by the Nazis were those against the Jews ... It is my purpose to show a plan and design, to which all Nazis were fanatically committed, to annihilate all Jewish people.... The avowed purpose was the destruction of the Jewish people as a whole... The conspiracy or common plan to exterminate the Jews was ... methodically and thoroughly pursued... History does not record a crime ever perpetrated against so many victims or one ever carried out with such calculated cruelty.

Echoing these words, chief British prosecutor Sir Hartley Shawcross declared in his final address to the Tribunal:

There is one group to which the method of annihilation was applied on a scale so immense that it is my duty to refer separately to the evidence. I mean the extermination of the Jews. If there were no other crime against these men [the defendants], this one alone, in which all of them were implicated, would suffice. History holds no parallel to these horrors.

How compelling was the evidence presented at Nuremberg to substantiate such damning words? How did the defendants respond to the charges?

While much of the specific testimony and documentation presented in these trials has been dealt with in other Journal articles, here we take a closer look at the general trustworthiness of the evidence cited at Nuremberg and elsewhere for the Holocaust extermination story. This chapter also focuses on the basic character of these trials, which have played such an important role in "legitimizing" the Holocaust story.

Political justice

The Nuremberg enterprise violated ancient and fundamental principles of justice. The victorious Allies acted as prosecutor, judge and executioner of the German leaders. The charges were created especially for the occasion, and were applied only to the vanquished.

Defeated, starving, prostrate Germany was, however, in no position to oppose whatever the Allied occupation powers demanded.

As even some leading Allied figures privately acknowledged at the time, the Nuremberg trials were organized not to dispense impartial justice, but for political purposes. Sir Norman Birkett, British alternate judge at the Nuremberg Tribunal, explained in a private letter in April 1946 that "the trial is only in form a judicial process and its main importance is political."

Robert Jackson, the chief US prosecutor and a former US Attorney General, declared that the Nuremberg Tribunal "is a continuation of the war effort of the Allied nations" against Germany. He added that the Tribunal "is not bound by the procedural and substantive refinements of our respective judicial or constitutional system ..."

Judge Iola T. Nikitchenko, who presided at the Tribunal's solemn opening session, was a vice-chairman of the supreme court of the USSR before and after his service at Nuremberg. In August 1936 he had been a judge at the infamous Moscow show trial of Zinoviev and Kamenev. At a joint planning conference shortly before the Nuremberg Tribunal convened, Nikitchenko bluntly explained the Soviet view of the enterprise:

We are dealing here with the chief war criminals who have already been convicted and whose conviction has been already announced by both the Moscow and Crimea [Yalta] declarations by the heads of the [Allied] governments... The whole idea is to secure quick and just punishment for the crime...

The fact that the Nazi leaders are criminals has already been established. The task of the Tribunal is only to determine the measure of guilt of each particular person and mete out the necessary punishment -- the sentences.

Indicative of the largely political nature of the Nuremberg process was the important Jewish role in organizing these trials. ***Nahum Goldmann, one-time president of both the World Jewish Congress and the World Zionist Organization, reported in his memoir that the Nuremberg Tribunal was the brain-child of World Jewish Congress officials. Only after persistent effort were WJC officials able to persuade Allied leaders to accept the idea, he added.***

The World Jewish Congress also played an important but less obvious role in the day to day proceedings. Above all, the powerful but secretive organization made sure that Germany's persecution of the Jews was a primary focus of the trials, and that the defendants were punished for their involvement in that process.

Two Jewish officers in the US Army -- Lieutenant Colonel Murray Bernays and Colonel David "Mickey" Marcus -- played key roles in the Nuremberg enterprise. In the words of historian Robert Conot, Bernays was "the guiding spirit leading the way to Nuremberg." Bernays, a successful New York attorney, persuaded US War Secretary Henry Stimson and others to accept the idea of putting the defeated German leaders on trial.

Marcus, a fervent Zionist, became the "number three man in making American policy" in occupied Germany. As chief of the US government's War Crimes Branch in 1946 and 1947, he selected almost all of the judges, prosecutors and lawyers for the Nuremberg NMT Trials. (He later became a commander of Zionist "Haganah" military forces in Palestine.)

Some of the Americans who participated in the Nuremberg trials became disillusioned with the entire business. One of the few to make public his feelings was Charles F. Wennerstrum, an Iowa Supreme Court justice who served as presiding judge in the Nuremberg trial of German generals. "If I had known seven months ago what I know today, I would never have come here," he declared immediately after sentences were pronounced. "The high ideals announced as the motives for creating these tribunals have not been evident," he added.

