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978-0-521-86720-7 - Tales from Spandau: Nazi Criminals and the Cold War

Norman J. W. Goda

Excerpt

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Introduction

“If we are ever all out, none of us will ever see each other again; most certainly we shall never laugh about Spandau.”

Rudolf Hess

No death in history had been planned so meticulously as that of Rudolf Hess, who turned 93 years old in April 1987 and whose demise was expected at any moment. In another time, Hess had been in the inner circle of Adolf Hitler himself and the third most important man in Nazi Germany. He had tried with Hitler to seize power in Munich in November 1923, he had devotedly served jail time with Hitler in 1924, and as deputy leader of the Nazi Party his signature was on numerous major state documents dated before and after 1939 when Hitler set the world ablaze. Now Hess was the sole remaining inmate of Spandau Allied Military Prison in the British sector of West Berlin. For the past four decades at this imposing Prussian nineteenth-century structure, the four major powers that had defeated Nazism – the United States, the United Kingdom, France, and the Soviet Union – had held Hitler’s closest living associates who had received prison terms at the famous Trial of the Major War Criminals at Nuremberg. And for more than two decades, Hess had been Spandau’s lone prisoner.

Hess was diagnosed as paranoid, convinced from time to time that his Allied captors were trying to poison him. He was also a hypochondriac who had spent his first years in Spandau keeping his fellow inmates (and the Allied guards) awake moaning with imaginary stomach pains. By now he was constantly irritable and every bit the Nazi that he had been in 1924 when he had in Landsberg prison taken Hitler’s dictations for what would become *Mein Kampf*. When given a private female nurse by the Americans only months before his death, Hess had her removed from the prison because she was black.¹ In his final testament to posterity discovered by the Soviets in 1986, Hess claimed that Hitler never wanted war with the Western powers. Somehow, Hess believed, Hitler was forced into it by a secret force working on his subconscious – a force controlled by Germany’s greatest nemesis, the Jews. For the rest, Hess mused about West German unemployment, which he thought might bring Nazism, or something like it, back into power.²

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Yet despite his lack of capacity for much beyond fantasy and complaining, Hess had by the 1980s become a symbol for many things. His remaining presence as Spandau's only prisoner reflected the Soviets' unforgiving stance toward Nazism, their fear that Nazism was not completely dead, and their conviction that Communists were the only true anti-Nazis. It was the Kremlin specifically that again and again refused to allow Hess to leave. The various Allied attempts to have Hess remanded to a sanitarium or to the custody of his family reflected the self-assurance in Western capitals that Nazism could no longer rise in West Germany and that even for a man such as Hess, humanitarian instincts had their place. For the West German government and for the government of West Berlin, Hess represented the absurdity of the Cold War machinery there. It was West Berliners who met the financial burdens of Spandau for the sake of an incarceration arrangement that was poorly thought out even by the confused standards of the early Cold War. Keeping Hess in Spandau also ran counter to the West German desire to move beyond Nazism's long shadow. And to Hess's family and his ultra-right wing supporters, Hitler's former deputy represented all the supposed injustices of Nuremberg – from the victors sitting in judgment of the vanquished to the bits of evidence, supposedly ignored, that might have turned the Nuremberg judgment on its head.

Thus, Hess's death had to be managed very carefully. In October 1982, when Hess was 88, the Four Powers had agreed that on his death, the body, following an official autopsy, would be secretly flown to Hess's home state of Bavaria and handed over to his family there. It was a generous step. In the thirty-five years that the Allies had run Spandau, the Soviets had refused to allow anyone – even family – to receive the remains of a major war criminal whose death might come in prison. Moscow feared that releasing the body would result in a loud political funeral or even a shrine to the Nazi dead. Indeed, the governing agreement up to 1982 was that Hess's body would be cremated under the watch of the prison authorities. By now the Soviets were willing to allow the family to have the remains, but only under certain conditions. The Western Allies had to use their influence with the West German authorities to ensure that a Hess funeral would not become an occasion for neo-Nazi rallies. The funeral also had to occur within the family circle only. Hess's property, from his Luftwaffe uniform to his pocket watch to his denture plates, would be destroyed so as not to become holy Nazi relics.³ Hess's son Wolf Rüdiger Hess agreed in a written contract that, on his honor, a quiet funeral would be held with only the closest family members present.⁴ Everything was set to minimize the commotion. And on August 17, 1987, Rudolf Hess committed the one act that could possibly have ruined these carefully laid plans. He hanged himself.

