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AN AMERICAN PSYCHIATRIST'S CONVERSATIONS WITH THE DEFENDANTS AND WITNESSES

LEON GOLDENSOHN

CONDUCTED BY LEON GOLDENSOHN

EDITED AND INTRODUCED BY ROBERT GELLATELY

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Dr. Leon Goldensohn was an American physician and psychiatrist who joined the U.S. Arm in 1943 and was posted to France and Germany. He died in 1961.

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Nuremberg—Voices from the Past

Leon Goldensohn was an American physician and psychiatrist at the time the United State entered the Second World War. In 1943 he joined the U.S. Army and was soon posted t France and Germany, where he served in battles in the European theater. Not long after th war ended, he became prison psychiatrist at Nuremberg, the location of the first postwa trials of the major Nazi war criminals. Goldensohn arrived in Nuremberg in early Januar 1946, about six weeks into the trials, and remained there until late July of that year. As trained psychiatrist he had responsibility for the mental health of the nearly two doze German leaders who had survived the war and who were now fighting for their lives befo the International Military Tribunal. As a medical doctor who saw the prisoners nearly ever day, he also kept careful track of their physical problems. Over a period of seven months Nuremberg prison he spoke on a regular basis with many of the twenty-one prisoners wh were there when he arrived, and he carried out formal and extended interviews with most them. In addition, he interviewed a large number of defense and prosecution witnesses, som of whom had also been significant Nazi officials.

This book publishes for the first time a broad selection of the interviews Goldensoh conducted during his time in Nuremberg. They represent an important addition to the reco of the trials and of the Third Reich. They are unique in that they are systematic intervie conducted by a trained psychiatrist, and they offer new testimony about the mentality an motives of the major Nazi perpetrators.

Background to the Nuremberg Trials

The Nuremberg trials came into existence out of a multitude of political and judicial concern but are seen by many today as a landmark in international law. They were by no mean inevitable, however, and might never have taken place. During the war, as Allied leade learned about the vast scale of the Nazi atrocities, President Franklin D. Roosevelt of th United States, Prime Minister Winston S. Churchill of Great Britain, and General Secretar Joseph Stalin of the Soviet Union at one time or another all considered summary execution the more appropriate response to Nazi crimes.

The concept of the trials was apparently first suggested by Soviet foreign minist Vyacheslav Molotov as far back as October 14, 1942. On that date Molotov wrote to sever East European governments in exile in London about Moscow's inclination to try the mo prominent leaders of "the criminal Hitlerite government" before a "special internation tribunal."[1] Moscow was evidently upset that Britain was not willing to try Rudolf Hes Hitler's deputy, who had flown to Scotland in May 1941, and the Soviets harbored fears tha their allies might even conclude some kind of deal with Germany. For their part, the weste Allies gave little thought to postwar trials, but continued to lean toward some kind summary execution. Their immediate priority was winning the war.

Nevertheless, on November 1, 1943, all three Allies finally issued a joint statement abo what should happen to the war criminals, in the so-called Moscow Declaration. It state several general principles. For example, the declaration laid down that those who ha committed crimes would be returned to the localities where these had taken place and b "judged on the spot." Trial and punishment would follow the laws of the land in each localit There would be different treatment for the major war criminals, however, whose crim were seen as not restricted to any particular geographic area. The Moscow Declaration left u in the air precisely what ought to happen to these men and did not say whether there wou be a trial or summary execution.[2]

Churchill's own views were far from benign. He thought, as he said behind closed doors a cabinet meeting on November 10, 1943 — just prior to the Tehran Conference — that the was some point to drawing up a short list of specific war criminals. He was inclined believe that dealing with this group summarily might shorten the war insofar as the name individuals would become isolated figures in their own country. This strategy required th the Allies avoid the entanglements of legal procedures, and Churchill himself favored a list perhaps fifty to one hundred or so Nazi leaders. Once the list was reviewed by some sort international committee of jurists, these men would be declared "outlaws" and thus fair gam for anyone who wished to kill them. For Churchill, if there was to be anything like a trial f the major war criminals, its job would be to verify the identity of these "outlaws."[3]

One of the most remarkable exchanges on the topic of summary executions took place at Roosevelt-Churchill-Stalin meeting during the Tehran Conference (November 28–December 1943). Over dinner on November 29, Stalin suggested in passing that if at the end of the wa about fifty thousand leaders of the German armed forces were rounded up and liquidate then Germany's military might would be ended once and for all.[4] Churchill was taken aba by the scale of the liquidations envisioned by Stalin. He said simply that the Britis Parliament and public would never accept such mass executions. But Roosevelt responded Stalin more warmly, and when Churchill became upset (or so Churchill recalled), FDR sa that the Allies should execute not fifty thousand, but "only 49,000." Elliott Roosevelt, th president's son, who happened to be present, chimed in to say he was sure the United Stat Army "would support it."[5]

The drift of this conversation bothered Churchill so much that he left the room, but he wa chased down by a jovial Stalin, who said that he was, of course, only joking. If we look at th evidence of later discussions, however, and consider that Stalin had already instigated th liquidation of thousands of his own people and even many in the Soviet officer corps, there reason to believe that had Churchill been in agreement that evening, an important decisio might have been taken. Whether this step would have culminated in a large number executions remains open to speculation and debate. Certainly, Churchill had his doubts th Stalin and Roosevelt were just pulling his leg on the evening in Tehran. Although he l himself be persuaded by Stalin to return to dinner, he was not "fully convinced that all wa chaff and there was no serious intent lurking behind."[6]

Inside the government of the United States there was deep division about what should b done about Nazi war crimes. One of the most powerful voices in favor of executions over trial of any kind was articulated on September 5, 1944, when Secretary of the Treasur Henry Morgenthau Jr. proposed a plan that would have permanently crippled Germany.

the context of that plan he wanted Nazi leaders summarily executed, and on a scale th looked closer to what Stalin had mentioned at Tehran, and not the more "modest" one th Churchill had in mind. U.S. secretary of war Henry L. Stimson, fortunately, offered a voice reason on the American side.