Wennerstrum cautiously referred to the extensive Jewish involvement in the Nuremberg process. **"The entire atmosphere here is unwholesome ... Lawyers, clerks, interpreters and researchers were employed who became Americans only in recent years, whose backgrounds were imbedded in Europe's hatreds and prejudices."** He criticized the one-sided handling of evidence. "Most of the evidence in the trials was documentary, selected from the large tonnage of captured records. The selection was made by the prosecution. The defense had access only to those documents which the prosecution considered material to the case." He concluded that "the trials were to have convinced the Germans of the guilt of their leaders. They convinced the Germans merely that their leaders lost the war to tough conquerors." Wennerstrum left Nuremberg "with a feeling that justice has been denied."

America's leading jurist was dismayed by the Nuremberg process. **US Supreme Court Chief Justice Harlan Fiske Stone remarked with irritation:** "[Chief US prosecutor] Jackson is away conducting his high-grade lynching party in Nuremberg. I don't mind what he does to the Nazis, but I hate to see the pretense that he is running a court and proceeding according to common law. **This is a little too sanctimonious a fraud to meet my old-fashioned ideas.** **In a private letter he wrote: "... I wonder how some of those who preside at the trials would justify some of the acts of their own governments if they were placed in the status of the accused.**" On another occasion Stone specifically wondered "whether, under this new [Nuremberg] doctrine of international law, if we had been defeated, the victors could plausibly assert that our supplying Britain with fifty destroyers [in 1940] was an act of aggression ..."

In Congress, US Representative Lawrence H. Smith of Wisconsin declared: "The Nuremberg trials are so repugnant to the Anglo-Saxon principles of justice that we must forever be ashamed of that page in our history ... The Nuremberg farce represents a revenge policy at its worst." Another **Congressman, John Rankin of Mississippi, stated: "As a representative of the American people I desire to say that what is taking place in Nuremberg, Germany, is a disgrace to the United States... A racial minority, two and a half years after the war closed, are in Nuremberg not only hanging German soldiers but trying German businessmen in the name of the United States."**

Probably the most courageous condemnation was by US Senator Robert A. Taft, widely regarded as the "conscience of the Republican party." At considerable risk to his political career, he denounced the Nuremberg enterprise in an October 1946 speech. "The trial of the vanquished by the victors cannot be impartial no matter how it is hedged about with the forms of justice," he said. Taft went on:

About this whole judgment there is the spirit of vengeance, and vengeance is seldom justice. The hanging of the eleven men convicted will be a blot on the American record which we will long regret. In these trials we have accepted the Russian idea of the purpose of trials -- government policy and not justice -- with little relation to Anglo-Saxon heritage. By clothing policy in the forms of legal procedure, we many discredit the whole idea of justice in Europe for years to come.

Milton R. Konvitz, a Jewish specialist of law and public administration who taught at New York University, warned at the time that the Nuremberg Tribunal "defies many of the most basic assumptions of the judicial process

. " He went on: "Our policy with respect to the Nazis is consistent with neither international law nor our own State Department's policy... **The Nuremberg trial constitutes a real threat to the basic conceptions of justice which it has taken mankind thousands of years to establish.**"

In the years since, distinguished figures in both the United States and other countries have expressed similar views. US Supreme Court Justice William O. Douglas wrote: "I thought at the time and still think that the Nuremberg trials were unprincipled. Law was created ex post facto to suit the passion and clamor of the time."

US Rear Admiral H. Lamont Pugh, former Navy Surgeon General and Commanding Officer of the National Naval Medical Center, wrote: "I thought the trials in general bordered upon international lunacy. I thought it particularly unfortunate, inappropriate, ill-conceived and dupably injudicious that the United States should have been cast in the leading role as prosecutors and implementators of the trials of German participants or principals."

Another indictment of the Nuremberg trial appeared more recently in the pages of the liberal *New Republic*:

The whole majesty of the Western heritage of the law was used to subvert that heritage in the Nuremberg Tribunal. Weighty jurists in every Western country (but not Russia) protested against this travesty of the Western legal system. So did historians. So did merely cultured and moral men and women. If the victors were to "try" the vanquished for war crimes, then they should try themselves for often committing the same crimes. Who would try [British] Air Chief Marshal Sir Arthur Travers "Bomber" Harris, the architect of the policy of saturation bombing of German cities? But it was not only a matter of our own "war crimes." If it was right to use the apparatus of the law to punish those responsible for exceptional crimes like the Holocaust, it was wrong to use it to punish errors of judgment and statecraft such as every defeated regime seems to have committed. "We used the methods of the enemy" -- and used them in peace at Nuremberg.