Conspiracy theories that Hess had been murdered by his captors immediately flew out from Bavaria with the help of the Hess family itself. And

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while the Allied powers struggled amongst themselves to understand how the most heavily guarded prisoner in the world could commit suicide – at age 93 yet – the question of what to do with Spandau Prison itself remained. The last prisoner was dead. Back in 1982 it was agreed that the prison would be destroyed as soon as possible after Hess's death so that it could not become a pilgrimage site for Germans sympathetic to Hess or nostalgic for the Nazi years.⁵ Demolition had also been discussed for years by the West Berlin municipal government, which worried that controversy over Spandau prison would damage the city's image.⁶ The delay in demolition resulting from the Hess suicide investigation brought anxious inquiries to the British authorities from the Governing Mayor of West Berlin, who complained that "opposition to pulling the prison down is growing daily, and . . . the longer we wait, the more difficult the situation will become."⁷

The British military authorities in West Berlin hired a German contractor to perform the demolition with cranes and wrecking balls (after studying three bids) but in the meantime, to appease the Governing Mayor, they quickly brought in 100 British army personnel with axes to destroy the windows and roofs in order to begin the demolition process publicly as per a West German request to demonstrate that the prison would not remain standing.⁸ The British also hurriedly built a new security fence around the prison property so that souvenirs could not be stolen.⁹ A convoy of army trucks transported scrap lumber and metal from the prison to the British Army Ordnance depot in West Berlin, where it was mixed with other scrap so as to lose its Spandau identity before reentering the private construction sector.¹⁰ Once selected, the German contractor received threatening telephone calls, but under British supervision the company demolished Spandau Prison in September 1987. The bricks were taken to Gatow Air Base in the British sector, where they were buried and covered with dirt and trees and made inaccessible to those who offered the demolition crew up to 800 Deutschmark (DM) per brick.¹¹ The prison was buried shortly after its last inmate.

And thus ended the story of history's most bizarre prison. There has never been a place like Spandau Prison, and there has never been a serious historical study of the prison itself or the contentious politics surrounding its notorious inmates.¹² Spandau was the only prison for Nazi war criminals that was ever governed internationally. It was the only prison for war criminals where most of the prisoners served out their full terms ranging from ten years to twenty years to life. And it was the living legacy of the one postwar trial with which most people in the Western world were familiar, the Trial of the Major War Criminals before the International Military Tribunal at Nuremberg. This Nuremberg trial became the model for future international criminal proceedings from the subsequent U.S. military trials in Nuremberg itself to the trial of Adolf Eichmann in Jerusalem in 1961 to the trials of Yugoslav war

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criminals at The Hague and of Rwanda's Hutu murderers in Arusha from the mid-1990s. But for better or worse, a piece of Nuremberg's legitimacy would depend on Spandau.

The prison had many incongruous facets that cannot be replicated. After the Nuremberg trial it housed only seven prisoners, then six, then five, then four, then three, then for more than two decades, one. It was under the control of uneasy allies who never trusted one another's motives, particularly where the fate of Germany was concerned. It employed a set of regulations concerning feeding, letter writing, visits, and overall secrecy that were, at the very least, odd. It had no governing body after 1948 and could not adapt itself to change without torturous international negotiations. It had no machinery for paroles, pardons, hospital visits, or the handling of prisoners' deaths. A prison regime such as Spandau could no longer be created today.

