

# NUREMBERG: PAST, PRESENT AND FUTURE

**CHRISTOPHER J. DODD\***

I come here today as a recovering attorney, as a United States Senator, and as a member of the Foreign Relations Committee.

But I also come here, first and foremost, as a son who is very proud of his father. I am so pleased that my brother, Ambassador Thomas Dodd, has joined me as well.

Our father, Thomas Dodd, accomplished a great deal in his lifetime.

As a young FBI agent in FDR's Justice Department, he helped track down some of America's most notorious criminals.

As the director of the National Youth Administration in Connecticut, he helped put thousands of his fellow citizens back to work in the depths of the Depression.

As the special assistant to the U.S. Attorney General in the 40s, he prosecuted cases against the Ku Klux Klan, union-busters in Harlan County—and during the war, German American Bundists.

As a Congressman and then as a Senator, he was way ahead of his time on civil rights, opposition to Communism, and efforts to fight poverty around the world.

But for all that he accomplished, my father always considered the Nuremberg trials of 1945–1946 to be the most profound experience of his life.

There is no question that a good part of that experience was based not just on the case he tried, but on the company he kept—his good friends Justice Robert Jackson and fellow prosecutor Whitney Harris, among others.

I cannot tell you what an honor it is for me to stand, not only on the same stage as Whitney Harris, but at an institute named in his honor. I have had the great pleasure in the past of hearing Whitney tell some of the stories from that time.

My father always said that the thing that annoyed him most about Whitney was that he was the best-looking guy in every room he entered—a tradition that I see continues to this day.

He always believed that the case Whitney put together against Kaltenbrunner, as well as his assistance of Justice Jackson in the cross-

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\* The Honorable Christopher J. Dodd is the Senior Democratic United States Senator from Connecticut.

examination of Hermann Goering, was some of the best work of the entire trial.

Years later, my father made sure we heard those stories at our dinner table.

He would tell us about Hitler and Himmler and Goebbels and the horror of the camps.

I remember he once showed us a sheet of paper with a diagram of the Fuehrer's bunker on that last day, of where Hitler and Eva Braun lay. It was drawn for my father by Hitler's own chauffeur.

But it really wasn't until years later that I came to understand what it was really like to be in Nuremberg.

In the late 1980s, one of my brothers was going through some of my parent's papers when he came across an old manila folder.

Inside were more than 400 letters written by my father to my mother from Nuremberg. In some cases, he wrote more than one a day.

Until that day, I had no idea that these letters even existed.

Before reading them, I arranged them in chronological order.

I finally completed this process in the summer of 1990.

You can imagine my shock when on the evening of July 28, 1990, I sat down to begin reading the letters and realized that the first letter to my mother was written on July 28, 1945—45 years earlier, to the day.

We remember the men and women of Nuremberg as giants. We can sometimes neglect the human side of this experience.

Most of my father's letters were devoted to how much he missed my mother and his children.

Make no mistake about it: with five children at home, I think my mother had the harder job during Nuremberg.

Like all families back home, they were partners in the best sense of the word.

From his letters, it is clear that the Nuremberg years were big years for me as well.

I learned to walk and talk in the year that he was away.

I'm pretty certain it wasn't long after my father came back that he regretted the "talking" part.

He wrote about what he called the dead city of Nuremberg—about the smell of 30,000 bodies trapped under the rubble.

He also described his joy at mass one day in seeing the first confirmation to happen there in eight years.

He included long descriptions of what he called the "Nazi big-boys."

Von Ribbentrop, he wrote, was despondent and shaken and reminded him of a bowery character.

Keitel, reminded him of a grandfather, and elicited sympathy – until he defended his order calling for the most brutal measures against women and children.

History tells us that the Cold War began with Churchill's Iron Curtain speech in Fulton, Missouri in March of 1946.

But it's clear from my father's letters that the Cold War actually began right there in Nuremberg in 1945, as Russia grew further and further apart from the alliance with each passing day.

Nearly every week, he wrote about stories he heard about Russian atrocities being committed in former Nazi camps.

In one, he describes the Katyn Forest massacre in Poland, correctly predicting who was responsible more than 50 years before the Russian government officially admitted the truth.

He called Russia's involvement the "Achilles heel of a great trial."

Far from advocating a fair trial, he tells the story of a dinner party that Justice Jackson hosted before the trial even began.