While the Nuremberg trials were underway, and for some time afterwards, there was quite a lot of talk about the universal validity of the new legal code established there. A new age of international justice had begun, it was claimed. Many sincerely believed that the four Allied powers would themselves abide by the Tribunal's standards.

As it happened, none of the four powers that participated in the Tribunal ever made the slightest effort to apply the principles so solemnly and self-righteously proclaimed at Nuremberg either to their own leaders or to those of any other country.

No Soviet leader was executed for the Soviet military interventions in Hungary in 1956 or Czechoslovakia in 1968. No British leader was put on trial for the British invasion of Egypt in October 1956. President Eisenhower was not tried for his invasion of Lebanon in 1958. President Kennedy was not hanged for his ill-fated 1962 "Bay of Pigs" invasion of Cuba. President Johnson was never called to judicial account for his conduct of the war in Vietnam or his invasion of the Dominican Republic. President Nixon was not brought before a tribunal for his armed "incursion" into Cambodia.

When (North) Vietnamese officials threatened to put captured US airmen on trial in 1966, US Senator Everett Dirksen was moved to remark that the Nuremberg trials "may have been a ghastly mistake."

A double standard

In conducting the Nuremberg trials, the Allied governments themselves violated international law. For one thing, their treatment of the German defendants and the military prisoners who testified violated articles 56, 58 and others of the Geneva convention of July 1929.

Justice -- as opposed to vengeance -- is a standard that is applied impartially. At Nuremberg, though, standards of "justice" applied only to the vanquished. The four powers that sat in judgment were themselves guilty of many of the very crimes they accused the German leaders of committing. Chief US prosecutor Robert Jackson privately acknowledged in a letter to President Truman that the Allies .

have done or are doing some of the very things we are prosecuting the Germans for. The French are so violating the Geneva Convention in the treatment of [German] prisoners of war that our command is taking back prisoners sent to them [for forced labor in France]. We are prosecuting plunder and our Allies are practicing it. We say aggressive war is a crime and one of our allies asserts sovereignty over the Baltic States based on no title except conquest.

In violation of the first Nuremberg count of "planning, preparation, initiating or waging a war of aggression," the Soviet Union attacked Finland in December 1939 (and was expelled from the League of Nations as a result). A few months later the Red Army invaded Lithuania, Latvia and Estonia, and ruthlessly incorporated them into the Soviet Union. The postwar French government violated international law and the Nuremberg charge of "maltreatment of prisoners of war" by employing large numbers of German prisoners of war as forced laborers in France. In 1945 the United States, Britain and the Soviet Union jointly agreed to the brutal deportation of more than ten million Germans from their ancient homes in eastern and central Europe, a violation of the Nuremberg count of "deportation, and other inhumane acts committed against any civilian population."

While Allied prosecutors charged the defendants with a "crime against peace" in planning the German invasion of Norway in 1940, the British government eventually had to admit that Britain and France were themselves guilty of the same "crime" in preparing a military invasion of Norway, code-named "Stratford," before the German move. And in August 1941, Britain and the Soviet Union jointly invaded and occupied Iran, a neutral nation. (note 27)

Given this record, it is hardly surprising that the four governments that organized the Nuremberg trial of 1945-1946 included no definition of "aggression" in the Tribunal's Charter. (note 28)

Mikhail Vozlenski, a Soviet historian who served as a translator at the Nuremberg Tribunal in 1946, later recalled that he and the other Soviet personnel felt out of place there because the alleged crimes of the German leaders were "the norm of our life" in the Soviet Union. (note 29) The Soviet role in the proceedings, which the United States fully supported, moved American diplomat and historian George F. Kennan to condemn the entire Nuremberg enterprise as a "horror" and a "mockery."

