

NO OBJECTION TO PUBLICATION ON GROUNDS OF  
MILITARY SECURITY OR POLICY

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The last Nuremberg judgment, ~~issued~~ <sup>issued</sup> ~~two~~ <sup>two</sup> ~~weeks~~ <sup>weeks</sup> ago, focussed public attention once more on the principles and purposes of the war crimes trials. Except at occasional especially dramatic moments, the Nuremberg trials have not proved particularly "good copy", partly because the average American likes to look toward a cheerful future rather than brood over disagreeable memories, and partly because his attention has been increasingly concentrated on the new tensions generated by the East-West split.

So few people will regret that the Nuremberg trials have ended, and many will find it easy to forget them entirely. And yet I venture to predict that as time goes on we will all hear more about Nuremberg rather than less, and that in a very real sense the conclusion of the trials marks the beginning, and not the end, of Nuremberg as a force in politics, law, and morals. For the Nuremberg trials, like all judicial trials, must be something more than an episode - they must be part of a process. Nuremberg was part of the process of enforcing law - law that long antedated the trials, and that will endure into the future; law that binds not only Germans <sup>and</sup> ~~or~~ Japanese, but all men. As the Nuremberg Tribunal itself declared in the last judgment:

We may not, in justice, apply to these defendants because they are German, standards of duty and responsibility which are not equally applicable to the officials of the Allied Powers and to those of all nations. Nor should Germans be convicted for acts or conduct which, if committed by Americans, British, French or Russians would not subject them to legal trial and conviction.

By undertaking to judge and punish Germans at Nuremberg, the United States and other participating governments are deeply committed to the standards and principles which were enforced there. And it is awareness of this fact which lies at the root of the controversies engendered by Nuremberg - controversies which, I believe, are largely based on misunderstanding, and which often open with the remark that "Nuremberg has established a dangerous precedent."

As a rule, these anxieties spring from the notion that at Nuremberg the Nazi diplomats were punished for drafting notes, the generals for making military plans, and the business men for manufacturing war materials - things that were done by our own diplomats and generals and business men. But a glance at the Nuremberg records and judgments will at once dispel these illusory fears, and the only real problem is how to make people generally aware of the true facts.

No Nuremberg defendant was accused or convicted merely because he held a high position or performed a particular function, but only upon a showing that he used or abused his position, authority, or skill in a criminal manner. American doctors do not perform stupid and murderous medical experiments on unwilling human guinea pigs; American business men do not engage in rounding-up millions of foreign civilians, deporting them thousands of miles, and setting them to forced labor under inhumane conditions; American generals and diplomats do not participate in the extermination of racial and religious minorities.

But it was these and other such acts that underlie the Nuremberg judgments, and the only precedent that Nuremberg has established is that these <sup>crimes</sup> may be punished by internationally-constituted courts. It is a precedent that need alarm no American as long as our country retains its freedom, and our government maintains its devotion to humanitarianism and the cause of peace. It is a precedent which will be welcomed by all who believe that peace and human dignity will find their surest guarantees in the establishment of "world order under the rule of law."<sup>1</sup>

<sup>1</sup> The April issue of "International Conciliation", published by the Carnegie Endowment for International Peace, contains a summary account by General Taylor of all the Nuremberg trials, together with an analysis of the pertinent legal questions.