

THE PATHS OF GLORY

BY MARTHA GELLHORN

The judges of Nuremberg dealt in more than justice for mere men. They have given meaning and force, for the first time, to international morality



Hermann Wilhelm Goering

RADIOED FROM PARIS

FOR ten months and ten days they sat there under the hard blue-white lights, and each one found an expression for his face which would last as long as the trial lasted. They were strange faces and told nothing.

Goering's terrible mouth wore a smile that was not a smile, but only a habit his lips had taken. Next to him Hess, with dark dents for eyes, jerked his foreshortened head on his long neck, weird, inquisitive and birdlike. Ribbentrop held his mouth pursed and sat rigid as the blind. Keitel was nothing, a granite bust badly made of inferior stone. Kaltenbrunner, whose face was terrifying even now when it could bring fear to no one, stared ahead with a flat, polite attention.

Rosenberg seemed smeared, a meaningless, soft face which had only silence to hide behind. Frank, sheltered by dark glasses, had a small cheap face, pink-cheeked, with a little sharp nose and black sleek hair. He looked patient and composed, like a waiter when the restaurant is not busy. Frick's gray-blond cropped head and lean, horsy face bent forward to listen, almost as if he were a visitor here. Streicher chewed gum, the long loose mouth working steadily, and his face too showed nothing; the face of an idiot, this one.

MARTHA GELLHORN

Funk, slumped in his chair, had a dog's face with dewlap jowls; he looked sorry for himself, ready to cry, sleepy and grotesque. Schacht sat very straight, disagreeable and righteous, with the lights shining on his eyeglasses and an expression of disapproval as hard as iron on that mean, down-curving mouth.

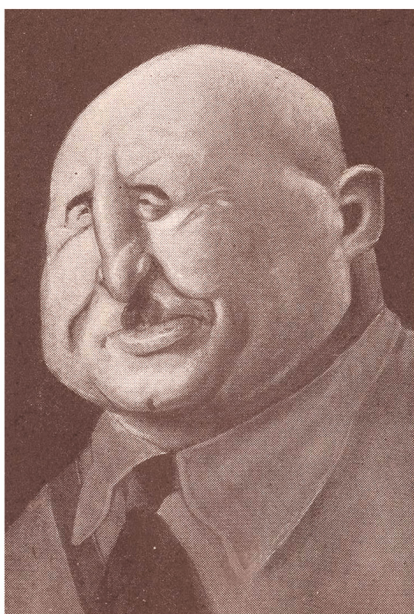
Behind them in the second row were the lesser men. There were the two nondescript admirals, Doenitz and Raeder; then the dreadful, weak face of Schirach (there were times when from the side Schirach looked like a woman who has suffered from imagined ailments all her life and blackened her family's existence with complaints); Sauckel, a puzzled stupid butcher-boy face; Jodl, held together by his military tunic; Von Papen, looking handsome and somehow crafty and careful; Seyss-Inquart, whom you could imagine as once arrogant and who now seemed made of wood and dull as wood; Speer, a technician turned criminal with a face you could see anywhere, in any subway, in any drugstore; Neurath, with the breeding and culture of his face only a deceit, and something gone bad beneath the good looks; Fritzsche, the youngest, with a sensitive fox's face, vain perhaps, wearing a romantic sadness like a minor poet who has killed his mistress. None of them moved or looked at one another or changed his separate expressions.

They were just faces, some crueller than others and all more insignificant than you would believe possible. They were just men after all, with the usual number of legs, arms and eyes, born like other men; they were not ten feet tall and with the revolting masks of lepers.

You sat there and watched them and felt inside yourself such outrage that it choked you. These twenty-one men, these nothings, these industrious and once-confident monsters were the last left alive of that small gang which had ruled Germany.



