

[BROADCAST TEST] Yeah, I think it [INAUDIBLE].

OK. So let me see. So-- oh, do you want to-- and hang on a second. If--

OK.

We've got speed.

All right.

Any time now.

OK. We were talking about The Hangman, Mr. John Woods, who seemed to have a pretty good life given that he worked 30 days a year or had 30 executions and the rest of the time didn't have to do a whole lot. How did the military treat him? I mean, did he get special treatment? Was he sort of like-- because there were so few of them, he could go off where he wanted to, and come back when he wanted to, and not really have to care about any consequences?

Yes, exactly. You asked me about whether John Woods was treated specially, and disproportionate with his rank as a Master Sergeant, and whether he was a very special person in the army. The answer is absolutely, yes. And I wrote a piece for a literary magazine at Dartmouth in 1946 a few weeks after the execution, after he executed 10 of the defendants at Nuremberg on the 15th of October, 1946.

And I described the day I was with him in Frankfurt. And I was assigned to him because-- well, they didn't want him to get drunk and not appear at an execution. And not only was he the only person with this skill or the only person with his job description-- that may be even more accurate-- but there were so few executions, and the United States Army was so sensitive to the morale problems which followed executions. I mean, executing American soldiers is not without its potential ramifications, either in the United States or within the army. And certainly, executing Germans in a German city for doing something they probably thought was not terribly bad-- this man was going to bomb their city. Maybe he did bomb their city.

And so Woods was treated specially not only because of the uniqueness of his job but because of the importance of his job. And I tell the story in this piece I wrote for the Dartmouth literary magazine, which incidentally was called The Jack-O-Lantern, was that he was due to conduct this hanging in Munich or Stuttgart. And he had come from Le Mans to Frankfurt where he used to spend a day before he went to the hanging. And he arrived a day late or maybe several.

And the general was upset. Everybody was upset that he was late. At any rate, he arrived late and said he'd been delayed to get a special rope, that he thought the last rope he used was not proper. And the general allowed him to shuffle into his office. And I, like everybody else who worked for the general, knew when you were supposed to salute and when you were supposed to click your heels. And you never arrived without your shoes polished.

And this guy arrived without shoes polished. And he sauntered into the general. And the general jumped up and said, glad to see you, Woods!

[LAUGHS]

And I assure you, I worked very-- two offices down the hall from the general. And I don't ever remember him saying to any sergeant, or probably any lieutenant, either, glad to see you, Woods. And he saluted. And he said, at ease.

[LAUGHS]

So he kind of-- he got away with a lot.

Yeah. He was a special man to himself. And to my knowledge, he never failed to do his job. He never-- well, it's hard to have complaints about badly doing your job. I mean, there are people who have written about Nuremberg and said that--

I think von Papen did not die very quickly.

But most of-- well, there were-- Kingsbury Smith, the official American journalist witness to the Nuremberg trials, he did not say there were any great problems with the hanging. So you know, he did his job. And the general didn't want him mad.

How did he end up? What happened? Do you know what happened to John Woods himself, how he died? Yes, that's a very interesting story. And I think somebody-- maybe me, will have to do some further research on this. John Woods died mysteriously in 1950, four years after the executions in Eniwetok, where they later held the atomic blast, which was a small atoll of about 6,000 inhabitants, on which we have a military-- well, actually, we had an airfield and a base.

And he was working there as a carpenter. And he was accidentally electrocuted. And he was near a wire that was hot, as they would say. The newspapers at the time-- and nobody, including Steven Spielberg, who has followed up on it-- believes it was an accident. The United States Army official report, according to the newspapers of the time, is that he died accidentally. And they do not say mysteriously. But they also do not say-- they're careful in what they say.

Woods himself is quoted in newspapers in the spring of 1947, six or eight months following the executions, that he had been threatened several times.

The Nuremberg executions, you mean.

After the Nuremberg-- after he executed the 10 defendants at Nuremberg, including many of the top names. I do not find this inconsistent or inconceivable. I believe that there are Nazis who thought they would get him and make an example of him. And I think that is not impossible.

I mentioned Steven Spielberg because he wrote a popular movie, or he directed and produced a popular movie about seven, eight years ago called Munich about how the Israelis pursued the Germans who shot the Israeli athletes at the Munich Olympics. And although the German court said that it either exonerated them or paroled them after short sentences-- and then somewhere in the world, tracked them all down and, one by one, saw that they were killed.

