

Research-Based Project and Activities

“The Doctors Trial: The Medical Case of the Subsequent Nuremberg Proceeding”



During testimony at the Doctors Trial, American medical expert Dr. Leo Alexander points to scars on Jadwiga Dzido's leg. Dzido, a member of the Polish underground, was a victim of medical experiments at the Ravensbrueck concentration camp. Nuremberg, Germany, December 22, 1946. NARA

Introduction

On December 9, 1946, an American military tribunal opened criminal proceedings against 23 leading German physicians and administrators for their willing participation in war crimes and crimes against humanity. In Nazi Germany, German physicians planned and enacted the "Euthanasia" Program, the systematic killing of those they deemed "unworthy of life."

The victims included the mentally retarded, the institutionalized mentally ill, and the physically impaired. Further, during World War II, German physicians conducted pseudoscientific medical experiments utilizing thousands of concentration camp prisoners without their consent. Most died or were permanently crippled as a result.

Most of the victims were Jews, Poles, Russians, and also Roma (Gypsies). After almost 140 days of proceedings, including the testimony of 85 witnesses and the submission of almost 1,500 documents, the American judges pronounced their verdict on August 20, 1947. Sixteen of the doctors were found guilty. Seven were sentenced to death. They were executed on June 2, 1948.

Essential Questions

What was the charge for the Nuremberg Trials Tribunal?

Who were the defendants and what were the charges against them?

How were the State Medical Services of the Third Reich designed and implemented?

What were the crimes committed in the guise of scientific research?

What were the Nuremberg Code and the permissible medical experiments within this code?

Under Count One of the indictment, what is meant by the Common Design or Conspiracy?

Under Count Two of the indictment, explain what is meant by War Crimes.

Under Count Three of the indictment, explain what is meant by Crimes Against Humanity.

Under Count Four of the indictment, what is meant by Membership in a Criminal Organization?

Materials/Resources

Text, *Deadly Medicine: Creating the Master Race*. The United States Holocaust Memorial Museum. Washington, DC.

The United States Holocaust Memorial Museum website, www.ushmm.org

"The Six Major Ethical Appeals." Brody, Baruch. *Life and Death Decision-making*, New York: Oxford University Press, 1998.

Problem-Based Research Learning Chart and KWL Chart

Bed from the Sachsenberg psychiatric asylum, one of the medical facilities which participated in the Nazi Euthanasia program



Background Reading

Beginning in the winter of 1942, the governments of the Allied powers announced their determination to punish Nazi war criminals. On December 17, 1942, the leaders of the United States, Great Britain, and the Soviet Union issued the first joint declaration officially noting the mass murder of European Jewry and resolving to prosecute those responsible for violence against civilian populations. Though some political leaders advocated summary executions instead of trials, eventually the Allies decided to hold an International Military Tribunal. In the words of Cordell Hull, "a condemnation after such a proceeding will meet the judgment of history, so that the Germans will not be able to claim that an admission of war guilt was extracted from them under duress."

The October 1943 Moscow Declaration, signed by U.S. president Franklin D. Roosevelt, British prime minister Winston Churchill, and Soviet leader Josef Stalin, stated that at the time of an armistice persons deemed responsible for war crimes would be sent back to those countries in which the crimes had been committed and adjudged according to the laws of the nation concerned. Major war criminals, whose crimes could be assigned no particular geographic location, would be punished by joint decisions of the Allied governments.

The trials of leading German officials before the International Military Tribunal (IMT), the best known of the postwar war crimes trials, formally opened in Nuremberg, Germany, on November 20, 1945, only six and a half months after Germany surrendered. Each of the four Allied nations -- the United States, Great Britain, the Soviet Union, and France -- supplied a judge and a prosecution team. Lord Justice Geoffrey Lawrence of Great Britain served as the court's presiding judge. The trial's rules were the result of delicate reconciliations of the Continental and Anglo-American judicial systems. A team of translators provided simultaneous translations of all proceedings in four languages: English, French, German, and Russian.