The seventy-six-year-old Stimson would not accept the notion that Germany's econom should be deindustrialized or destroyed, supposedly in order to save the world from anoth war, and he was also completely opposed to Morgenthau's approach to war criminal Stimson insisted, to the contrary, on the need for due process, which had to embody "th rudimentary aspects of the Bill of Rights." In a memorandum of September 9, 1944, he sage noted that it was not a matter of being hard or soft on Germany, but of adopting a appropriate method for dealing with the Nazi criminals. The approach had to be a product "careful thought and well-defined procedure." He believed the United States shou participate in some kind of international tribunal, one that would charge the main Na officials with offenses against "the laws of the Rules of War in that they committed wanto and unnecessary cruelties in connection with the prosecution of the war." He noted that thes rules had been upheld by the U.S. Supreme Court and ought to be "the basis of judicial actio against the Nazis."[7]

Roosevelt, however, much to Stimson's consternation, continued to side with Morgentha — who was also a personal friend — and the position of summary execution, without tria by the military. Indeed, in the wake of the Quebec Conference (August 11–24, 1944 Roosevelt and Churchill issued a statement that said a judicial process was inappropriate f "arch-criminals such as Hitler, Himmler, Goering, and Goebbels." As they put it, "Apart fro the formidable difficulties of constituting the Court, formulating the charge, and assemblin the evidence, the question of [the Nazi leaders'] fate is a political and not a judicial one. could not rest with judges however eminent or learned to decide finally a matter like thi which is of the widest and most vital public policy. This decision must be 'the joint decisio of the Governments of the Allies.' This in fact was expressed in the Moscow declaration."[8]

Roosevelt and Churchill came to the conclusion that on balance it would be best to execu certain Nazi leaders without any trials, and this was a point of view that Stalin also seemed share. Churchill was somewhat surprised, therefore, to learn on a visit to Moscow in Octob 1944 that evidently Stalin had changed his mind. He and other Soviet leaders now favored trial, along the lines of an international tribunal as originally suggested by Molotov. It is als possible that once Stalin saw for himself that Churchill would never go along with th liquidation of tens of thousands of the German elite, he went over to the idea of holding trial of the major war criminals, which could be used for propaganda purposes. Perhaps Stal also thought that in advocating trials, he might be able to polish his tarnished image in th West.[9]

In the meantime the Soviets were taking steps of their own to settle scores with th invaders. As they liberated their land from the Nazi yoke in the summer of 1943, they bega carrying out their own trials, including trials of their own citizens, for participation in Na war crimes. In the first such trial (July 14–17, 1943), at Krasnodar, the Soviets made publ to the world one of the first cases of mass murder of the Jews. There were eight dea sentences, which were carried out in the city square in front of a crowd estimated at thir thousand people.[10] In August and September some smaller Soviet trials followed, but

Kharkov on December 15–18, another large and public trial took place, with a similar resul
It culminated in the hanging of those found guilty, in the market square before an estimate
fifty thousand. The event was widely publicized by special news films as well as on the rad
and in the press. Such proceedings reminded some western observers, as well they might,
the show trials that were a prominent feature of the Soviet Great Terror in the late 1930
The Soviets used these first trials of Nazi sympathizers to appeal to world opinion as well
to strengthen morale. Soviet practice, therefore, began to favor some kind of trial ov
summary execution. The Soviets' intention, of course, was to use the format of a trial
demonstrate the guilt of the accused.

The governments of the United States and Great Britain were concerned about these Sovi
show trials just behind the lines. They were especially worried lest the proceedings set o
Nazi retaliations and lead to the execution of American and British prisoners of war who we
in German captivity. Indeed, Hitler was incensed, and in response he ordered his own sho
trials, not of Soviet prisoners of war but of what he called "English-American war criminal
and especially "Anglo-Saxon terror bombers."[11] Hitler's orders were in fact followed up, b
eventually came to nothing, as often happened to many of his more destructive orders
war's end.

The U.S. government, prodded by Stimson, gradually came to accept the view that judici
proceedings were preferable to summary executions. Stimson could not simply voice h
opposition to Morgenthau, who seemed to have the support of President Roosevelt; he had
come up with an alternative. In September 1944 he gave the task of looking into such a pla
to his assistant secretary John J. McCloy, who passed it down the chain of comman
Eventually Colonel Murray C. Bernays produced what turned out to be a key document in th
evolution of American policy.

Bernays was a lawyer in civilian life. He drew up a paper on what he called the "trial
European war criminals," in which he made strong arguments in favor of due process. H
claimed that a trial would have enormous advantages over mere political condemnation -
such as had followed the end of the previous war. Bernays argued that the Nazis could ar
should be charged with conspiracy to commit crime. Moreover, he maintained that certa
organizations (such as the Nazi Party, the Gestapo, and the SS) could be indicted, not just
few individual leaders. Such organizations would also be charged with being part of
criminal conspiracy. It would not be necessary to charge every single person in th
organization, just "representative individuals." Once the organization was tried ar
convicted, an individual member could be judged as a criminal coconspirator, and given
summary trial by the Allies. It is important to note, however, that contrary to what some
the defendants said when they spoke with Goldensohn, Article 10 of what became the charte
of the International Military Tribunal did not simply declare certain Nazi organizations to b
criminal. That decision was left to the tribunal to determine. Moreover, any particula
member of those organizations that the tribunal eventually found to be criminal was n
automatically deemed to be criminal. Each had the right to a trial.[12]

The political and judicial position of the American administration in favor of trials, alon
with the conspiracy/organizations approach, was endorsed by Secretary of State Cordell Hu
Secretary of the Navy James Forrestal, and Stimson. On November 11, 1944, they sent
memorandum to President Roosevelt with a view to providing him with guidance for th

upcoming Yalta Conference.[13]

Roosevelt was surprisingly slow to come around, however. At Yalta (February 7–12, 1945 the president apparently made no mention of the changed position of his administration. H and Churchill still seemed to prefer summary executions, but no decisions were taken.