And it was a lesson which I doubt-- it was done to teach a lesson. And I have a feeling-- as do, incidentally-- did-- German and French magazines in 1950 believe that John Woods' death was another execution.

But just one that was wrapped in a bit of mystery.

Right. Well, so were all the ones about that the Israelis did about Munich. I mean, who did them and how they were done. I mean, in Steven Spielberg's movie, they put a device on somebody's telephone. And then when they know he's sitting on his telephone, they call him up and blow him up. And I forget the details. But his daughter or somebody who was at the telephone, they had to be careful because they didn't want to kill his daughter. They just wanted to kill the man who'd pulled the trigger at Munich.

And so I don't think-- I think in this world, the world of a certain underground. And in my-- as later, I talked about the American Nazi party and its importance in Arlington. George Lincoln Rockwell, its leader-- commander, as he was called-- was assassinated in 1967 coming out of a laundromat in a strip mall. And 10 years later, every year for the next 10, two of his disciples, adherents, whatever they be, appeared at that shopping center, put a wreath in front of the laundromat, and stood guard for a day. And a couple of times, they painted a swastika in the middle of the lot the night before when nobody was there. And then they had to take it away.

So this kind of pursue you to the ends of the earth and have a memorial is entirely consistent with this underworld in which Nazis live, and continue to live, and which Israelis try to eliminate Nazis. And I'm quite-- I am inclined to believe that John Woods did not die naturally.

Got it. Let's turn now to what we've been talking about for quite a while. It's sort of been our hint throughout the interview. And that's the Nuremberg trials. It sounds like that you had the opportunity to attend them. Can you tell me

how that came about, and what it is that you saw, and when you were there?

Yes. You've asked me whether I can tell you how I was fortunate enough to attend the Nuremberg trials, what I saw, and what I took back with me.

Mm-hmm.

And the first answer is because I worked in the theater [? provo ?] marshal's office in Frankfurt, I had access to telephones that could get me to other places in the world of the army. It was a world without cell phones and relatively few landlines. But I was where I had telephones.

And a lawyer on Justice Jackson's staff-- and I will add that it is now June of 2010. And I believe I am the last survivor-- American. And I just think that is of some interest, that a man named John Q. Barrett, a professor at St. John's University of Law School in New York, is a historian of the Nuremberg trials and, particularly, the chief American prosecutor, Justice Jackson, Robert Jackson. And he is confirmed with his records-- he's confirmed the li-- He has charted and has records of the lives of every person on the prosecutorial-- in America-- the prosecutorial staff.

And the last one died in the spring of 2010. And the last member of the translator staff died in the autumn of 2009. So the only person alive would be a young 21-year-old sergeant like me who had a friend who got him into the trials, or maybe his secretary, or a guard.

So there weren't any other witnesses. There weren't other, like, members of even a quasi-public that were able to attend?

Well, there may be. But there were 10 American visitors a day, 10 French, 10 British, 10 Russian. And most of those 10 visitors seats were highly coveted. This was a trial of world importance. And most of those seats went to generals, and to diplomats, and to judges in the United States. But 21-year-old sergeants really had no right being there.

And if you had gotten to be a general, or a diplomat, or a judge in 1945, you were 15 or 20 years older than the 21-year-old sergeant. And since I'm now 85, that means you're 100. [LAUGHS] And that--

Then the numbers just add up.

That kind of limits the options. [CHUCKLES]

So all the-- connect the telephone with the personal friend, and--

So they're very' simple. And one of the members of the staff was a Philadelphia lawyer named Robert B. Wolf, who was about 35. And he was as he was on Justice Jackson's staff. He was Philadelphia lawyer. And his father and my father were very good friends, worked in the same office building. And I got a letter one day from my father saying, I just saw Morris Wolf on the elevator. And he gave me Bob's address, and you ought to give him a call. He's working on Justice Jackson's staff. And Morris says he will tell Bob the same.

And I called Bob. And we talked. And he said, if I could arrange it from my end to get in-- because that's a whole separate security problem-- he thought he could arrange for me to come.

And he was in Nuremberg and you were in Frankfurt.

He was in-- I was in Frankfurt. So the first problem was there's very tight security. And you had to-- theoretically, they wouldn't let you in the Nuremberg security zone without business. Well, I didn't quite have business. But I had a friend. And I had curiosity.

And so between us, we arranged for me to get enough credentials to get into Nuremberg. And then he arranged for me to live at the Grand Hotel, where the staff was. And in a world-- in an army that is far more hierarchically structured than today's, there were no enlisted men allowed in this hotel.