Nuremberg's double standard was condemned at the time by the British weekly *The Economist*. It pointed out that whereas both Britain and France had supported the expulsion of the Soviet Union from the League of Nations in 1939 for its unprovoked attack against Finland, just six years later these same two governments were cooperating with the USSR as a respected equal at Nuremberg. "Nor should the Western world console itself that the Russians alone stand condemned at the bar of the Allies' own justice," the *Economist* editorial went on. It continued:

... Among crimes against humanity stands the offence of the indiscriminate bombing of civilian populations. Can the Americans who dropped the atom bomb and the British who destroyed the cities of western Germany plead "not guilty" on this count?

Crimes against humanity also include the mass expulsion of populations. Can the Anglo-Saxon leaders who at Potsdam condoned the expulsion of millions of Germans from their homes hold themselves completely innocent?... The nations sitting in judgment [at Nuremberg] have so clearly proclaimed themselves exempt from the law which they have administered.

An official with the postwar US military occupation administration in Germany commented: "What good are the high-flown morals enunciated at Nuremberg if the Americans have agreed to such things as deportation in documents which bear official signatures, and which, therefore, give the Allies the legal right to do the things which at Nuremberg they described as immoral?"

If the Nuremberg Tribunal's standards had been applied to the victors of the Second World War, American General and supreme Allied commander in Europe Dwight Eisenhower would have been hanged. At the end of the war Eisenhower ordered that German prisoners in American military custody were no longer to be treated according to the Geneva Convention on the treatment of prisoners of war. This violation of international law removed masses of Germans from the protection of the International Red Cross (ICRC), and condemned hundreds of thousands of them to slow death by starvation and disease.

Perhaps nothing better illustrates the essentially unfair character of the Nuremberg proceedings than the treatment of Rudolf Hess, Hitler's deputy. He was sentenced to life imprisonment even though he alone of leading figures of the countries involved in the Second World War risked his life in a dangerous but fruitless effort to conclude peace between two of the warring nations. British historian A.J.P. Taylor once succinctly summed up the injustice of the Hess case and, by implication, of the entire Nuremberg enterprise:

Hess came to this country in 1941 as an ambassador of peace. He came with the ... intention of restoring peace between Great Britain and Germany. He acted in good faith. He fell into our hands and was quite unjustly treated as a prisoner of war. After the war, we should have released him. Instead, the British government of the time delivered him for sentencing to the International Tribunal at Nuremberg ... No crime has ever been proved against Hess ... As far as the records show, he was never at even one of the secret discussions at which Hitler explained his war plans.

The problem of evidence

The victorious Allies thoroughly scoured Germany for every scrap of paper that might be used to incriminate the defeated regime. Never before or since have a nation's records been so completely ransacked. In addition to official government papers, including countless secret documents tracing Germany's wartime Jewish policy, the Allies confiscated the records of the National Socialist Party and its affiliated organizations, as well as those of numerous private business firms, institutions and individuals. The sheer quantity of paper seized is staggering. For example, the records of the German Foreign Office confiscated by US officials amounted to some 485 tons of paper.

From this mountain of paper, US military personnel alone selected some two thousand documents considered most incriminating for use in the main Nuremberg trial. The tons of confiscated records were later shipped to the United States. It is estimated that in the US National Archives alone, more than one million pages of documents on the Third Reich's Jewish policy are on file. Many hundreds of these Nuremberg documents have since been published, most notably by the U.S. government in the 42-volume "blue series" record of the main Nuremberg trial, the 15-volume "green series" record of the "second string" Nuremberg trials, and in the 11-volume "red series."

It is as if governments hostile to the United States were to seize the top secret files of the Pentagon and CIA, and then selectively publish the most embarrassing and incriminating documents from the vast collection.

In the years since the Nuremberg trials, historians of many different countries have carefully sifted through the German records, including countless documents that were not available to the Nuremberg prosecutors. Historians have been able to compare and cross-check the records of different ministries and agencies, as well as numerous private diaries and papers.

And yet, out of this great mass of paper, not a single document has ever been found that confirms or even refers to an extermination program. A number of historians have commented on this remarkable "gap" in the evidence. French-**Jewish historian Leon Poliakov**, for example, noted in his best-known Holocaust work:

The archives of the Third Reich and the depositions and accounts of its leaders make possible a reconstruction, down to the last detail, of the origin and development of the plans for aggression, the military campaigns, and the whole array of procedures by which the Nazis intended to reshape the world to their liking. Only the campaign to exterminate the Jews, as regards its conception as well as many other essential aspects, remains shrouded in darkness.

No documents of a plan for exterminating the Jews have ever been found, he added, because "perhaps none ever existed."