It was Stalin and the Soviets who perhaps ultimately did most to persuade the other Allie that some sort of "judicial procedure was the way forward."[14] Stimson and others kept tryin to move the president in that direction. They continued to insist on the need to avoid th impression that the Allies were seeking vengeance. That view was accepted by the ne president, Harry S. Truman, after he took over when Roosevelt died suddenly on April 1 1945.[15]

The demands for summary execution came to naught, as Truman adopted the position favor of a trial put forward in late 1944 and early 1945 by Stimson, Hull, and other hig government officials.[16] In several meetings between the Allies in 1945, the Americans als convinced the reluctant British. By May 3 (at San Francisco), the western Allies and th Soviet Union, along with newly liberated France, all agreed in principle to judici proceedings. By August 8, after still more months of negotiations in London, they finall worked out a charter for the trials. They established in detail how the court would b constituted and what rights the defendants would have. At the same time the Allies worke out and agreed to the four counts of the indictment: conspiracy to commit crimes, crime against peace, war crimes, and crimes against humanity.[17]

Even after the Allies had agreed in principle to the trials, they had to overcome the la hurdles to holding them. Part of the difficulty lay in the fact that the liberal-democrat Anglo-American powers and the Soviet Union conceived of the trials in very different way The Soviets had endured extreme suffering at the hands of the invading Germans. Even b conservative and quite reliable estimates, the German-Soviet war had led to the deaths around 25 million people in the USSR, most of whom were civilians.[18] For the Soviet leader the trials would be more like grand show trials, designed to demonstrate the "measure guilt" of each of the accused, after which each would get "the necessary punishment."[19] Fo the United States and Great Britain, however, once they finally accepted the notion of a tria it necessarily followed (at least in theory) that the defendants had certain rights of sel defense. There also had to be an assumption of innocence until they were proven guilty an the possibility that some or all of the accused might be set free or at least found not guilty o some counts.

It was also difficult for the Allies to reach agreement about the form and procedures of th trials because Anglo-American and continental legal traditions are quite different. The Unite States and Great Britain have an "adversarial" system, whereby relatively open cases go trial, evidence is presented in court, and witnesses — sometimes also the accused — ar cross-examined under oath by defense lawyers and the prosecution, who face each other court and fight it out. On the European continent, however, there is more of a "inquisitorial" system, in which the investigative work is done by a magistrate who pu together a dossier based on the evidence. If a charge is warranted, copies of the dossier ar given to the court and the accused. During the trial, it is the judges who decide whether hear further testimony. It is they who question witnesses, but rarely cross-examine th accused, who may or may not make a statement at the end of the trial. The Soviet judge

Nuremberg — whose participation in the notorious show trials of the 1930s in Moscow wa well known in the West — asked with some consternation at one of the last pre-Nurembe meetings in 1945, "What is meant in the English by 'cross-examine'?"[20]

The Americans and the British carried the day on how the trials would proceed. The worked out what is sometimes called a clever compromise with the Soviets and the Frenc but of course the accused had no say whatsoever in any of the pretrial discussions. They we also deprived of many of the most important rights enshrined in the American Constitutio For example, the accused could not invoke the Fifth Amendment, which would hav permitted them to refuse to answer a question on the grounds that doing so might tend incriminate them. The accused could be, and were, questioned in court, each in turn, and the could not decline to testify.

The Charges

The defendants at Nuremberg were indicted on four counts, the first two of which proved be particularly controversial for scholars of international law.

Count one alleged that the accused had "participated as leaders, organizers, instigators accomplices in the formulation or execution of a common plan or conspiracy to commit, which involved the commission of, Crimes Against Peace, War Crimes, and Crimes Again Humanity as defined in the Charter."[21]

Count two was related to the first and indicted the defendants and diverse others who, ov many years, "participated in the planning, preparation, initiation, and waging wars aggression, which were also wars in violation of international treaties, agreements a assurances." This count thus indicted what were called "crimes against peace," and obvious had to include acts of aggression like the German invasion of Poland on September 1, 193 even though that act of war was clearly carried out as part of a joint conspiracy with t Soviet Union, which went unmentioned. The Nazi-Soviet Nonaggression Pact of August 2 1939, not only opened the door to war but contained secret clauses about the division Poland, which the Soviet Union also invaded from the east as Germany did so from the west

Counts one and two, therefore, opened the tribunal to controversy, not least because the failed to indict the Soviet Union for these "crimes against peace" — which would have bee politically unpalatable at the time. The very appearance of doing justice was colored al because the Soviets acted as judges and prosecutors at Nuremberg. On balance it might hav been better not to have brought the first two counts at all, but to have focused instead on w crimes and crimes against humanity.

Count three accused the defendants of having a "common plan or conspiracy to commit W Crimes." Carrying out this plan, it was alleged, involved the practice of "total war," whic exceeded "the laws and customs of war." More particularly, this count in the indictme pointed to crimes such as the murder and mistreatment of civilian populations, t deportation and use of slave labor, the murder and mistreatment of prisoners of war, t killing of hostages, and the plunder and wanton destruction of cities, towns, and villages.

Count four dealt with "crimes against humanity," which "included murder, exterminatio enslavement, deportation and other inhumane acts committed against civilian populatio before and during the war." Count four also singled out "persecution on political, racial a religious grounds in execution of and in connection with the common plan mentioned

count one."