And he and I had dinner together the two or three nights I was in Nuremberg. And he asked me to wear a sweater over my shirt and take off my army jacket because he wanted to cover up my sergeant's stripes so I could go in and have dinner with him. Well at any rate I went. And he arranged for me to go. And I had a pass for the 139th session, which among-- which they demonstrated that they had displaced and killed Jews en masse.

And so I went there a very famous day. And I wrote a letter that among-- that discussed the importance or the leadership qualities of Hermann Goring.

Can you tell us about-- first, tell us what you saw. And maybe some of that came in your letter. But when you went in there and you saw them all in a row, if you can--

Well, you saw them in a row. I think the overwhelming impression is that these are just ordinary, beaten old men. I was a young man. I mean, the generals were without their medals, and without their stripes, and without their accoutrements. And the bankers and leaders of the secretary, foreign secretaries, are wearing suits that are poorly pressed, and shirts that are poorly washed, and ties that are just ties.

And it's kind of-- my impression is-- and that's maybe the impression that they wanted to give-- that the vanquished are really vanquished. They're not only losers, but these guys come across as losers. And the one exception-- and this is what I wrote about-- was Hermann Goring. And American propoganda had made him appear to be a dope fiend and something of a libertine.

And he clearly was the leader with a lawyer-- they offered lots of documentary evidence. And I think the great contribution of Nuremberg to the world is that they've created, with the benefit of all the procedures of Anglo-Saxon law, the record. The Holocaust deniers can do a lot of things. But it's very, very hard to controvert the record created at Nuremberg. And I think history will show that that was the most important thing.

But in any event, I've particularly commented that during this, the day I was there, they had evidence that the German army had come and moved a large number of people from Poland or Czechoslovakia, Jews, to slave camps-- or maybe to death camps, but the camps-- en masse. And the generals who did this were sitting in the prisoner's dock.

General Jodl, who also-- incidentally, as you can see in pictures with General Walter Bedell Smith, he surrendered the German armies to the Allies. He was the commanding general who participated in the surrender at Reims. At any rate, they didn't even bother to look at the papers. They submitted it to Goring. Goring was the boss.

And while the various Nazis-- most of them had no money anymore, and they had court-appointed attorneys. Goring had his own attorney. They offered him the opportunity. He had to pay somebody, and they had to be talented. Well, he was represented by what you would call a leading appellate lawyer in Germany. And how he paid him, I do not know. But he did. He was there.

And I commented on-- and this is on one day's observation. And what turned out to be important and correct, that this man was terribly smart. And my friend Wolf wrote an article for The Shingle, a publication of the Philadelphia Bar Association, in which he was part of an interrogation team that interviewed Goring at one point. And that Goring was so clever he made the interrogators ill at ease because they require that Goring not interrupt the interpreters till they were finished translating whatever they had asked him into German. Whereupon he would often, depending on whether he wanted to bother them, respond in English.

So he knew what it was all the time. And he sat there figuring out his answers. And then they were totally lost. Then they might decide to answer in German. And then they were worse off because they had to have some translator translate it for them. And he was just terribly smart.

And I discussed this with my friend William Rehnquist, about whom I have written a book. And William Rehnquist was Justice Jackson's law clerk in 1952 and 1953, which is six years after he came back Nuremberg. And I told him-- we talked about my Nuremberg experience. And he said, well, that's consistent with Jackson's.

And I later did some research. He told me-- because Goring had basically made a fool of Jackson to some degree.

In what way? How did he do that?

Jackson had wanted to-- who was a famed prosecutor and had sought this assignment. And he wanted to personally cross-examine the very smart German. And this was-- and the press followed it very closely because the great prosecutor and the Vice Reichsmarschall were going to cross swords.

And although I think Jackson probably won in the long term, in the headline term, at one point, Jackson asked Goring-- and this is a paraphrase-- something about, didn't he sanction, or wasn't he aware of the genocidal activities that they had killed millions of Jews and other people? And Goring said, oh, yes, no different than your presidents were about the Indians. [CHUCKLES] Well, you can be pretty sure who had the headlines in Europe that day.

Absolutely.

Whether Jackson won his points-- which he probably did on the law and the rules-- and he had another comment the next day or two days succeeding in which he asked him something about, was it-- after the Nazis took over in Germany, did they do away with democracy? They took over democracy. And he said, oh, yeah, we no longer needed it.

And so I made the observation one day that this man was just clearly superior. And it's a comment about leadership.