A visiting Russian dignitary raised a glass and said: "May the road for these war criminals from the court house to the grave be a very short one.

"I winced," my father wrote, "and I could see that Judge (John J.) Parker, the American alternative, was certainly embarrassed and the Lord Justice was in a stew."

But of course, that was the temptation at the end of the war.

We had seen a monstrous regime try to conquer the world, for the second time in thirty years.

We had seen them take the lives of tens of millions of men, women, and children—and then brag especially about how they killed the "tender ones."

We had seen them try to exterminate the Jewish people in the most gruesome way possible.

We had seen more than 400,000 of our friends, neighbors and families die trying to stop them.

Why not just give in to vengeance?

Why not just shoot them, as Churchill wanted?

Why not just turn Germany into a pasture, as Morgenthau wanted?

Why not just create show trials that led to a hangman's noose, as Stalin wanted?

Why not just give in to legal scholars, who said there was no court, no judge, no laws, and no precedent under which to try them?

Why not just succumb to the law of power politics and impose our will without any regard to principle?

Why not just give in to violence, which was certainly within our ability, and many argued, within our right?

Why not? Why not? Because America has always stood for something more.

When we went to war, we did not fight for land or for treasure or for dominance or for influence—we fought for a set of ideas and principles.

The idea that laws should rule, not men.

The idea that the principles of justice embodied in our Declaration of Independence and Constitution—of due process, of innocence until proven guilty, of the right to a fair trial – do not get suspended for vengeance.

The idea that this nation should never tailor its eternal principles to the conflict of the moment, because if we did, we would be walking in the footsteps of the enemies we despised.

At Nuremberg, we rejected the certainty of execution for the uncertainty of a trial.

The test was one of principle over power, and we passed the test.

As Justice Jackson himself said, the trial represented not the triumph of superior might, but the triumph of superior morality.

Nuremberg was the place where America's moral authority in the second half of the twentieth century was born.

It was no accident!!

Among the leaders of the Nuremberg generation, there was a shared understanding, particularly among the Americans, that they were uniquely placed in history to do things for other people and the world.

To minimize the future risk of war;

To provide for the assistance of others;

To guarantee basic liberties;

And to ensure that the post-war world would be rooted in shared goals and shared values.

They understood that America's ability to help bring about a world of peace and justice was rooted not in our military might alone, but in our moral authority.

They were rooted not on our ability to compel people with our tanks and planes—as powerful as we were and as easy as that would be to do—but rather, on our ability to convince others that our values and our ideals were right.

And most importantly, these Americans understood that our ability to succeed in spreading American values of freedom and democracy and human rights would only be as effective as our willingness to uphold them.

After Nuremberg, men like Whitney Harris and my father took those same ideals and argued for international institutions that would serve the common good of all nations—for a U.N. system, for NATO, for a World Bank, for an International Monetary Fund, for the Agency for International Development.

Few people knew their political leanings. But nobody questioned their patriotism.

They invited all nations to contribute to something larger than themselves.

It was a simple formula, offering something to which all nations could contribute, and in turn, from which they could all benefit.

That's always been the idea behind the common good.

They asked the world to follow us:

Away from mob rule to rule of law;

Away from dictatorship to democracy;

Away from communism to freedom;

Away from confrontation to cooperation;

Away from enslavement to empowerment;

Away from vengeance to justice.

Over these past six decades, that moral authority helped convince more than half the nations of the world to embrace freedom and free markets.

But now that they are walking with us, why are we walking away from them?

Martin Luther King once said that the moral arc of the universe is long, but it bends toward justice.

I'm afraid we're proving to be the exception.

Travel around this country today and there is a sense that something is being lost.

I'm not just referring to jobs, or businesses, or the tragic loss of lives in Iraq and Afghanistan.

I'm talking about a sense of who we are as Americans.

For six decades, we learned the lessons of the Nuremberg men and women well.

We continued to stand for the right things.

We didn't start wars—we ended them.

We didn't commit torture—we condemned it.

We didn't turn away from the world—we embraced it.

But there's a feeling that all that has changed in the past six years.

There's a sense that "the world is beginning to doubt the moral basis of our fight against terrorism."

Those are not my words: they belong to former Secretary of State and Former Chairman of the Joint Chiefs of Staff, General Colin Powell.