None of the accused who were indicted before the International Military Tribunal wa charged in a specific count for persecuting and murdering the Jews. Terms such as "genocid or "the Holocaust" became current only later. "Genocide," which was coined in 1944 by th Polish jurist Raphael Lemkin, was made into a crime by a special United Nations conventio in 1948.[22] "Holocaust" had existed earlier, certainly before 1939, but it was not used duri the trials.[23] But the unprecedented atrocities committed against the Jews across Europe we mentioned in passing under count three, and more extensively in count four, which charge that the "mass murder" of Jews involved "millions of persons."

These four counts brought serious charges, all of them more or less without precedent international law. The first two were especially problematical, and without them — als without the continuing and misplaced attempt to link all the crimes to an overall conspirac — the trials might have been more fruitful for future prosecutions of war crimes and crim against humanity. In an effort to make its case on all counts, however, and particularly on th first — the long-term conspiracy charge — the prosecution exaggerated the intentionality an coherence of Nazi planning and policy making. The United States was especially enthusiast about the conspiracy charge, which was somewhat familiar in American law, even if it ha previously been used far more restrictively. The idea of such a wide-ranging conspirac certainly gave the British cause for concern, but from the Americans' perspective it had th advantage of making it possible to link pre-1939 human rights and legal abuses insid Germany to the far more egregious kinds committed during the war.

The idea of a conspiracy — which in fact informed every count in the indictment — opene the door to the defense. The counsels took every opportunity to show, not without som plausibility, that there was enormous confusion of authority in the Third Reich. They sa that the regime had a haphazard, incoherent, and inefficient system of administration an government. It became common for the accused to plead ignorance, and to point to the high compartmentalized system of Nazi administration. The defendants all claimed to have ha limited knowledge and to have played no part in any long-term conspiracy.

The prosecution, on the other hand, had to prove there was a clear plan, with shared ain among the accused from early on in the regime. They set out to show that there was a intention from the very beginning to commit specific crimes; that included long-term plannin not only for a war of aggression, but for specific events like the murder of the Jews. Th prosecution ended up overstating the intentionality, just as the defense unduly played down, the latter in order to paint a picture of administrative chaos, endless power struggle and a system without a real leader. For the defense it was logical to insist that no on believed in Nazi ideology or had read Hitler's book, much less Alfred Rosenberg's books.

To this day there continues to be significant controversy among historians about the natu and extent of Hitler's role and his relations to the Nazi leaders. The picture now supported b many historians is more complex and blends elements from both prosecution and defens claims.[24] However, the prosecution image of Alfred Rosenberg as the main Na "theoretician" or "philosopher" is without any merit whatever.

The International Military Tribunal responsible for trying the major war criminals was th product of long political and judicial debates. After a preliminary session in Berlin on Octob 18, 1945, the trials moved to the Palace of Justice in Nuremberg, where the sessions ran fro

November 14. The main proceedings, comprising prosecution and defense presentation lasted just over nine months, from November 22, 1945, to August 31, 1946. The trials were massive undertaking. There were four judges and four prosecutors (with alternates), eac with a team of his own, all of them drawn from the victorious powers — the United State Great Britain, and the Soviet Union, along with France. The court met in 403 open session heard a total of 166 witnesses, and worked through literally thousands of written affidavi and hundreds of thousands of documents.[25] The trials were cumbersome and slow, not lea because they were carried on in four languages and required enormous translation work ju to record the testimony, the cross-examinations, the written submissions, and mar documents. A sense of the scale of the trials can be gathered from the fact that the transcrip and only a selection of the documents entered as evidence were published (also in fou languages) in forty-two large volumes.[26]

Charges were initially brought against twenty-four men deemed on various grounds to b major war criminals. These included Robert Ley, the head of the Labor Front, who committe suicide on October 24, 1945, before the trials began, and the industrialist Gustav Krupp vo Bohlen und Halbach, chosen by the Allies as "representative" of big business, who proved t be unfit. Included, in absentia, among the twenty-two defendants was Martin Borman Hitler's private secretary. On September 30 and October 1, 1946, the court delivered i judgments. Twelve of the defendants were sentenced to death by hanging (Bormann i absentia, Hans Frank, Wilhelm Frick, Hermann Goering, Alfred Jodl, Ernst Kaltenbrunne Wilhelm Keitel, Joachim von Ribbentrop, Alfred Rosenberg, Fritz Sauckel, Arthur Seys Inquart, Julius Streicher). Of the remaining ten defendants, three were found not guilty (Han Fritzsche, Franz von Papen, Hjalmar Schacht), three were sentenced to life imprisonmen (Rudolf Hess, Walther Funk, Erich Raeder), two got twenty years' imprisonment (Baldur vo Schirach, Albert Speer), one was sentenced to fifteen years (Constantin von Neurath), an one to ten years (Karl Doenitz).

Immediately after sentencing, counsels for two men condemned to hang (Jodl and Keite requested that their clients be granted the dignity of a military death by shooting. Counsel fo Raeder also requested that he be shot, in place of his sentence of life imprisonment. All thre requests were denied. On October 16, 1946, all those condemned to death (with th exceptions of Bormann and Goering) were hanged. Reich Marshal Goering had managed t defy the court by committing suicide in his cell just before the scheduled execution.

The Goldensohn Interviews

After the United States government finally decided, toward the end of 1944 and into 194 that trials were necessary and preferable to summary executions, the Americans took th leading role. They insisted almost immediately, with British support, on moving the venu outside the Soviet sector of occupied Germany, and at the end of June 1945 decided o Nuremberg. The city had been nearly obliterated during the war, but it still had facilitie where the trials could be held.[27] The occupying powers were very much drawn to the choic of Nuremberg. The city's name was identified with the racist laws of September 1935, an beyond that it had hosted the annual Nazi Party rallies, when hundreds of thousands o people would fill the city and infuse it with wild enthusiasm for Hitler. Thus, holding th trials of the fallen Nazi leaders at Nuremberg had both political and symbolic value.