Yet the story of Spandau and its high-profile prisoners is worth a close look. We can do so now as never before. Soviet official records on the prison remain closed; British records can only be released to the public thirty years after their generation (meaning that records from 1987 will become available in 2017); and while some French records on Spandau are available, others are closed until the mid-twenty-first century. But there are a variety of available sources. These records include long-open British, U.S., and French military government records from 1945 to 1949 and diplomatic records from the 1950s to the mid-1970s. West and East German records up to this time are available, too. Also available since 2001 are the personal papers of Albert Speer, arguably Spandau's most controversial inmate and surely its most verbose.¹³ Speer's voluminous papers are especially interesting. Together with other records, they provide needed corrective to his famous *Spandau Diaries*, selectively compiled after his release in 1966 from thousands of notes smuggled out of the prison over the course of his twenty-year sentence. Speer's *Spandau Diaries* has for more than three decades been the only available look inside the prison. Though accurate concerning the day-to-day occurrences that Speer mentions, its limited perspective leaves much untouched, while deliberately misrepresenting Speer's famous introspection concerning his guilt.¹⁴

Also recently available are the records of Spandau Prison itself, including the often-contentious weekly meetings of the prison directors. With the decision to liquidate Spandau came the Soviet insistence that the prison records be destroyed. All documents generated in the prison had an official stamp from Spandau Prison itself, and Moscow was afraid that the documents themselves, like Hess's belongings, could become souvenirs. The Four Powers agreed, however, that the records could be microfilmed, and after extensive archiving, eight copies of the Archives of the Allied Prison Spandau (nearly 84,000 pages) were photographed onto thirty-six rolls of microfilm, two sets for each of the governing powers. The British, French, and Russian

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sets are still classified, but the American set in the National Archives outside of Washington, D.C., is available to scholars.¹⁵ Finally, the Nazi War Crimes Disclosure Act of 1998, by which all U.S. records concerning Nazi war criminals are to be opened to the public, triggered the release of close to ten thousand pages of previously classified State Department records from the 1970s and 1980s concerning international discussions and agreements concerning Rudolf Hess.¹⁶ In many ways, then, one does not have to wait for others to release their records a decade or more hence.

But is a story about seven prison sentences important? Yes, it is for a number of reasons. Spandau adds to the study, undertaken over the last fifteen years or so, on the postwar German confrontation with the Nazi past and on other national memories of history's most terrible conflict.¹⁷ Much of this literature gives both postwar Germanys mixed reviews for the honesty and forthrightness with which they accepted German responsibility. Most Germans who lived through the war preferred to see themselves as victims of the Nazis, Allied bombs, or the Red Army rather than as active or passive accomplices with their own government. The German reaction to foreign war crimes trials was generally negative. The reaction to long-term imprisonment of Germans by other powers, whether in West Germany, Italy, the Netherlands, Poland, Yugoslavia, the U.S.S.R., or elsewhere, was overwhelmingly negative, too. Such men were viewed as political prisoners rather than as criminals. Vigorous national debates over reparations to Jews, extension of the West German statute of limitations for murder, the use of former concentration camps as sites of national memory, and, most recently, the public display of photographs of German crimes have been a staple of German public discourse.¹⁸

Spandau adds to this picture. West German governments conducted tireless bilateral negotiations for the release of Germans found guilty by American, French, British, Dutch, Italian, and other national tribunals and imprisoned by one or another of these countries. But they were more careful with the Spandau prisoners. The West German public, from the press to churches to veterans' groups to the Red Cross, pressed for the release of the Nuremberg criminals with the additional argument that they were mistreated by the Soviets. But the government in Bonn understood the more explosive nature of these men. For one thing, they were convicted in the trial of the century. For another, they were held by four powers, not one. And one of the four was the Soviet Union, which could turn official efforts on behalf of major war criminals against West German society itself, which the Soviets argued was unreconstructed, revanchist, and another variant of Nazism.

Indeed, Spandau was different because it was a focal point not just of German memory of the war but of many others as well. British and American trials, even beyond Nuremberg, were the only proceedings in which the prosecutors tried Germans for crimes committed against other nationals. Though