At Nuremberg, the German documents were in the custody of the Allied prosecutors, who did not permit defense attorneys to make their own selections of the material. Historian Werner Maser has pointed out that at Nuremberg "thousands of documents which seemed likely possibly to incriminate the Allies and exonerate the defendants suddenly disappeared... ***There is much evidence that documents were confiscated, concealed from the defense or even stolen in 1945.*** ***Other important documents suddenly "disappeared" when specifically requested by defense attorneys. Officials at the National Archives in Washington have confirmed to this writer on several occasions that the originals of numerous Nuremberg documents remain "lost" to this day. The Tribunal refused to allow in evidence several collections of German and captured foreign documents published during the war as German Foreign Office "White Books." Most of the 1,809 affidavits prepared by the Nuremberg defense have never been made public.***

Among the documents that the defense was not permitted to bring to light was the secret supplement to the German Soviet treaty of August 23, 1939, which divided eastern Europe into German and Soviet spheres of influence.

After the Nuremberg Tribunal pronounced its sentence, Foreign Minister von Ribbentrop pointed out some of the obstacles put up in his particular case:

The defense had no fair chance to defend German foreign policy. Our prepared application for the submission of evidence was not allowed ... Without good cause being shown, half of the 300 documents which the defense prepared were not admitted. Witnesses and affidavits were only admitted after the prosecution had been heard; most of them were rejected... Correspondence between Hitler and Chamberlain, reports by ambassadors and diplomatic minutes, etc., were rejected. Only the prosecution, not the defense, had access to German and foreign archives. The prosecution only searched for incriminating documents and their use was biased. It knowingly concealed exonerating documents and withheld them from the defense.

The Charter of the International Military Tribunal permitted the use of normally inadmissible "evidence." Article 19 specified that "The Tribunal shall not be bound by technical rules of evidence... and shall admit any evidence which it deems to have probative value." Article 21 stipulated:

The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United [Allied] Nations, including acts and documents of the committees set up in the various allied countries for the investigation of war crimes, and the records and findings of military and other Tribunals of any of the United [Allied] Nations.

On the basis of these articles, the Tribunal accepted as valid the most dubious "evidence," including hearsay and unsubstantiated reports of Soviet and American "investigative" commissions. For example, the Tribunal accepted an American congressional report that "proved" gas chamber killings at Dachau, and a Polish government report (submitted by the US) that "proved" killings by steam at Reblinka. (No reputable historian now accepts either of these stories.)

In addition, the Tribunal validated Soviet reports about Auschwitz and Majdanek (documents USSR-8 and USSR-29), which explained in detail how the Germans killed four million at Auschwitz and another one-and-a-half million at Majdanek. (These days, no reputable historian accepts either of these fantastic figures.)

German guilt for the killing of thousands of Polish officers in the Katyn forest near Smolensk was similarly confirmed by Nuremberg document USSR-54. This detailed report by yet another Soviet "investigative" commission was submitted as proof for the charge made in the joint indictment of the four Allied governments. As a Soviet prosecutor explained: "We find, in the Indictment, one of the most important criminal acts for which the major war criminals are responsible was the mass execution of Polish prisoners of war shot in the Katyn forest near Smolensk by the German fascist invaders." (note 44) (Interestingly, two of the eight members of the Soviet Katyn Commission were also members of the Soviet Auschwitz commission: Academician N. Burdenko and Metropolitan Nikolai.) It wasn't until 1990 that the Soviet government finally acknowledged that the Katyn massacre was carried out, not by a German unit, as "proven" at Nuremberg, but by the Soviet secret police.

It is sometimes claimed that the evidence presented by the prosecution to the Nuremberg Tribunal was so incontrovertible that none of the defense attorneys ever disputed the authenticity or accuracy of even a single prosecution document. This is not true. Not only did defense lawyers protest against the prosecution use of spurious documents, but some of the most important Nuremberg documents are now generally acknowledged to be fraudulent.

For example, defense attorney Dr. Boehm protested to the Tribunal that Nuremberg document 1721-PS, which purportedly confirms attacks by stormtroopers against Jewish synagogues in November 1938, is a clumsy forgery. He went on to explain his reasons at some length.

Several Nuremberg documents based on the purported "death bed confession" of Mauthausen commandant Franz Ziereis, are demonstrably fraudulent. (Nuremberg documents 1515-PS, 3870-PS, and NO-1973.) These documents supposedly prove systematic killings of hundreds of thousands of people by gassing and other means at Mauthausen and Hartheim.