By September 1945 American prosecutors Robert H. Jackson and Thomas J. Dodd cou call on a staff of two hundred. There were legal officers and experts of various kinds, as we as translators and stenographers. Jackson was by far the most active of the prosecutor followed by Sir David Maxwell Fyfe of Great Britain. The British, however, had at most on thirty-four staffers and usually fewer, while the Soviet and French teams were smaller still. The Americans, therefore, tended to dominate the proceedings in nearly every way, and n only because the trials were held in the American sector of Germany.

In addition to a medical staff, the Americans generally had a psychologist and a psychiatri on duty during most of the proceedings. The first prison psychiatrist at Nuremberg was Maj Douglas M. Kelley, who had previously served at a holding camp for important Nazi prisone at Mondorf-les-Bains, in Luxembourg. Most of the Nuremberg defendants had been kept the before the trials, and it was not without a touch of victor irony that the camp became know among the Allies simply as “Ashcan.” It was run along spartan lines by the strict Colon Burton C. Andrus, a man known to be a firm disciplinarian. Other Nazi bigwigs, notably Spe and Schacht, were kept in less stringent conditions at Kransberg Castle near Frankfurt a Main, a camp nicknamed “Dustbin.” All the leading Nazis were questioned either at Ashcan Dustbin, and some of the information garnered from them has been preserved. Interesti selections of this material, much of it never used in the trials, have recently been published. Colonel Andrus and Major Kelley were sent from Ashcan to Nuremberg. Kelley stayed on for the first month of the trials, when he left and was replaced by Goldensohn.

Throughout the period of the incarceration, at Mondorf and later at Nuremberg, America guards communicated hardly at all with their prisoners, but maintained a permanent suici watch. Initially, one guard was assigned to four cells, but after Robert Ley’s suicide October 1945, Colonel Andrus had a guard posted at every cell. They had to check on th prisoners more or less continuously through tiny portholes in each cell door. Before prisone returned to their very sparse cells they had to remove belts, suspenders, shoelaces, and so — in short, anything that might be used to commit suicide. Guards were ordered to keep th head and hands of prisoners in view at all times, including when they tried to sleep (on the backs only) during the night. Prisoners were generally isolated from the outside world a not allowed newspapers. Their mail, even with family members, was censored, and the were allowed to move outside their cells only for meals, talks with their lawyers, and a dai exercise period. During those times the defendants colluded whenever possible, in order plan their strategies against the prosecution. Guards generally did not communicate with th prisoners, even though Colonel Andrus, unbeknownst to them, had recruited some Germa speaking GIs for guard duty. They were to report to him anything they found suspicious that might be useful in the trials. The prisoners were virtually cut off from human contac except for their defense attorneys, so that it is not surprising they were willing to talk to th psychiatrists and psychologists who worked in the medical detachment of the 685th Intern Security Detachment (ISD) of the U.S. chief counsel in Nuremberg. The doctors had more less free access at all times.

When Leon Goldensohn was posted to Nuremburg, he was thirty-four years old. Born October 19, 1911, in New York City, he received a B.A. from Ohio State in 1932 and an M.D from George Washington University School of Medicine in 1936. He trained in neurology Montefiore Hospital in New York City and in psychiatry at the William Alanson Whi

Institute of Psychiatry. At the end of the war, Major Goldensohn was assigned to the 121 General Hospital in Nuremberg, and on January 3, 1946, to the 685th Internal Securi Detachment. He served as prison psychiatrist until July 26, 1946 — which was close to th end of the defense hearings.

In the immediate wake of the defeat of Germany in the spring of 1945, and into th summer, when the International Military Tribunal was announced, there was enormou interest in "what made those Nazis tick."[30] Kelley referred to the "psychological treasure" h and psychologist Gustave Gilbert had at their fingertips, and initially the plan was to publis a Kelley-Gilbert book.[31] Captain Gilbert was an American intelligence officer. He was fluen in German and managed to get an assignment as translator for Major Kelley. He was also trained psychologist and soon convinced Colonel Andrus to appoint him "official" prisc psychologist. Gilbert was apparently of one mind with Kelley, and saw the war criminals "a available to him as laboratory mice."[32] In addition to reporters, psychiatrists an psychologists from around the world tried to gain access to the prisoners. Goldensohn, lik Kelley and Gilbert, likely became the envy of his professional peers and the many reporter all eager to interview the defendants.[33]

The plan for the Kelley-Gilbert book never came to fruition. But Kelley published his ow book in 1947. It remains useful in a limited way, though it is now quite dated.[34] His forme coworker Gilbert also published a book, which appeared several months after Kelley's. took the format of a diary, and with it readers can follow the course of the trial from th author's experiences and perspective.[35]

Goldensohn too had intended to write a book. He never wrote it, but his notes survive Some of these transcripts were typed up not long after the interviews were held. Any plan for a book came to a halt when the doctor died prematurely at age fifty from a coronar heart attack, on October 24, 1961. But a few small notebooks were typed up later under th supervision of Dr. Goldensohn's brother, Dr. Eli Goldensohn, who collated and organized a the original materials. What we have in this volume is an edited and abridged selection o some of Goldensohn's interviews with nineteen defendants and fourteen witnesses.

