



Volume 8. Occupation and the Emergence of Two States, 1945-1961

The Editor-in-Chief of *Die Zeit* on the Nuremberg Trials (January 22, 1948) and the American Response (February 12, 1948)

Richard Tüngel, the conservative editor-in-chief of the weekly newspaper *Die Zeit*, sharply criticized the proceedings of the International Military Tribunal in Nuremberg and in doing so reflected the views of many Germans. He accused the United States of a perversion of justice and compared some of the tribunal's procedures to the practices of the special courts of the Third Reich. In a response published as a letter to the editor three weeks later, a member of the American prosecutorial team was no less sharp in rejecting essential facts in Tüngel's account and in questioning the journalist's democratic convictions.

I. Nuremberg Law

Until now we have kept silent about much that is happening in Nuremberg under the responsibility of the prosecution. We have kept silent about what is transpiring in the witness wing of the court; we have kept silent about the threats and intimidation to which witnesses are subject and which do not accord with our legal system. We have kept silent when witnesses told us that they were being pressured into signing false records of proceedings, ones that were not identical to the statements they had made under oath. We remained silent even though we knew that innocent witnesses were detained for months – it was an American judge who established this in the general trial. We also remained silent when the prosecutor made an evasive statement to the court in defense of this procedure. We remained silent about the methods of one Mr. Kempner, whom Europe's most respected journalist, Mr. Öerl, called a man-hunter in the *Baseler Nachrichten*, without – as far as we know – any public objection being raised. But now, after six German lawyers have been arrested in court during the Krupp trial, now, when attorney Achenbach is threatened with the same just a few days before his client's case goes to trial, now we can no longer remain silent. Now the issue is no longer the prosecution, but the court.

We do not want to be accused once again of merely watching like cowards when we believe that the law is being violated. We accuse. We, who have always hated Hitler and his "Third Reich," we, who have demanded that the guilty of the Nazi system should be severely punished, we now find ourselves compelled to stand up and ensure that justice is done in Nuremberg. Six German lawyers have been arrested. Under the American legal system that is permissible – in Germany this happened only in the special courts of the "Third Reich."

But are we really dealing in Nuremberg with a court of the United States? The tribunal of the Milch Trial said yes. All other Nuremberg military courts are of the opinion that they are international courts set up by the Allied Control Council.

And yet, at every trial that opens in Nuremberg in the name of the United States, the marshal of every court, on which only American justices are seated, proclaims at every session, standing next to the flag of the United States: "God protect the United States of America." But if these courts are supposed to be international nevertheless, would it not be possible to also take German law into consideration during the proceedings?

The six lawyers protested the fact that a commissioner can question witnesses for the prosecution in the absence of the accused. Is this not understandable after the experiences in the witness wing, after the experiences that voluntary witnesses had with the prosecution? Should the search for justice not rank higher than the rules of procedure, should one not overlook the fact that blameless German lawyers violated the letter of the American legal system in understandable zeal on behalf of their clients?

The American lawyer Carroll told the Frankfurt correspondent of the *New York Herald Tribune* that the Nuremberg trials of war criminals were a "tragic mockery of American justice." We hope that the motion he will file with the Supreme Court of the United States to declare these trials invalid will at least lead to the review of the prosecution's method by a high-ranking, unbiased agency, so that the German people can develop confidence in the Nuremberg Trials.

Source: The article appeared in *Die Zeit* on January 22, 1948, signed only with the abbreviation "Tgl."

Translation: Thomas Dunlap

II. On February 12, 1948, *Die Zeit* published the following letter to the editor in response to the above article – the sender: the U.S. Office of Chief of Council for War Crimes.

To the Editor-in-Chief

Dear Sir,

It was with great interest that I read Mr. Tüngel's article "Nuremberg Law" in your issue of January 22, 1948. I appreciate the fact that one occasionally finds in the German press a journalist who has an opinion of his own and also voices it. I appreciate it even more when that opinion is based on fact.

Your “we accuse” would have resounded in my ears had I not been roused to joviality by the man’s facts and the pathos-laden tone of his article, which reminded me so much of the *Völkischer Beobachter*. As a democrat by conviction I also fought as a soldier on the front lines in eleven campaigns in order that a German democrat might finally have the right to open his mouth and voice his opinion. To be honest, I do not know – at least nothing in your article indicates it – whether you are one of the democrats for whom I fought.

[. . .] I do not know the length of the detention in the witness wing of our court that enabled you to write such a lovely and touching description of our interrogation methods. Intimidation, threats, attempts to have false records of proceedings signed – you could have copied all of this from an old report on the Gestapo, if I didn’t know that you could never have published this article. [. . .] But the witnesses we have here were detained because they were charged by the courts of their own country, namely Germany.

[. . .] And now suddenly you can keep silent no longer because Achenbach and six Krupp lawyers have been arrested. Why could you keep silent when Achenbach committed the crimes for which the German authorities arrested him? [. . .] Achenbach stated here under oath that he not only had nothing to do with war crimes committed in France, including the murder of hostages, but that he didn’t even know about them. A few days after his statement under oath we received documents from Paris that bear his signature and prove what we believed we knew. Nevertheless, we allowed him to take on the defense, because we believe that a Nazi can defend another Nazi with greater conviction than is possible for a man who is a democrat and is horrified by the accused.

[. . .] I will skip over the next paragraph of your article, the one in which you describe the facts in such a distorted manner that I would feel bad about the paper I would waste and about my secretary’s fingers, which I would overtax in my response. Just go and read any German agency report about the true proceedings.

[. . .] You can criticize the Nuremberg Trials all you want; nevertheless, they remain an institution in which one can participate with pride. Once you have understood what democracy is, you will also understand this.

Sincerely yours,
George S. Martin
Deputy Public Relations Officer

Source: *Die Zeit*, February 12, 1948.

Translation: Thomas Dunlap