

'Too lenient – too strict?' from the Süddeutsche Zeitung (4 October 1946)

Caption: On 4 October 1946, the German newspaper Süddeutsche Zeitung comments on the verdict of the Nuremberg International Military Tribunal, which has sentenced 12 Nazi leaders to death.

Source: Süddeutsche Zeitung. Münchner Neueste Nachrichten aus Politik, Kultur, Wirtschaft und Sport. Hrsg. FRIEDMANN, Werner; GOLDSCHAGG, Edmund; SCHÖNINGH, Dr. Franz Joseph; SCHWINGENSTEIN, August. 04.10.1946, n° 80; 2. Jg. München: Süddeutscher Verlag. "Zu milde - zu streng?", p. 1.

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Too lenient — too strict?

The judgments that have been pronounced by the Nuremberg Tribunal in the usual objective, even sober manner, free of any kind of agitation, even amongst the defendants, have in some cases caused considerable surprise and generated lively discussion. Not about the large number of death sentences passed, but about those that did not mean death. Why? The broad mass of the people, even many who are now regarded as fellow-travellers or at least regard themselves as no more than fellow-travellers, expected most defendants to be sentenced to death. As those guilty of the crimes perpetrated by the Nazi regime, crimes made known to the whole world by the Nuremberg Trials and not least proven to the German people, as those responsible for Germany's total collapse, the death penalty was deemed appropriate for nearly all the accused, from Göring to Fritzsche. The three acquittals, which we will not be considering here, and the sentences to less than death, which we will be looking at more closely, therefore came as something of a surprise.

The Nuremberg Tribunal had the task of administering justice on the four counts and not that of delivering a political verdict, and particularly not on internal political processes in Germany. Only if this is fully grasped can each verdict be properly understood.

First we have the comparatively mild sentence of ten years for Dönitz, whilst his predecessor as navy commander-in-chief was sentenced to life imprisonment. And yet all available information about Dönitz shows that he was undoubtedly the far more stubborn Nazi of the two, always ready to pass on for implementation, with inner approval, any order from Hitler, however dubious it may have been morally and regardless of whether war crimes would follow in its wake. Raeder, on the other hand, was certainly of greater worth in human terms, only reluctantly allowing himself to become a tool of Nazi dictatorship and warmongering, but in the end doing precisely that. Dönitz would always have done exactly the same if he had been in Raeder's position. But luckily for him promotion to highest office in the navy did not come until the the war of aggression had already been prepared. Raeder covered for Hitler's campaigns of aggression with his name and for this he is to make atonement for the rest of his life. For it was not the political attitudes of the individual that were under indictment but rather the part played by the most senior officers in the conspiracy against world peace and in planning a war of aggression. It counted in Dönitz' favour that the rules governing the conduct of U-boat warfare had been breached not only by him, but also, and indeed prior to him, by the British and American navies, and this is perhaps the most striking demonstration of the quite astonishing objectivity maintained by the Tribunal. If my partner in an agreement fails to comply with its terms, that agreement is no longer binding on me either; this is the position taken by the Tribunal, thereby demonstrating its strictly judicial approach, in favour of the German navy and the U-boat commander Dönitz.

Another sentence causing surprise is that of Neurath, who got away with 15 years. No one would have been taken aback if he had been sentenced to death. As Reich Protector of Bohemia and Moravia he carried the responsibility for many crimes perpetrated against the Czechoslovakian people. However, it mustn't be overlooked that the greatest atrocities, such as the revenge on Lidice and its innocent inhabitants, were carried out only later under Heydrich and Frank. Neurath is paying for the greatest political mistake of his life, namely that, having refused as Foreign Minister to assume any further responsibility for Hitler's warmongering policies and having therefore resigned, he then took up the office of Protector, placing himself once again at the service of Hitler's criminal policy of violence. A man like Neurath didn't need to do that; he had the possibility of withdrawing once and for all from politics in the Third Reich. Politicians end up paying the price for misplaced ambition and a lack of political sensitivity, particularly where the politics concerned lead to the abyss.

Compared with Dönitz and Neurath the 20-year sentence meted out to Schirach and Speer seems relatively stiff. In their case it seemed fair to assume that they would get off more lightly than Neurath. Schirach — who sat amongst the other defendants as the reasons for the judgment were read out looking for all the world like a pale, shy girl — and Speer, whose candour and readiness to disassociate themselves from the violent methods advocated by their former Führer had awoken something like sympathy, if one can use that term when speaking of these leading accomplices in Hitler's tyranny. In evaluating the severity of the penalty imposed on both men, account must be taken of the heinous crimes against humanity committed under their

responsibility. Both held high office in the Third Reich, one as Gauleiter of Vienna, the other as armaments dictator. Schirach bears responsibility for the extermination of the Viennese Jews, and nobody will believe that he did not know what awaited them in the 'Eastern Ghetto'. Speer carried out the forced labour programme, which, as never before in the recent history of mankind, trampled human rights underfoot, not only treating hundreds of thousands of people as merchandise but also exposing them to disease and death. Speer was aware of the torment that these forced workers were being put through in the arms factories; his better self resisted this barbarity and tried to soften it, a fact which has now counted in his favour in the sentence. Unlike Sauckel, who brutally rounded up the forced labourers for him, he kept his head. The fact that, despite his inner beliefs, he placed himself at the service of Hitler and the total war he was conducting and failed to summon the courage to turn his back, in good time, on these violent methods mean that he will now have to pay with twenty years of his life. May mankind be forever deterred from committing crimes against the law of war and against humanity.