And what was the-- I'm sorry. Yeah. I'm sorry to interrupt. I shouldn't have at that moment. But Obe, what was it that you saw? Was it the translation and how he played around with the translators? What was it that you saw on that day?

No. What I saw was the way they gave him the documents.

I see.

That is, they had documents in which General Jodl and Admiral Keitel at least those two, and some of the others-- and I mentioned them-- were participants. And so they hand the documents to them. And they just cursorily looked at them and didn't pay any attention. And the lawyers knew they weren't going to.

And then they gave to Goring. And he looked at them. And before they agreed that the prisoners had reviewed the documents, they had Goring look at them. Goring was-- if Goring approved the documents, they went into the record. If General Jodl passed them by, they didn't.

And so I observed his--

Predominance.

--the way his fellow prisoners, all of whom were men of the highest rank you could be in a great government, treated him with deference and respect.

Any other impressions from the day that you were there?

Well, my other impressions were very much concerning the-- well, first of all, the security. We now have become very security-conscious in America and everywhere else. And they're probably not very much greater than if the United States goes somewhere. But at that time, the entire area of Nuremberg was fenced off. Nobody could go there.

And to go to the trial, nobody could walk around. If you got out of your seat, the guard immediately escorted you wherever you were going to go and jumped up. And so you couldn't do anything. And I also commented on what seemed to be almost a fraternal ease between the Russians, and the Americans, and the English, and the French. They went to a nightclub the night-- well, at least there was a floor show in the hotel one of the nights I was there.

And they had Russian actors. And they were all just lawyers or staff people, and probably mostly lawyers, on a mission. And we were all already talking about problems with the Russians. And you know, this is only-- as a matter of fact, before they executed these people, Winston Churchill made his Iron Curtain speech.

Oh.

The Iron Curtain would drop between Stettin on the Baltic and Trieste in the Adriatic.

Well, this raises the other question that I wanted to ask you. And that is, you go to Nuremberg. You see the top leadership. You don't know at that point that it will be Mr. Woods who is going to do them, do the honors a year later. But what was your view about the trials in general? What did you think? Did you think--

Well, obviously, because I wanted to go, I was very interested in the subject.

Yeah.

I had deep doubts. I was not a great admirer. And I had doubts. And I wrote a letter. So you know, I note that the doubts I had then-- as a 21-year-old, I had doubts about a trial whose objective was to make a record rather than a fairly try men. I thought trials, Anglo-Saxon trials or trials of any kind-- their objective should be to produce fair treatment of the accused. And I didn't think these trials had that as an objective. And--

Well, you just said that one of the objectives that they did have was a very laudatory one because it established the record that Holocaust deniers would not be able to counter.

That's correct. And that's with the wisdom of hindsight.

OK.

And I don't think-- but I didn't then, and I still have deep doubts as to whether trials of the vanquished by individuals are really expressions of power, not of justice. The vanquished never try the victors. Nobody ever went to war without intent to win it, without believing he could win it.

And as The Economist, in its editorial at the time of the execution, said, can you imagine if the vanquished had tried the victors and they began with Hiroshima? [CHUCKLES]

Yeah.

It's-- and I have some feeling that-- and had a feeling then that trials of this kind tend to distort law. Because they're not really-- they are victors' trials. And victors have the privilege of victors. And they have historically done-- generally executed the vanquished if it suited their purposes. And then they have different purposes, sometimes.

They put Napoleon in St. Helena for 20 or 30 years. But they didn't execute him. And they put Jefferson Davis in jail. And other-- we executed most of the leaders of the Japanese in Manila. And the British were interested in propaganda. And I'm in that business. I don't know whether that's the business I'm in, but I'm in the business of news. The British executed Lord Haw Haw who was the man who tried to create unrest among British soldiers. And I, in another part of my life, watched Robert Frost and other American intellectuals try to protect Ezra Pound, who did the same thing to American soldiers in Italy, from execution and succeeded.

So I mean, I don't-- I'm not sure this is a wonderful example of how Anglo-Saxon law works or should work. I think it is-- I think they created a very important record that cannot be assaulted. And I think they executed people who are well-executed. And whether they'd been-- done this just as well with some other kind of a trial without creating this fabric, I don't know.

And I don't know whether they would have gotten the record. That's the important thing that they did. They created a record.

Well, it sounds like that, at the time, your misgivings were shared by much of the judiciary, at least in the Supreme Court in the United States.

That's true.

Can you tell us a little bit about that?