Joachim von Ribbentrop



Julius Streicher

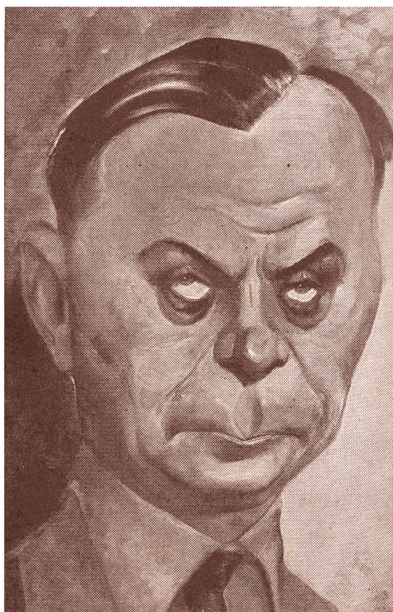
Dead Millions Bear Witness

The cowed and mindless people of Germany followed them, feared or cheered them, and because of their guiding brains—because of this unimposing gang—ten million soldiers, sailors, airmen and civilians are dead as victims of war, and twelve million men, women and children are dead in gas chambers and furnaces. In great common graves where they were shot, in the stockyards that were concentration camps, dead of hunger and disease and exhaustion, dead all over Europe. And all these deaths were horrible. What these men and their half-dozen deceased partners were able to do, no famines, no plagues, no acts of God ever did: They produced destruction as the world has never seen destruction. And there they sat, behind their fixed faces.

Perhaps you think one might feel pity. We are not trained to gloat when we win, we cannot help feeling that the strong must have mercy on the beaten. But the pitilessness of these twenty-one men was so enormous, so beyond all human understanding, that one could feel no pity for them now.

It was a quiet court and a cold one. There was no anger here and no hate and no question of vengeance. Thirteen years of misery and crime can never be wiped out, twenty-two million dead will not live again. Nothing can correct what these men planned and ordered. This tribunal was gathered to judge, but above all, it was gathered to reaffirm and re-establish the rule of law between nations.

Everything about the trial at Nuremberg was unique in history; everything happened for the first time. Everyone present seemed to know that history was being made; everyone seemed to feel that responsibility and to find it heavy. The judges looked more tired than the men they were judging; the tables where the prosecution sat were crowded with the lawyers and advisers of four nations and they too seemed drained by fatigue.

MARTHA GELLHORN

Alfred Rosenberg

The German defense lawyers, in rows before the prisoners' dock, were pale and exhausted. For ten months, day after day, they had all listened to a record of such evil as truly darkens and sickens the mind. There was an atmosphere of long strain, of patience and determination, and there was a kind of grandeur about this room which history will note.

Without Haste or Passion

You turned a dial on the gadget fastened to your chair arm and tuned in on whatever language you understood. The best voice perhaps was that of Lord Justice Geoffrey Lawrence, president of the tribunal. Over the earphones you heard that slow, careful and immensely quiet voice reading without haste or passion, and you felt the dignity and the modesty of the man. He too looked tired and old, with the hard lights shining down on his great bald dome of a head. His voice was a symbol of what all civilized people want and mean by justice—something serene and unafraid and stronger than time. Something that will endure in honor. That voice was speaking for history:

"Planning and preparation are essential to the making of war. In the opinion of the tribunal, aggressive war is a crime under international law. According to the indictment, aggressive action was planned and carried out against Austria and Czechoslovakia in 1936-1938, followed by the planning and waging of war against Poland; and successively against ten other countries. Hitler could not make aggressive war by himself. He had to have the co-operation of statesmen, military leaders, diplomats and businessmen. That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts."

Those are clear words which anyone can understand. Aggressive war is a crime; the state is not some vague abstraction; the state is governed by men who are in authority over their fellows; they are responsible for their acts; if their acts are crimes, they are criminally responsible.

Wars do not just happen. And now there is a law against murder, for nations as for men. There is crime and punishment. The organizers of wars will no longer live in comfortable exile when the

MARTHA GELLHORN



Baldur von Schirach

war is over, while the plain people build back their world, brick by brick, and mourn their dead.

The twenty-one remaining leaders of the German Nazi state were indicted at Nuremberg on four counts. The first was "The common plan or conspiracy," which in fact includes the other three charges of criminality. "The common plan or conspiracy" count states that these men planned consciously for a period of years to wage aggressive war and to employ—in the course of such war—every criminal means they could devise in violation of international treaties and agreements and national law, to insure their victory.