Almost forty years after the Tribunal handed down its verdicts, Nuremberg document USSR-378 was definitively exposed as a fraud. It is a purported record of numerous private conversations with Hitler by Hermann Rauschning, a former National Socialist official in Danzig. In brutal language, the Führer supposedly revealed his most intimate thoughts and secret plans for world conquest. Rauschning's "memoir" was published in 1939 in Britain under the title Hitler Speaks, and in the United States in 1940 as The Voice of Destruction. It was this US edition that was accepted in evidence at Nuremberg as proof of the "guiding principles of the Nazi regime."

Chief British prosecutor Sir Hartley Shawcross and his Soviet colleagues cited numerous quotations from it. Defendant Baldur von Schirach contested its authenticity, but defense attorney Pelckmann (who did not know any better) accepted this "evidence" as authentic. In 1983 Swiss historian Wolfgang Hänel established that the "memoir" is entirely fraudulent. Rauschning never had even a single private meeting with Hitler.

Another fraudulent Nuremberg document is the so-called "Hossbach protocol" (document 386-PS), a purported record of a high-level 1937 conference at which Hitler supposedly revealed his secret plans for aggressive conquest. US Nuremberg prosecutor Sidney Alderman called it "one of the most striking and

revealing of all the captured documents," and told the Tribunal that it removed any remaining doubts about the guilt of the Germans leaders for their crimes against peace. It was largely on the basis of this document that Göring was condemned to death.

Similarly spurious is Nuremberg document L-3 (US-28), supposedly a record of a bellicose speech by Hitler to armed forces commanders on August 22, 1939. It contains a widely cited quotation attributed to Hitler, "Who talks nowadays of the extermination of the Armenians?"

Jewish historian Lucy Dawidowicz, author of The War Against the Jews, acknowledged that "There are also Holocaust documents that are outright falsification and some that purvey myth rather than historical fact."

Dubious testimony

Much of the evidence for the Holocaust story presented at Nuremberg and in subsequent trials has been "survivor testimony." As numerous historians have acknowledged, though, such testimony is often defective.

Gerald Reitlinger cautioned readers of his detailed study, *The Final Solution*, that Holocaust evidence, including Nuremberg documents and testimony, cannot be accepted at face value: "A certain degree of reserve is necessary in handling all this material, and particularly this applies to the last section (survivor narratives) ... The Eastern European Jew is a natural rhetorician, speaking in flowery similes." French historian Jean-Claude Pressac likewise warned in his detailed book about Auschwitz that "extreme care is required with the testimony of survivors ..."

Jewish historian Hannah Arendt observed in her book *Eichmann in Jerusalem* that the "eyewitnesses" who testified in the 1961 trial in Jerusalem of Adolf Eichmann were only rarely able to distinguish between what actually happened to them years earlier and what they had read, heard or imagined in the meantime. Holocaust historian Lucy Dawidowicz similarly noted that "the survivor's memory is often distorted by hate, sentimentality, and the passage of time. His perspective on external events is often skewed by the limits of his personal experience."

French historian Germain Tillion, a specialist of the Second World War period, has warned that former camp inmates who lie are, in fact, very much more numerous than people generally suppose, and a subject like that of the concentration camp world -- well designed, alas, to stimulate sado-masochistic imaginations -- offered them an exceptional field of action. We have known numerous mentally damaged persons, half-swindlers and half fools, who exploited an imaginary deportation. We have known others of them -- authentic deportees -- whose sick minds strove to even go beyond the monstrosities that they had seen or that people said happened to them.

Jewish historian Samuel Gringauz, who was himself interned in the ghetto of Kaunas (Lithuania) during the war, criticized what he called the "hyperhistorical" nature of most Jewish "survivor testimony." He wrote that "most of the memoirs and reports are full of preposterous verbosity, graphomantic exaggeration, dramatic effects, overestimated self-inflation, dilettante philosophizing, would-be lyricism, unchecked rumors, bias, partisan attacks and apologies."

Shmuel Krakowki, archives director of the Israeli government's Holocaust center, Yad Vashem, confirmed in 1986 that more than 10,000 of the 20,000 "testimonies" of Jewish "survivors" on file there are "unreliable." Many survivors, wanting "to be part of history" may have let their imaginations run away with them, Krakowski said. "Many were never in the places where they claimed to have witnessed atrocities, while others relied on second-hand information given them by friends or passing strangers." He confirmed that many of the testimonies on file at Yad Vashem were later proved to be inaccurate when locations and dates could not pass an expert historian's appraisal.