We are indebted to Goldensohn for his conscientious note taking. Whereas psychologi Gilbert would jot down his impressions at the end of the day, and in that sense relied mor on his memory to reconstruct conversations and impressions, psychiatrist Goldensohn insiste on taking detailed notes. Although he spoke little German himself, some of his interviewe knew English and he was able to converse freely with them. However, in his formal interviews he wanted to have the defendants and witnesses express themselves fully in the own language, and so he strongly preferred to employ the services of Howard H. Triest, translator. He duly recorded both his questions and the defendants' answers, writing thes down as he went.

Gilbert's fluency in German would have facilitated conversation with the prisoners, most o whom were talkative and eager for human contact. And yet some prisoners felt that Gilbe hated them, certainly that he entertained dark thoughts about them. One said he taunte them — for example, with pictures of hanged Nazi war criminals in *Stars and Stripes*, assurin them they were going to get the same treatment. The prisoners generally seemed to have ha a kindlier attitude toward Goldensohn, whom they considered more detached an professional. On some occasions he and Gilbert made their rounds together, with Gilbe

acting as translator.

Goldensohn shared the belief of the times in the "pathology" of the leading Nazis an though gentle in his approach, was especially interested in trying to account for the "depravities." There was never any pretense of doctor-patient confidentiality, and none wa apparently expected by the prisoners. Not all of them were happy with this situation, but th majority seemed resigned to the fact that they were "material" for various book project Today, with our concerns about privacy, it might seem troubling that a medical doctor woul openly and repeatedly ask one prisoner what he thought of another. On occasion a interviewee might ask Goldensohn to keep something in confidence, but he was not incline to give any such assurance. Like the other doctors on the American team, Goldensohn saw th Nazi prisoners as subjects to be studied, and rather secondarily, if at all, as patients. H explicitly referred in his interview notes to the "subjects" of his investigations. The prisoner on the other hand, used their conversations with the doctors as an opportunity to a statements or approaches they would soon use in their defense before the tribuna Goldensohn was certainly aware of that and even encouraged it. In conversation with th Americans, the defendants rarely let their guard down, especially when it came to confessin to crimes as charged, because they worried that what they said could be used against them court. Prisoners who resented these professionals accused them of being more interested collecting material for the books they were all writing than in providing care.[36]

Goldensohn saw the defendants almost every day, but what sets his record apart from th others is his persistent effort to hold formal and often extended interviews. He recorde everything he could of psychiatric and human interest. We can read what the accused and th witnesses had to say about the role of a given defendant in certain specific events, all the wa down to details about his family and medical history. Goldensohn asked them what the thought of certain leaders, like Hitler, and even how they regarded one another and the crimes, as well as how they performed before the tribunal on any given day. He followed u with many questions, sometimes to the point of infuriating his subjects, but he kept d digging and digging. He claimed he did not want to cross-examine the defendants, but in fa during these one-on-one encounters, he sometimes did. He often went over a defendant testimony in court, noting, for example, parts of it that he did not find credible or difficult t understand. In some of these exchanges, Goldensohn was harder to satisfy than th prosecutor in the court.

Goldensohn generally did not record casual conversations, only his formal interview through the medium of a translator. The note taking and translation meant that th defendants rarely got carried away. Instead, they had plenty of time to think rationally abo how to answer Goldensohn's questions, and perhaps that was precisely what the docto wanted.

A crucial point to keep in mind is that each of the accused was on trial for his life. Lik anyone indicted on serious crimes, these men were determined to exculpate themselves. (at least one important philosophical tradition, every person, no matter how heinous h crimes, reserves a natural right to fight for his life.) For most of the defendants, who wer essentially deprived of most legal rights (certainly as these are commonly understood und the United States Constitution), the note taking of Goldensohn must have set off alarm bell The accused were not protected against self-incrimination, nor were their lawyers presen

and it was not unreasonable for them to assume that they might end up in court being face by their very own words as noted by Dr. Goldensohn. That never happened, but at the ver least we have to keep in mind that the defendants would have been uncertain about th status of these interviews, which were not protected by doctor-patient confidentialit Goldensohn may have regarded himself as a doctor and a scientist first, but from the point view of any of the accused, he was one of the victors, while they were the vanquished, an so they had to treat him as if he were a member of the prosecution's team. He assured the they had nothing to worry about and that they could talk freely, but he could not give the any real basis for believing him.

The defendants generally tried to get away with everything they could, and as one of the suggested, they sometimes succeeded. That claim was made by Hitler's architect Speer, ofte regarded as the shrewdest observer among the defendants. He was not pleased at the end the trial when he saw that Fritzsche, Papen, and Schacht got off, while he was given twent years. He noted in his diary that their "lies, smokescreens, and dissembling statements ha paid off after all." Speer resented not being exonerated by the court, but it was certainly no because he had failed to lie or to cover up the truth.[37] Speer and no doubt other defendan resented people like Goldensohn and Gilbert. So far as we can tell, Speer gave Goldensohn n more than a brief and tersely worded statement (included in this volume). He accused Gilbe of being "always eager to add to his psychological knowledge." In answer to Gilbert question about his sentence, Speer lied when he said the twenty years he got "was fa enough. They couldn't have given me a lighter sentence, considering the facts, and I can complain."[38] By his own later admission, Speer was not telling the truth, for in fact he fe unjustly treated by the court.

We can multiply such examples of the cover-ups many times, but they do not mean th everything said by the defendants and witnesses is a pack of lies. In fact what is remarkab is how often the interviews are candid accounts and sometimes even shockingly truthful. A various points at least some defendants and witnesses admit the commission of heinou crimes, even if they also try to offload the guilt to someone else. Their excuses, reasonin and attempts to avoid the legal consequences of their actions are of interest in their ow right. Sometimes we can see that Goldensohn was misled, did not fully grasp the importanc of some piece of information, or missed telling clues. In spite of everything, the defendan revealed a great deal about themselves and what attracted them to Hitler and Nazism.