Their common plan began in the beer halls of Munich and proceeded through the Nazi seizure of power in Germany, continued with secret rearming and the deformation of the life of the German nation, the perversion of the German people, into undeclared wars whose full and monstrous horror has been exposed for the first time in the endless documents of this trial. The common plan was stopped forcibly by the Allied victory in 1945; otherwise we would all be living according to that common plan today.

The second charge against these twenty-one men was crimes against peace. War is the crime against peace. War is the silver bombers, with the young men in them, who never wanted to kill anyone, flying in the morning sun over Germany and not coming back. War is the sinking ship and the sailors drowning in a flaming sea on the way to Murmansk. War is the two wooden crosses with dog tags nailed to them at the road juncture above Arlon. War is casualty lists and bombed ruins and refugees, frightened and homeless and tired to death, on all the roads. War is everything you remember from those long ugly years. And its heritage is what we have now, this maimed and tormented world which we must somehow restore.

The third count in the Nuremberg indictment was war crimes. Because men could not abolish war they tried at least to limit its horrors, and a body of common practice and custom had grown up since the eighteenth century, and had been modified in our time, which prescribed the treatment of prisoners, helpless combatants, civilian populations and property and neutrals in time of war. The German Nazi doctrine of total war had no use for these rules, which were binding on all. There is nothing gentle and little good about war; in the insanity of battle, prisoners have been shot by

MARTHA GELLHORN

both sides. But Germans organized their crimes as if they were running a vast industry, and nothing was forgotten.

Total War on the Helpless

There were always the neat, formal orders, the interbureau notes, the reports, the polite or slightly bragging messages between the leaders. With the greatest order and system they organized the shooting of hostages, the "bullet decree" for escaping war prisoners, commandos and aviators, the failure to rescue and the attempted murder of survivors from sunken ships, the "night and fog" decree whereby anyone judged dangerous to the German regime was transported into Germany and ultimate death and no trace of his whereabouts or fate ever made known, the wholesale plundering of occupied nations whose people might starve as long as Germans lived, the vast and appalling herding into slavery of seven million foreign men, women and children.

At one time a German order appeared saying that "for the moment no more children will be shot." The demand for labor was growing hungrily and it had been discovered that children could be worked quite well.

The German Nazi state and its leaders have been mainly convicted from their own documents. It is impossible to quote here even partially the proofs of their crimes as recorded by themselves. But there are some few which must be mentioned.

On the subject of Russian prisoners of war captured in the early days of the campaign, Himmler said in 1943, "At the time we did not value the mass of humanity as we value it today as raw material, as labor. What is now deplorable by reason of the loss of labor is that the prisoners died in tens and hundreds of thousands of exhaustion and hunger."

Field Marshal Keitel in 1941 ordered: "It should be inferred in every case of resistance to the German occupying forces, no matter what the individual circumstances, that it is of Communist origin. The death penalty for 50 to 100 Communists should generally be regarded as suitable atonement for one German soldier's life." In Yugoslavia, a month later, 2,300 hostages were shot at one time in revenge for the killing of ten German soldiers and the wounding of another twenty-six. It was the same throughout Europe.

Himmler, in 1941, addressing SS officers on the necessity for obtaining more slave labor, said, "Whether 10,000 Russian females fall from exhaustion while digging an antitank ditch interests me only in so far as the antitank ditch for Germans is finished."

And so it goes, on and on, the disgusting record of brutality and murder. Frank, one of the defendants at this trial said in 1941, "As a matter of principle we shall have pity only for the German people and for no one else in the world."

The fourth count against the twenty-one defendants was crimes against humanity. The crimes against humanity are the extermination or attempted extermination of whole peoples and races whom the Germans decided were in their way. These people lived on land or owned

MARTHA GELLHORN

property which the Germans desired; furthermore, the Germans regarded them as inferior. (In their own country, as a side line, they exterminated 275,000 men and women who were described by them as "useless eaters"—the old, the feeble-minded, the incurably ill.)