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Anglo-American prosecutors dove into the Nuremberg trial with the hope that it would serve a variety of universal judicial and historical ends, British and American recollections of World War II became more forgiving toward the Germans with time.¹⁹ Most German war crimes (with some important exceptions) were not committed against Anglo-American soldiers. Moreover, though England had been bombed, neither country had been occupied by foreign troops.²⁰ In the years ahead, British memory of the war focused on the heroism of Royal Air Force pilots during the Battle of Britain and the duel in the desert between Montgomery's Eighth Army and Rommel's Afrika Korps rather than crimes against British prisoners.²¹ For Americans, the defining moment of the war in Europe was and continues to be the Normandy landings of June 1944. Though the massacre of U.S. prisoners at Malmédy in December 1944 by Waffen-SS troops provoked outrage, and indeed American momentum for war crimes trials, it was the hard-fought D-Day landings that lodged most in American memory. France suffered invasion and occupation, but French memories of German war crimes focused mostly on those committed in France, preferably without the participation of French collaborators.²² All three, moreover, quickly came to see the Soviets as a greater threat in the postwar years than a resurgent Germany.

Soviet memory of the war was another matter. Despite the wanton and paranoid brutality of the Stalinist system against the U.S.S.R.'s own citizens and despite Stalin's collaboration with Hitler until mid-1941, the war was officially remembered in terms of the surprise German invasion in June of that year and the German policy of annihilation that followed. The German murder of millions of Jews and other civilians as well as Soviet POWs through shooting, systematic starvation, and gassing meant that, from the start, official Soviet statements defined the war entirely in terms of German atrocities. From the spring of 1942, an Extraordinary State Commission collected tens of thousands of documents and more than a quarter-million witness statements and examined forensic evidence while the government released numerous international calls for judicial retribution.²³ Soviet war crimes trials were held as early as December 1943 at Kharkov for the German mass murder of civilians (though Jewish victims were not distinguished from Soviet citizens at large).²⁴ Despite Soviet atrocities against Polish civilians and Polish army officers before the German invasion and despite Soviet crimes against civilians during the advances into Poland, Romania, Hungary, and Germany in 1944 and 1945, this would be remembered as the most just of all wars – a war of liberation against an imperialist and murderous invader. And there could be no forgiving. Critics of the International Military Tribunal pointed to the irony of one brutal dictatorship sitting in judgment of another. Thanks in part to the scale of Soviet suffering and in part to the Communist dialectic wherein all wars launched by Communists were wars of liberation, the Soviets claimed to see no such inconsistencies.²⁵

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And the variant perceptions of the war and its meaning converged at Spandau Prison, which also sat at the very fault line of the ensuing Cold War. Spandau thus contained a strategic element. Defeated Germany was divided into four military occupation zones after the war, and Berlin itself, located 110 miles within the Soviet occupation zone, was itself divided into four occupation sectors. The city of Berlin, like Germany as a whole, was to have been governed through Four-Power cooperation, but if this cooperation were to end, so would joint governance of Berlin and perhaps even Western access to the city should the Soviets choose to use force. In the summer of 1948, the Soviets challenged Allied access to the western Berlin sectors. Angered by democratic and free-market reforms in the areas of Allied control, the Soviet delegations walked out from the Four-Power bodies that governed Germany and Berlin itself. Soviet forces then blockaded the road and rail routes across the Soviet occupation zone to western Berlin. Four-Power cooperation in the city was at an end thanks to the Berlin blockade, the subsequent Allied airlift of food and medicine to West Berlin's two million residents, and the creation of two separate German states in 1949. Since the Soviet-sponsored East German state, the German Democratic Republic, needed a united Berlin as its capital to ensure its own legitimacy, the Soviets would try for much of the Cold War to eliminate the Allied presence from the western half of the city.

Yet Spandau was an anomaly in East–West struggle. As Four-Power relations in Berlin broke down in nearly every imaginable way, Spandau survived – along with the Berlin Air Safety Center – as the lone remaining establishment where the Four Powers worked together. The Soviets, obsessed with the punishment of the major war criminals, would never surrender their right to help guard them in Britain's sector of Berlin just as the Western Allies, determined to hold on to their rights in West Berlin, would not surrender access to their sectors as a whole. Spandau Prison was thus emblematic of what would become a four-decade Allied assertion – that Berlin would remain under Four-Power governance until all four powers, not just the Soviets, decided otherwise. The Allies could not leave their Four-Power duties at Spandau or move the German prisoners out of Berlin without legitimizing broader Soviet efforts to push the Western powers out of the city. The Soviets, who resisted any attempt to release the major war criminals and most attempts to make life easier for them, understood this, constantly referring to the sanctity of Four-Power agreements over Berlin, even though Moscow had rejected Four-Power rule as such. The West Germans too came to understand that Spandau was a linchpin that helped keep West Berlin's citizens under Allied military protection. In a bizarre sense, the lengthy incarceration of Hitler's closest living associates had a role in protecting West Berliners from Communist rule. Even the tortuous negotiations over Hess's death in the 1970s and 1980s were conducted for fear that a Four-Power breakdown at Spandau might trigger a latter-day Berlin crisis.