I was contacted by the publisher and asked to edit the interviews. I have done so a carefully as possible. I corrected obvious mistakes, such as dates, and errors in the spelling names, places, and ranks, all of which were sometimes quite garbled.[39] Goldensohn neve reached the stage of checking for and correcting errors in the facts, dates, and name mentioned in an interview, and I have tried to verify everything possible. He sometime made simple mistakes when taking notes about an interviewee's social, educational, an military experiences. I have put right obvious slips in so far as I could identify them, bu some inaccuracies undoubtedly remain. These I trust are not the kinds of mistakes that wi detract from the substance of the testimony provided in the interview.

Whenever it has been possible to do so, I have tried to keep the text as close as possible t the original. However, I have also had to make many stylistic changes in order to clarify th prose. I cut the interviews in places where there were obvious repetitions and overlaps, suc

as when one session went over the same ground as an earlier one. In order to keep th manuscript to a manageable size I also had to exclude entire interviews with some defendan and many witnesses, but my intention was to include whatever was of more importance fo the historical record. Sometimes I had to make extensive changes, in order to be true to th substance of what was being communicated by the defendants. Some problems arose fro translation difficulties, others from Goldensohn's misinterpretation of what he was being tol for example about the operation of the German political system. Like every editor, I have ha to rely on my professional judgment, based on my own and others' research, when trying resolve issues of interpretation that were not clear-cut.

I have not tried to correct every error or obvious untruth that Goldensohn unwitting recorded. Sometimes the interviewees played down their own role or their knowledge, simply tried to rationalize the crimes. Some also tried to minimize their own crimes b maintaining that they were fighting a defensive or preventive war. Some reminde Goldensohn of what the Allies, especially the Russians, did to the Germans during the latt part of war. It is not possible to deal with every single such episode, but we have to be awa of the problem of deliberate falsifications and unconscious untruths.

In the notes to the interviews I provide some guidance and references for readers. I als supply basic information on notable figures and events mentioned in the text when I feel it necessary. As well, I address the most obvious and important falsehoods, denials, an fabrications, or the repetition of unfounded myths and rumors. I provide more accura information on some important issues, for example, on the Nazi takeover of power and th number of Jews who were murdered.

Some of the interviewees and Goldensohn himself mention that 5 million Jews we murdered in the Third Reich. Where did they get that number? In fact, that was the figu usually put forward by the prosecution at Nuremberg. For example, American prosecut Jackson mentioned in his opening statement to the tribunal that out "of 9,600,000 Jews wh lived in Nazi dominated Europe, sixty percent are authoritatively estimated to have perishe 5,700,000 Jews are missing from the countries in which they formerly lived, and ov 4,500,000 cannot be accounted for by the normal death rate."[40] Later in the trial itself th prosecution tended to round off the number at 5 million.

At various points during the trial, as well as in Justice Jackson's final remarks and in th tribunal's judgment, the larger figure of 6 million victims was also used. One notable witne on this topic was Wilhelm Hoettl, whose testimony appears to have been followed in th judgment. However, he had at best secondhand knowledge. He said in court (and added in separate affidavit) that he had asked Adolf Eichmann at the end of August 1944 about th number of Jews who had been killed.[41] Eichmann replied that he had recently reported Himmler that around 4 million Jews had been killed in the camps and another 2 million ha died in various ways, especially by shooting. According to Hoettl's recollection of wh Eichmann said, Himmler had guessed that even more Jews had been killed by that tim Today most historians would suggest that the numbers apparently given by Eichmann an repeated by Hoettl in court were likely too high, certainly for the period ending in Augu 1944.

Several historians, most importantly Raul Hilberg in his definitive account of th destruction of the European Jews, put the figure at just over 5.3 million.[42] Hilberg shows th

number of those murdered at Auschwitz at around 1 million, which is staggering, but we below the figure estimated at the trial by Commandant Rudolf Hoess. That larger figure - between 2.5 million and 3 million — though unreliable, continues to be cited, even scholarly studies of Auschwitz, up to the present day.[43] We need to get the figures accurately as possible and thereby close the doors to the deniers and the revisionists.

We can also read the interviews from the point of view of what they tell us about th general understandings of Nazism and the Third Reich that existed at that moment on th American side. Goldensohn, for example, fully accepted one of the key American charge namely that the Nazis had engaged in a wide-ranging conspiracy to commit various crime including crimes against peace, war crimes, and crimes against humanity, as these wer defined in the charter of the trial. He accepted the view that a vast conspiracy began more less at the beginning of the Third Reich and continued into the war years. Few historian today would agree with such an "intentionalist" approach to the Third Reich, and mo subscribe to the view that many policies, including the policy to murder all the Jews Europe, were improvised and decided only well into the Second World War. We have had great deal more time to carry out research into the decision-making process, but beyond th most of us now have different understandings of the Third Reich than did Goldensohn and h contemporaries.

Newer research has made it possible for us to see some of the important documentatio presented at Nuremberg in a fuller light and from new perspectives. Sometimes we can se far more in certain documents today than could the Nuremberg prosecution or the judge who were at times overwhelmed. One of many clever tactics of the defense was to bury th tribunal in a sea of documents, affidavits, and eyewitness testimony.[44] Only much later hav we been able to figure out what was meant by some of those who testified at the trial — an others repeated the point in the interviews with Goldensohn — that the Nazis had plans wipe out 30 million people. There would have been in fact not one, but serial genocides. Key documents about these plans were submitted at the trial, but the whole matter was n fully comprehended.

