

December 20th, 1957

Mr. Abbie Mann
347 East 58th Street
New York City, N. Y.

Dear Abbie:

I enclose two copies of a memorandum on what you have given me so far.

Call me next week any time you want for further discussion ---- I will be in the office Monday and part of Tuesday.

Merry Christmas.

Sincerely,

Telford Taylor

/bss
Encls.

MEMORANDUM

To: Abbie Mann
Re: First 15 pages of the *Présis*.

In general, I think this has gotten off to a very good start. Especially, the mixture of German and American atmosphere and issues ^{is} both authentic and effective. The work has not yet progressed far enough for me to have any useful views as to the authenticity of the ^{dramatic} Germanic-plot as a whole, but so far there is nothing seriously wrong. A few comments on details are given below:

Page 2: There is a confusion here about the meaning and relation of "Crimes Against Humanity" and "Outlawing War". As to the outlawing of war, the Nuremberg concept most directly related was called "Crimes Against Peace", embodying a criminal prohibition against planning, preparing or waging an "aggressive war". In legal terms this was the most adventurous of the Nuremberg concepts and has also been most criticized on the basis that making war had not previously been considered a crime and that therefore punishing people on this ground would violate the principle against ex post facto trials. Whereas "Crimes Against Humanity" was the phrase used to indicate crimes such as racial exterminations and other mass atrocities against racial or national groups. "Crimes Against Peace" were not involved in the Judge's trial in Nuremberg, but "Crimes Against Humanity", were. However, they cannot be equated with "Outlawing War", at least not without considerable explanation.

Page 2: I am a little troubled about the Judge's

son being killed in the war. Will not this tend to suggest that he is prejudiced for emotional and personal reasons? Perhaps it will be better to work in Heywood's deep interest in another way. He fought in World War I, but was too old to get into World War II. He was distressed at the death of so many sons of his friends and wants to do something to avoid a repetition in future years, etc.

Page 4: Insignificant detail. The Post Office would certainly be an Army Post Office about which the German servant would know nothing.

Page 4: More Significant Detail: Enlisted men would not be in the Grand Hotel. Nor would they be in any other hotel where Judges were staying. Either your soldier would have to be an officer or Heywood would have to encounter him at one of the enlisted men's clubs.

Page 5: For verisimilitude and dramatic effect I think you ought to have more than four defendants. But there need be only four or any other convenient number that actually take part as figures in the drama. Likewise, of course, there would be more than one ^{defendant's} counsel ---- there would be at least one for each defendant and probably more.

Page 5: I do not believe that the name "Frederich Hoffstetter" is Germanically valid. Toward the end of your task,

To: Abbie Mann

Page 3.

some German scholar ought to review the whole thing; but I will now venture that the name should be "Friedrich Hofstadter".

Page 6: I am troubled about your introducing me as an actual person --- especially if no one else in the play is an actual person. It is perfectly alright to have a mixture of the actual and the fictional, but I do not want to be the only live ghost on the screen and apart from my personal wishes, I think it would introduce a rather weird note.

Page 9: The "good restaurant" idea must be altered. At this time there were no good German restaurants in Nuremberg and anyhow Americans weren't allowed to eat at German ~~restaurants~~ ^{restaurants} so as not to eat up German food. But Ives can ask Morris where there is to eat other than the Grand Hotel, and Morris can tell him about one or two other and rather special Army messes in different places around Nuremberg where better food can be gotten. Also, there ~~is~~ ^{was} a special restaurant maintained by the French in ~~the~~ ^a suburb near Nuremberg which ~~is~~ ^{was} a favorite gathering spot.

So much for now. Incidentally, if you decide to have actual people in the play, why don't you use some actual defendants? Or you could have General Clay or someone like that visiting for the opening of the trial.

T.T.

December 20, 1957