Yeah, I can. Because particularly, was not as well known at the time-- was probably not known-- but Chief Justice Stone was opposed to the trial. Now, he's the top law officer in the United States and a man widely respected, who was previously dean of Columbia Law School, and who was elevated to Chief Justice-- he'd been associate justice for 15 years-- by Franklin Roosevelt. Because he was a Republican appointee by Calvin Coolidge but had written some of the most important decisions supporting the New Deal.

He was a Republican who supported Franklin Roosevelt, a very independent mind and a very sincere legal student. And he felt that this was an ex post facto, that the laws under which these men were tried didn't even exist till they had a meaning in London after the war with Germany was over to create the laws under which the men would be indicted. And he also objected to the word-- one of the terms of the indictment was aggressive war, that they had waged aggressive war.

He, on a purely semantic basis-- on a semantic basis, questioned whether what wars were not aggressive.

Does seem a tautology, yes.

What?

It does seem like a tautology.

It does. And he even-- and this has been quoted a few times-- wrote to a Columbia classmate of his, which the letter's in the Library of Congress now with the Stone Papers-- that Jackson is all for the European lynching party.

Well, that's pretty rich.

Well, that's a paraphrase, but very, very close. And the word lynching party is an essential part of it. That is not a paraphrase. And so you had the Chief Justice of the United States. He was vigorously opposed-- no, was profoundly opposed, a man of great discretion who never publicly took a position but wrote these letters, but wrote about it. And also, Francis Biddle, the American judge at Nuremberg, asked this Stone to swear him in.

And they were friends and knew each other at the very top level of government. And Stone was a previous attorney general himself. And he refused to swear in Biddle because he didn't want to have any part in the proceedings, even to swearing in his friend to be the American judge. And Robert Taft-- John Kennedy, in Profiles of Courage, for which he won a Pulitzer Prize, describes Robert Taft, devotes a chapter to Taft in which Taft took a position, which I've substantially-- similar to Chief Justice Stone's, in which this was ex post facto and made a mockery of American law that you had this kind of a trial. And it was sanctioned by having an American attorney general and an American Supreme Court justice involved.

And Taft made a speech about this. And Kennedy thinks this, among other-- this was a major factor in Taft not getting the Republican presidential nominations in 1948 and 1952, that he really-- he alienated what would now be called the party's base.

Yeah.

Because he believed this was wrong. And Kennedy points out that it was not an issue that came before the United States Senate. And Taft made a speech to some group in Ohio and felt he had to say this, that this bothered him. And he considered it an act of courage.

Did you-- let's go from the political down to the personal again. You must have communicated your impressions, both in letters and when you went home to your family, and talked about it. And particularly since you had family that had come from Germany, did you have discussions-- whether these were right after the war or through your correspondence, how was this looked upon within your family circle? Your views, the trial itself, and all of the issues that come out of it. Did you-- were these things discussed at home?

Somewhat. Clearly, my family encouraged me to think independently. My father was a very prominent lawyer and a first-class intellectual. He was delighted that I had an independent idea. And he encouraged this. And he encouraged me to write letters about it, as did my mother. So the encouragement was less on the specifics than, you're supposed to be an independent thinker. You're 21 years old, you've got-- we encourage this.

I'm inclined-- my father, I think, agreed with me in substance-- or agreed with Justice Stone, more importantly-- that there was something-- this was not English common law. He did not believe-- he believed there was something wrong with America participating in and sanctifying a procedure which accomplished an end which might have been accomplished otherwise.

I see.

You know, Nuremberg had very little-- in the end, Justice Jackson may have said-- and he did in his opening speech, which was really a very eloquent and moving speech-- he said that this was not-- that he was not seeking vengeance. He was not seeking retribution. This was not a punitive court. And he was making an example so it would not happen-- he hoped they were creating a record so it would not happen again.

And I think history may decide-- it may have decided-- that it was a court of vengeance and retribution. I meant, the perpetrators of the crime were executed. And there were no major Nazis alive after that. Hitler, Himmler, and Goebbels had all committed suicide just about the end of the war. Goring, Ribbentrop, Jodl, Keitel were tried and executed. Goring committed suicide a few hours before his execution.

And Bormann was tried in absentia, and they never found him. So he disappeared. So basically, all of them the top Nazi hierarchy were executed. It shocked-- the financial genius who put it together was acquitted. And I think that's a separate question as to the importance of the architect [COUGHS] of the finance of--

We need to change tapes.

OK. Then I think that's a--