For sixty years, a single word has best captured America's moral authority and commitment to justice: Nuremberg.

But what we risk today is that future generations will look back at this time, as Ted Sorensen has suggested, and be able to capture the loss of America's moral authority and commitment to injustice also with a single word: "Guantanamo."

If, as some have argued, we can trace the roots of our post-war moral authority to a single speech—the opening statement of Justice Jackson at Nuremberg; then,

We may also be able to trace its loss to a single speech of an American President, standing in the Rose Garden of the White House, trying to convince members of his own party that America should reinterpret the Geneva Accords that have defined human rights in this world for half a century.

Once again, history asks: why not just give in to vengeance?

Why not just give in to the inhumane treatment of prisoners?

Why not just lock them away in secret prisons?

Why not just abandon due process, the rule of law and the right to a fair trial.

Why not just succumb to the law of power politics and impose our will without any regard to principle?

Why not just give in to violence, which is certainly within our ability, and many argue, within our right?

Why not? Why not? Because America still stands for something more.

Now, as then, this nation should never tailor its eternal principles to the conflict of the moment, for if we do, we will be shadowing those we seek to overcome.

In the end, what we lose could be much more than what we gain.

Our enemies today will never be influenced by international sensibilities or appeals to do what is right.

They mock our laws, as Goering once mocked our treaties and international alliances as "just so much toilet paper."

But, as my friend John McCain has said, "I doubt they (the terrorists) will be the last enemy America will fight, and we should not undermine today our defense of international prohibitions . . . that we will need to rely on in the future." I agree!!

For in the end, it's not about them—it's about us, about our values and our principles.

In the words of Justice Jackson, “we must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well.”

While some may believe all is lost, I don't.

I believe we can get this right again, at home and around the world.

It will take hard work.

It will take leadership.

But it can and must be done.

It won't happen if America remains arrogant and content to walk alone.

It will only happen if we are strong, if we are smart and above all, if we are humble.

We cannot rely on our power alone to compel people anymore,

We need the authority to convince them.

We need to lead with our values once again!

We are a strong nation. And so very much of that strength comes from the values and principles that have helped shape our nation for more than 200 years.

I believe those values can guide us and the world again.

Instead of turning back the clock on Nuremberg, let's build again toward that common good.

Let us take the lead on reducing the world's stockpile of nuclear weapons.

Let us be an honest broker again in the Middle East.

Let us start new conversations with Iran and North Korea.

Let us start a new conversation with global religious leaders.

Let us lead the world toward making our international institutions meet the new realities of the 21st Century.

Let us lead the world in solutions to global warming and global disease.

And most certainly, let us make good on the vision of Robert Jackson, Whitney Harris, my father and others of the Nuremberg generation and lend American support to a strong, stable, permanent international criminal court to help end genocide once and for all.

I want to conclude these remarks with a letter my father wrote to my mother from Nuremberg in the late spring of 1946.

He wrote, “I feel badly about you (being alone with the children) But do keep your chin up . . .

“I am doing the right thing and I feel sure we will not regret it. Some day it will be a great landmark in the struggle of mankind for peace. I will never do anything as worthwhile . . .

“Someday, the boys will point to it, I hope, and be proud and inspired by it. Perhaps they will be at the bar themselves and perhaps they will invoke this precedent and call upon the law we make here.”

Well, Dad, here I am at the wonderful Washington University Law School.

I am in my 26th year in the United States Senate . . . standing at a slightly different bar than the one you probably imagined.

What a pleasure it is to invoke your name tonight and your memory this past Thursday on the Senate floor, three days before the anniversary of the Nuremberg verdicts.

What a pleasure it was to invoke the principles for which you and Justice Jackson, Whitney Harris and others worked and fought so hard all those years ago.

But what sadness it came with—having to invoke those principles in the face of others who sought to celebrate the 60th anniversary of the Nuremberg verdicts by abandoning that history.

Dad, we lost that battle last Thursday in the Senate. But as sure as I am standing here tonight, the principles established at Nuremberg will have their day in the sun again.

Today, let all of us here call upon the vision and lesson of the men and women of Nuremberg.

Let us use their example to remember our highest ideals and achieve our highest aspirations.

Let us lead the world back toward the common good once again.

In the end, that is the highest tribute we can pay to them and their vision.

Thank you.