Yet Spandau's significance is not just historical. It is also contemporary. The world is discussing what to do with high-level criminals from recent conflicts. In 1993 and 1994, the United Nations created two ad hoc tribunals, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to punish the perpetrators from the genocidal conflicts in those regions. In 1998, the UN established a permanent International Criminal Court (ICC) for current and future mass crimes. Yet what is the aim of such tribunals? Is it simply to dispense justice? Is it to create a historical record of the crimes in question? Is it to provide historical remembrance so that such crimes shall not be repeated? Is it to provide deterrence for future dictators? Is it to help foster reconciliation between societies once at war with one another? Given the magnitude of genocidal crimes, can something as finite as law even address them properly? Commentators have disagreed on these points.²⁶

Perhaps, as Hannah Arendt said while observing the stirring trial of Adolf Eichmann in Jerusalem in 1961, a trial is on safest ground when it aims at legal judgment alone. A trial aimed at shaping national identity through the dramatic narrative of the past, which the Eichmann trial attempted to do, risks turning a legal proceeding into something more akin to a show trial.²⁷ Or perhaps, as many others have argued, a different kind of trial is in order for a different kind of criminal, whose acts destroy the lives of thousands or even millions. The bar of history may demand nothing less.²⁸ Perhaps the trial of such figures is such a huge job with so many aims and so many problems (grandstanding by the defense, possible acquittal) that international trials cannot help but spawn skepticism.²⁹ Perhaps British Prime Minister Winston Churchill was right – it is far easier to shoot the perpetrators summarily than to risk the possible embarrassments and failures that go with such an immense legal undertaking.³⁰

And these debates, complicated though they are, rarely consider the role of punishment and its effect. For many, the punishment is irrelevant. Italian Jewish leader Tullia Zevi said of the 1996 trial of SS-Hauptsturmführer Erich Priebke, who had been extradited from Argentina at age 82 to stand trial for helping to direct the infamous Ardeatine Caves massacre of 335 men and boys near Rome, “The verdict is in some ways irrelevant. . . . What is important is the trial. . . . What do I care if Priebke ends up under house arrest, or in prison for life?”³¹ For others, the punishment can never fit the crime anyway. If a common murderer is executed, then what of the man who ordered the deaths of thousands or even millions? Arendt wrote during the Nuremberg trial that “for these crimes, no punishment is severe enough. . . . [Their] guilt shatters any and all legal systems.”³² Despite what he once said over lunch at Nuremberg, Hermann Göring could not really die ten deaths.³³ And if hanging a man convicted of crimes against humanity pales in comparison to the crimes themselves, then a prison sentence may fall far shorter of the mark.

The UN tribunals do not employ the death penalty on principle. Rather they assign prison terms that are to correspond as closely as possible with the acts and stature of the accused. Jean Kambanda, the former Hutu Premier of Rwanda, is serving a life sentence in Mali for the crime of genocide committed against Rwandan Tutsis in 1994. The infamous Serb leader Slobodan Milosević would surely have received a life sentence for the crimes he ordered and facilitated in Croatia, Bosnia, and Kosovo had he not died during his trial at The Hague in March 2006. Many criminals from the Yugoslav wars of the 1990s are already imprisoned with shorter terms ranging from years to decades. It is too early to say what results will emerge from the Iraqi Special Tribunal trying Saddam Hussein and his top deputies, but those not receiving the death penalty (which the Special Tribunal may impose) will surely receive long prison sentences. If such sentences are to be served in their entirety then those convicted will surely become regional and even global political problems as they age in jail.