We now know that witnesses at the main uremberg trial gave false testimony. Perhaps the most obvious were the three witnesses who ostensibly confirmed German guilt for the Katyn massacre of Polish officers.

Stephen F. Pinter of St. Louis, Missouri, served as a US Army prosecuting attorney from January 1946 to July 1947 at the American trials of Germans at Dachau. Altogether, some 420 Germans were sentenced to death in these Dachau trials. In a 1960 affidavit ***Pinter stated that "notoriously perjured witnesses" were used to charge Germans with "false and unfounded" crimes. "Unfortunately, as a result of these miscarriages of justice, many innocent persons were convicted and some were executed."***

A tragi-comic incident during the Dachau proceedings suggests the general atmosphere. US investigator Joseph Kirschbaum brought a Jewish witness named Einstein into court to testify that the defendant, Menzel, had murdered Einstein's brother. But when the accused pointed out that the brother was, in fact, sitting in the courtroom, an embarrassed Kirschbaum scolded the witness: "How can we bring this pig to the gallows if you are so stupid as to bring your brother into court?"

August Gross, a German who worked as a civilian employee for the U.S. Army at the Dachau trials, later declared:

The American prosecutors paid professional incrimination witnesses, mostly former criminal concentration camp inmates, the amount of one dollar per day (at that time worth 280 marks on the black market) as well as food from a witness kitchen and witness lodging. During the recess periods between trial proceedings the US prosecuting attorneys told these witnesses what they were to say in giving testimony. The US prosecuting attorneys gave the witnesses photos of the defendants and were thereby able to easily incriminate them.

A young US Army court reporter at the Dachau trials in 1947, Joseph Halow, later recalled the unwholesome situation:

The witnesses in the concentration camp cases were virtually all of the sort we court reporters termed "professional witnesses," those who spent months in Dachau, testifying against one or another of the many accused... It was to their economic advantage to testify, and many of them made a good living doing so. As one might well imagine, the motive of the professional witnesses was also one of spite and revenge... In many instances their vengeance included relating exaggerated accounts of what they had witnessed. It also included outright lying.

In one case, testimony provided by the prosecution witnesses "appeared to raise more questions than provide answers. Some of it was obviously fabricated, or so grossly exaggerated as to render it unbelievable. There were repeated instances of mistaken identity of the same accused, and vague, uncertain statements about some of the others." Moreover, Halow reported, the US courts paid "scant attention to testimony by and for the accused."

In the 1947 "Nordhausen-Dora" case, American defense attorney Major Leon B. Poullada protested against the general unreliability -- and frequent outright lying - of prosecution witnesses in this US military trial of former concentration camp officials.

Use of such unreliable testimony continued in "Holocaust" trials in later years. Federal district judge Norman C. Roettger, Jr., ruled in 1978 in a Florida case that all six Jewish "eyewitnesses" who had testified to direct atrocities and shootings at reblinka by Ukrainian-born defendant Feodor Fedorenko had wrongly identified the accused after being misled by Israeli authorities.

New York "Nazi hunter" Charles Kremer visited Israel in 1981 looking for Jews who could confirm atrocities allegedly committed by a former Ukrainian SS man living in New Jersey. But Kremer cut short his visit, bitterly **disappointed by the numerous Jews who offered to provide spurious "testimony" in return for money.** As the Brooklyn Jewish Press reported, "Kremer was stricken with gastronomic pains -- a malady he attributes to his difficulties in dealing with hucksters who tried to use his search for their personal gain."

One of the most blatant examples of perjury by Jewish Holocaust witnesses in recent years was in the case of a retired Chicago factory worker named Frank Walus who was charged with killing Jews in his native Poland during the war. A December 1974 letter from "Nazi hunter" Simon Wiesenthal that accused Walus of working for the Gestapo prompted the US government's legal campaign. During his trial, eleven Jews testified under oath that they personally saw Walus murder Jews, including several children. After a costly and bitterly contested four-year legal battle, Walus was finally able to prove that he had actually spent the war years as a teenager quietly working on German farms. A lengthy article copyrighted by the American Bar Association and published in 1981 in the Washington Post concluded that "... in an atmosphere of hatred and loathing verging on hysteria, the government persecuted an innocent man."

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