They killed one third of the population of Poland and two thirds of the Jews of Europe; they tried systematically to murder the intelligentsia in occupied countries because these men would carry on the traditions of their people and keep alive their love of freedom.

Again the German leaders organized death as a mass industry. There were the great murder factories at Auschwitz, Belsen, Treblinka, Mauthausen, Sachsenhausen, Flossenbürg, Neuengamme, Gusen, Natzweiler, Lublin, Buchenwald, Dachau. These were the main plants, and in them some six million people were killed.

All the defendants knew of these places, some of them ordered their construction, directed their operations and used their services as a matter of routine. Imagine, if you can, Kaltenbrunner, the Gestapo chief, a 42-year-old lawyer with a face of really deadly evil, giving luncheon parties in his Berlin home and over cigars and coffee explaining in detail the working of the gas chambers and crematorium ovens.

There is one heartbreaking and appalling piece of testimony which must be quoted here; it is the eyewitness account of a German who watched the mass shooting of Jews at Dubno. He describes the great open pit, already half full, and the new victims arriving by truck. They had to put down their clothes in fixed places, sorted according to shoes, top clothing and underclothing. Without screaming or weeping, these people undressed, stood around in family groups, kissed each other, said farewells and waited for the sign from another SS man who stood near the pit, whip in hand.

Victims of Mass Execution

"During the fifteen minutes that I stood near," says the eyewitness, "I heard no complaint or plea for mercy. I watched a family of eight persons, a man and a woman, both forty, with their children of about one, eight and ten, and two grown-up daughters of about twenty to twenty-two. An old woman with snow-white hair was holding the year-old child in her arms and singing to it and tickling it. The child was cooing with delight.

"The couple were looking on with tears in their eyes. The father was holding the hand of a boy of about ten and speaking to him softly; the boy was fighting his tears. The father pointed to the sky, stroked his head, and seemed to explain something to him.

"The SS man at the pit counted off about twenty persons and instructed them to go behind the earth mound. Among them was the family I have mentioned. I walked around the mound and found myself confronted by an enormous grave. People were closely wedged together and lying on top of each other so that only their heads were visible. Nearly all had blood running over their shoulders from their heads. Some of the people shot were still moving. I estimated that the pit contained about one thousand bodies already. I looked for the man who did the shooting. He was an SS man who sat at the edge

MARTHA GELLHORN

of the narrow end of the pit, his feet dangling into the pit. He had a tommy gun on his knees and was smoking a cigarette."

There were months of this testimony; all proved, all sworn to by witnesses, the witnesses checked and counterchecked, the documents verified. It is no wonder that in Germany you feel as if the very air you breathe is poisoned. The defendants, who knew all this at the time, and heard it repeated in this courtroom day by day, somehow still sat in their allotted spaces with the same fixed expressions on their faces.

The night before the verdict we decided to escape the cracked rubble that is Nuremberg. We would drive out into the countryside, which is sweet and richly green, and find a village and a pub and a meal and some beer. In Ansbach a boy offered to guide us to a café. He was tall and blond, twenty years old, with charming manners and blue eyes and white teeth. We invited him to eat with us.

We have all talked to many Germans since the early days of entering this country with the Army. I remember the very beginning when white sheets of surrender hung from every window and no one was a Nazi, and oddly enough, vast numbers of Germans were half Jew and everyone had hidden a Communist, and all were agreed that Hitler was a monster.

Whining as a Fine Art

Then, six months later, I remember that had changed and we heard how even during the worst period of the war they had butter and coal and clothes to wear and now (with an accusing look at us) there were none of these things. I remember my German driver eating a large white-bread sandwich and telling me bitterly that everyone was starving. But listening to this handsome boy in Ansbach was probably the most melancholy experience of all.