To their victims, such men remain as unpardonable as the major Nazi criminals were to the Soviets – living reminders of the mass suffering they helped to direct. To their advocates, whether unreconstructed Serb nationalists, anti-American Iraqis, or others gripped by a nostalgia for the past, such criminals become imprisoned martyrs, especially as memories of their crimes fade. And to the mass of well-meaning yet uninformed, such men will become humanitarian causes as they become aged and infirm.³⁴ Indeed the post-1945 period shows that advocates of imprisoned war criminals sidestep the bulk of trial evidence. In virtually all cases concerning Nazi and Japanese perpetrators after the war, nationalist advocates for revision, mercy, or an end to foreign trials either looked past the evidence or locked on to insignificant quirks in the trial that in their view should have led to a revision of the sentence. And those who saw injustice at Nuremberg viewed the tough punishments imposed by foreign judges as confirmations of that injustice.³⁵ Within a surprisingly brief time, the “humanitarian” subjects at hand became not the victims of Nazi crimes but rather the Nazi criminals themselves, now aging under strict prison conditions far from their families.

The issue here is not whether Hitler’s closest associates deserved long prison sentences. They deserved far worse. The question is how punishment affects the aims of the trial itself. Hermann Göring, sentenced to hang at Nuremberg, predicted that within fifty years German towns and villages would build statues in his honor. None have been built. Yet Konstantin von Neurath, sentenced to fifteen years at Nuremberg, became a martyr in the eyes of many West Germans, as did Rudolf Hess. Those hanged at Nuremberg were only discussed afterward as historical figures. The others became subjects of heated discussions concerning the nature of the verdicts and the memory of the past.

But war criminals also become factors in international relations. Trials of international criminals cannot help but be political and thus necessarily have political repercussions. The Israeli kidnapping of Eichmann from Argentina in May 1960, for instance, complicated the American response to the U-2 incident of the same month in which Francis Gary Powers was shot down while conducting reconnaissance over Soviet territory. The United States understood the Israeli step, but it also needed Argentina's continued backing against the Soviets in the UN Security Council. Since both incidents were violations of national sovereignty, Washington had to smooth the waters between Buenos Aires and Tel Aviv.³⁶ The timing of the ICTY's indictment of Slobodan Milosević in May 1999 was based partly on preserving the tribunal's own integrity lest Milosević cut an immunity deal with the NATO powers during the war over Kosovo. Milosević's handover to UN authorities by the Serb government in June 2001 was based partly on Serbia's need to secure U.S. financial aid and caused long-term resentment in Belgrade.³⁷

And while Eichmann passed into history with his execution, Milosević, who served nearly five years of presentencing custody while staring at a life sentence, became precisely what his captors did not want him to be – a political prisoner, as were German and Japanese war criminals incarcerated after World War II. Certainly no properly convicted war criminal is a political prisoner in the accepted sense, like Nelson Mandela or Alexander Solzhenitsyn who were arrested and confined by repressive regimes owing to their conscience or politics. Rather they are political prisoners who also happen to be bona fide criminals. The international discussion over the conditions of their imprisonment, the significance of their imprisonment, their supposed martyrdom, and ultimately their release is entirely political in nature though couched in legal terms. And political prisoners, guilty or not, sympathetic or not, are never easy matters. They occupy the diplomats as well as the intellectuals.

Hitler and his very closest associates helped the issue in 1945 by never making it to trial. Hitler, Reichsführer-SS Heinrich Himmler, and Propaganda Chief Josef Goebbels all committed suicide to avoid capture. Reinhard Heydrich, Hitler's ruthless security chief, was assassinated in May 1942 by Czech partisans in Prague. Hitler's party secretary Martin Bormann and his Gestapo chief Heinrich Müller were killed in Berlin in the final days of fighting there.³⁸ All would have stood trial at Nuremberg had they lived long enough, and all would have been hanged. Winston Churchill, who had wanted them all quietly shot from the beginning, surely felt relieved.

There were still enough high-level Nazi figures, however, for the Americans to hold, with the British, the Soviets, and the French, what Americans policymakers believed was a necessary legal innovation – an international trial of the major war criminals who had helped to set the world afire. The prisoners would not simply be shot as many had suggested. Such would have