Although Goldensohn generally kept a neutral demeanor during the interviews, h definitely made his own judgments clear, including his profound skepticism regarding man of the explanations offered by the defendants. Some of his offhand reactions could be quit sharp, as we learn from another source.[46] For example, he interviewed Otto Ohlendorf, wh was not among the major war criminals, but who appeared as a witness at this trial. (He wa later tried and executed.) Ohlendorf had been head of Action Group D — that i Einsatzgruppe D — which by his own testimony was responsible for the murder of at lea ninety thousand people, most of them Jews.[47] This was one of four such Nazi death squads the East, but in fact there were many more.[48] He liked to regard himself as one of th "intellectual" leaders of the Security Service (SD), and also thought of himself as an "idealis and not even an anti-Semite. Therefore, he was particularly bothered one day whe Goldensohn accused him of being some kind of sadist, pervert, or lunatic. What oth explanation was there, the doctor asked, to explain how Ohlendorf — a man who pride himself on such "integrity and incorruptibility"— could have ordered the murder of so man completely innocent men, women, and children?[49]

As readers will see from the interviews, Goldensohn was not usually quite so blunt, but h

does seem to have arrived at Nuremberg convinced that some, perhaps many, Nazis we sadists, even those who did not engage directly in cruel actions. Goldensohn, who wante answers to his queries about the nature of Nazism, could also be somewhat intrusive in h interviewing technique. He was certainly not shy about trying to pin down defendants whe he found their statements unsatisfactory or contradictory, though generally he pulled bac when he found himself engaging in too much cross-examination.

With the exception of Rudolf Hess, and in the later stages of the trials, possibly Ha Frank, the defendants at Nuremberg were anything but mentally ill. Alas, most of them we all too "normal," and excluding Hess, they were mentally competent throughout their career Most of them turned out to be "good family men," and many had been highly educated had received some kind of professional training. An intelligence test administered by D Gilbert showed that all defendants but one (Streicher) "were above average intelligence" - average being an IQ that measured between 90 and 110. Of the twenty-one tested, seven ha IQs as high as the 130s and two more reached the 140s.[50] These once all-powerful "Reic leaders" resented the idea of being examined by their captors in this way, but as soon as th intelligence test started each of them strove "to do the best he could on it and see his abiliti confirmed."[51]

Nuremberg as Unfinished Project

There were an additional twelve follow-up trials at Nuremberg between December 1946 an April 1949. Whereas, in the first great trials, the judges and prosecution were drawn from th three Allied powers and France, in the follow-up trials, the United States acted alone again specific individuals and groups who were accused of actually carrying out the crimes.[52] Thes latter trials were particularly important for bringing to light the broader social participatio in human rights abuses and involvement in war crimes and mass murder. Still more tria took place over the years in Germany as each of the occupying powers — the United State Great Britain, the Soviet Union, and France — prosecuted the Nazis on various counts.[53] Th Germans themselves have also prosecuted various crimes committed in the Third Reich, an even though the "politics" of war crimes trials was and remains extremely complex, the have intermittently continued to do so right up to the present.[54]

It was the first great Nuremberg trials of the major war criminals, however, that reall shocked public opinion. Although Allied governments had publicized examples of Na atrocities during the course of the Second World War, including the mass murder of the Jew there was a tendency to write off many of these stories as similar to the exaggerate propaganda that was heard about the Germans in the First World War. At the very leas therefore, the massive documentation presented at Nuremberg made the crimes abundant clear.

The general public, including people inside Germany, were unprepared for what the learned, but on balance favored the trials and learned a great deal from them.[55] We still fin it difficult to believe the full extent of the human rights abuses, the sheer scale of th murderousness, and the depths of the unspeakable cruelties.

In the United States, Great Britain, and elsewhere, legal positivists have general maintained that the trials were invalid because they were not based on existing internation law. This position was rejected by pragmatic natural law theorists, who insisted, to th

contrary, that the trials were necessary in that civilization had to protect itself in the face o
such unprecedented criminality. These two approaches continue to be used in the scholar
debate and they are important for our understanding of contemporary issues such as th
debates about the new International Criminal Court (ICC) in The Hague.[56] In 1945, all leg
and philosophical objections were overruled, and the trials went ahead, more or less as th
pragmatic natural law theorists wished.[57]

—ROBERT GELLATE

Leon Goldensohn's extensive notes, taken in the prisoners' cells during the Nurembe interviews, were handwritten in notebooks. Each interview was typed within a few day When Leon left the Army in 1946, he brought his papers back and kept them in his New Yo City apartment until 1950 and subsequently in his Tenafly, New Jersey, home until his deat in 1961.

For many years after Leon's death, his widow, Irene, kept the notebooks, the type interviews, the lecture notes, and other related materials (including his person correspondence) intact in their home.

In 1970, when she moved to a small apartment in nearby Fort Lee, she sold most of h library to a dealer from Englewood. Inadvertently included in this lot were several boo written by some of the defendants and purchased by Leon in a Nuremberg store. The boo were autographed — some authors had written short messages addressed to Leon on th frontispiece; others simply signed their names. These books were purchased later from th Englewood dealer by Dr. John Lattimer (a colleague of mine at the Columbia-Presbyteria Medical Center in New York City). Dr. Lattimer asked if I could tell him about the "Maj Goldensohn" on the frontispieces. I explained to him that Leon was my brother, and we ha several pleasant meetings, in which I supplied him with information about Leon. Dr. Lattim sent me photocopies of the frontispieces for my possible use.

In 1983 Irene gave all the remaining Nuremberg materials to her children. In 1994 - responding to my long-standing offer to review the work and discuss possible publication fo it — two of Leon's children (Daniel, of San Francisco, California; and Julia, of Jackso Wyoming) agreed to send me all their material, which arrived piecemeal over a period o several months.

The original typed interviews and original carbon copies are now in my safe deposit box the M&T Bank in Nyack, New York. Leon's plans for publication, discussed in his letters fro abroad, his later lecture notes, and six of his many notebooks are also in my care.

— ELI GOLDENSO

PART ONE

DEFENDANTS