

April 30, 1947
OCC for WC, APO 696A
5 PM, N.Y., N.Y.

Dear Hugh:

On the 19th of April Tribunal IV finally began to function, almost two months to the day since I arrived in Germany. The weekend before all the Judges and their families (unfortunately not their secretaries) went to Berlin to receive their commissions and instructions from General Clay and also to be extensively entertained by members of the Legal staff at Berlin. General Clay sent them back to Nurnberg in his private plane piloted by an Indianapolis man, Major Concannon. It was the first time the Judge had ever flown and he enjoyed it immensely. Then on Saturday the trial opened with the arraignment of the defendants all of whom, of course, pled, "Not guilty" and that was followed by the reading of the opening statement by members of the prosecution staff. This took all day. The opening statement is without doubt the most coherent part of a trial here for during its course the whole story of the lives and activities of the defendants prior to and during the war is unfolded. Our defendants are six men, Frederick Flick and five associates who during the period of the war operated the third largest steel and coal empire in Germany. It is charged that much of this was acquired by spoliation and aryanization of German Jews and those of conquered countries. Among the questions presented by the issues involving international law are the power of this court to punish Germans for crimes against German nationals. Another concern definition of a "crime against humanity". In the first International Trial the court held that it could only punish such crimes against humanity as were closely related to war crimes thus making crimes against humanity practically synonymous with war crimes. The present courts are operating as International Tribunals even though all the judges are Americans for the Ordinance under which they were set up was signed by the United States, Russia, Great Britain and France. But this Ordinance is worded in a manner sufficiently different from the Charter of the First International Tribunal to leave an opening for argument that the ruling of I.M.T. in the first trial is not controlling on this issue.

The first week of trial was devoted to presentation of documentary evidence chiefly directed at proof of the corporate structure of the Flick Konzern. Monday the first witness testified, Vladimir Rittenberg, a Russian by birth, French by naturalization and a member of the French underground during the early part of the war and finally a prisoner of war used in the Mitteldeutsche Stahlwerke of the Flick Konzern at Groeditz. He chose to testify in French on direct examination. An interpreter sat beside him. The usual interpreters sat in their box at the right of the judges' bench. The witness was interrogated by Ervin, the chief prosecutor, in English. The witness was interrogated in French, got his answer in French, repeated it in English on the English channel of the translating equipment. All the while the regular interpreters translated the entire proceedings into German for the benefit of the defendants and their attorneys and other German speaking persons in the courtroom. A second witness this week was a Czech, Joseph Hlavac, a so-called Eastern worker, classified by the Germans as a "voluntary" worker. The special interpreter this time translated from English to Czech and vice versa. On cross-examination the German questions were translated into Czech by the same interpreter and the answers back into German while the whole proceedings were translated by the regular interpreters into English. The whole simultaneous translating system here is most remarkable. 1

The impact of the barrier which different languages erect between peoples never really impressed me until this trip. One feels so absolutely helpless if unable to communicate. Sign language will suffice for the elementary necessities of life but is utterly inadequate to express any abstract ideas. Many of the upper class Europeans can speak some English but the majority of the people speak only their native tongue. It is very helpful if one knows just a little German at least enough to show that you have enough interest in the people to want to learn something about their language. I am taking three or four private German lessons each week and have even decided to learn a little about Russian which is a tremendously difficult language because it is so different in grammar and alphabet. I certainly never expected to be in Germany and who knows what future circumstances might send me to Russia.

General Clay considered our case important enough to warrant his appearance on the opening day. He stayed in the Court room until noon and listened very attentively. I have one of the official photographs which shows both General Clay and myself, and also one of the Judges alone. Our opening session was held in the big courtroom where the first I.M.T. trial was held and where the 20 doctors who experimented on human beings are now undergoing trial. It was to avoid interference with this trial that our opening day was a Saturday. Now we are in a much smaller court room with seats in the defendants box for only six people. No one seems to have any good idea how long the trial will last. Much depends on the length of the defense and until we actually get into that we will be unable to make any kind of a justifiable estimate. The trial of the Doctors has been going on since Nov. 1946 and the end is not yet in sight. However, I am hoping to be home by Christmas at least.

I thought you and Dave might be interested in this description of the opening of our trial and a little about the issues. It would take a much longer letter to cover everything but this gives you some idea of what we are working with.

A former classmate of yours at law school is over here, a Mr. Huebsch. Do you recall him? He recalls you. A most repulsive little man I must say.

How are you coming along now? Busy?

I am taking a lot of color pictures and have them sent home after developing. Mother reports that the results are fine. When I get home I am planning to take a trip to Chicago to show them off.

Sincerely,

Jean