He had been a soldier since he was sixteen, in the Panzer grenadiers, which means that he was top-notch quality by German standards. He had been wounded three times, had fought against the English at Caen and on the Russian front. He said quite simply that Germany made war because England was ready to attack her. The Allied bombings, he said regretfully (for he did not wish to hurt our feelings), were not correct; they could not be forgotten: What did innocent women and children have to do with war?

"Then why do you suppose the German air force bombed Warsaw and London and Coventry first?" we asked. He was puzzled by this, but said there was probably a reason.

He went on to remark that this talk about the concentration camps was exaggerated and propaganda; he had seen people returning from "protective custody" to this very town and they were fat and sunburned.

There must have been some look in our eyes which stopped him, for he changed the subject by saying that it was wrong to kill the Jews, it was a mistake. This is a favorite German word. There is no crime, there are mistakes. On the other hand, said the boy, you could not

MARTHA GELLHORN

help hating the Jews because they never did real work. In his life he had only seen the Jews changing money in a tricky way. Now Jews were returning to this town, and German families had to give them back their houses and sit in the street; no one spoke to the Jews.

Life was very hard nowadays, and there was little to eat. Of course you could buy whatever you liked on the black market. The black market was run by foreigners and notably by all these Poles. The Poles, he said, got many extra pairs of shoes from UNRRA and sold them and so grew into rich black marketeers.

The Hitler Jugend, he opined, had been a fine organization; they were given trips and concerts; they were taught culture. In the worst year of the war in Germany, everyone had everything he needed, but look at them now.

"Didn't you get all the things, the food and the clothes and all the little niceties, from Poland and France, Belgium and Holland?" my colleague inquired.

"No," said the boy proudly, "from Germany."

"Nuts!" said my colleague, who was beginning to feel sick.

At the end of the war, the boy continued, people hated Hitler because he had lost the war; but now they were beginning to see that Hitler was not really so bad, for things were much worse than when he had been running Germany. As for these trials, said the boy, Goering followed his ideas, he admitted it; he tried to do his best for Germany. The generals and admirals obeyed orders and should not be tried at all. But Funk, who had wept on the witness stand, was not a real German and whatever happened to him was all right. Anyhow, of course, the Allies would do whatever they liked at this trial since they had won the war.

When we left, the boy looked at us with hurt eyes, for he saw that he had not made a favorable impression though he had been so friendly and tried so hard to help us understand Germany.

I visited various responsible Germans, asking their opinion of the Nuremberg trial. There is no use in reporting those dreary interviews. One respectable businessman suggested that I consider Nuremberg, bombed flat, and Hiroshima, wiped out. Apparently, he said, what the victors do is all right; only the vanquished are bad. The upshot of these conversations was that since the Allies have won the war they could hold a trial if they liked, but why didn't they just shoot the defendants without this endless talk? The German people were sick of all these trials.

After Sentence Was Passed

It took forty-seven minutes on the afternoon of October 1st to deliver sentence on the twenty-one German leaders. After it was over, there was an empty, stunned feeling in the courtroom, the judges filed out, the room was quiet, the trial was over, justice had been done. Justice seemed very small, suddenly; an anticlimax. Of course it had to be, for there was no punishment great enough for such guilt.

We must stand back from this trial to

MARTHA GELLHORN

see it truly. At the end of his final speech the British Attorney General said: "The state and the law are made for man, that through them he may achieve a fuller life, a higher purpose and a greater dignity. States may be great and powerful. Ultimately the rights of men, made as all men are made in the image of God, are fundamental."

Eighteen nations are signatory to the charter under which this tribunal functioned. Eighteen nations are bound by the precedent this tribunal has set. Eighteen nations have agreed that the rights of man are inviolable and that aggressive war is a crime against mankind. This crime, together with all the evils flowing from it, is punishable by law. The men who labored so steadfastly and so honorably to set this precedent have committed a great act of hope. The hope is that this body of law will serve as a barrier against the collective wickedness, greed and folly of any nation. In these dark times it is only a hope. But without hope we cannot live. And in a time of doubt and suspicion, there is hope in the fact that men of four nations could work patiently together to brand evil and reaffirm the power and goodness of honest law.

Collier's

November 9, 1946