After much debate, 24 defendants were selected to represent a cross-section of Nazi diplomatic, economic, political, and military leadership. Adolf Hitler, Heinrich Himmler, and Joseph Goebbels never stood trial, having committed suicide before the end of the war. The IMT decided not to try them posthumously so as not to create the impression that they might still be alive. In fact, only 21 defendants appeared in court. German industrialist Gustav Krupp was included in the original indictment, but he was elderly and in failing health. It was decided in preliminary hearings to exclude him from the proceedings. Nazi party secretary Martin Bormann was tried and convicted in absentia. Robert Ley committed suicide on the eve of the trial.

The IMT indicted the defendants on charges of crimes against peace, war crimes, and crimes against humanity. The IMT defined crimes against humanity as "murder, extermination, enslavement, deportation...or persecutions on political, racial, or religious grounds." A fourth charge of conspiracy was added both to cover crimes committed under domestic Nazi law before the start of World War II and so that subsequent tribunals would have jurisdiction to prosecute any individual belonging to a proven criminal organization. Therefore the IMT also indicted several Nazi organizations deemed to be criminal, namely: the Reich Cabinet, the Leadership Corps of the Nazi Party, the Elite Guard (SS), the Security Service (SD), the Secret

State Police (Gestapo), the Stormtroopers (SA), and the General Staff and High Command of the German Armed Forces.

The defendants were entitled to a legal counsel of their choosing. Over 400 visitors attended the proceedings each day, as well as 325 correspondents representing 23 different countries.

American chief prosecutor Robert Jackson decided to argue his case primarily on the basis of mounds of documents written by the Nazis themselves rather than eyewitness testimony so that the trial could not be accused of relying on biased or tainted testimony. Testimony presented at Nuremberg revealed much of what we know about the Holocaust including the details of the Auschwitz death machinery, the destruction of the Warsaw Ghetto, and the estimate of six million Jewish victims.

The judges delivered their verdict on October 1, 1946. Three of four judges were needed for conviction. Twelve defendants were sentenced to death, among them Joachim von Ribbentrop, Hans Frank, Alfred Rosenberg, and Julius Streicher. They were hanged, cremated in Dachau, and their ashes dropped in the Isar River. Hermann Goering escaped the hangman's noose by committing suicide the night before. The IMT sentenced three defendants to life imprisonment and four to prison terms ranging from 10 to 20 years. It acquitted three of the defendants.

The IMT trial at Nuremberg was just one of the earliest and most famous of several subsequent war crimes trials. The overwhelming majority of post-1945 war crimes trials involved lower-level officials and officers. They included concentration camp guards and commandants, police officers, members of the Einsatzgruppen (mobile killing units), and doctors who participated in medical experiments. These war criminals were tried by military courts in the British, American, French, and Soviet zones of occupied Germany and Austria, and also in Italy in the immediate postwar years.

On October 17, 1946, only one day after the IMT defendants were executed, President Harry Truman appointed Telford Taylor to be the new American chief war crimes prosecutor. He went on to prosecute 183 high-ranking German officials in 12 separate trials. These American military tribunals are often referred to collectively as the Subsequent Nuremberg Proceedings. Gestapo and SS members, as well as German industrialists, were tried for their roles in implementing the Nuremberg Laws, "Aryanization," mass shootings of Jews in concentration camps, shootings by Einsatzgruppen, and deportations.

Other war criminals were tried by the courts of those countries where they had committed their crimes. In 1947, a court in Poland sentenced Auschwitz camp commandant Rudolf Hoess to death. In the courts of West Germany, many former Nazis did not receive severe sentences, with the claim of following orders from superiors often ruled a mitigating circumstance. A number of Nazi criminals therefore returned to normal lives in German society, especially in the business world.

The efforts of Nazi hunters (such as Simon Wiesenthal and Beate Klarsfeld) led to the capture, extradition, and trial of a number of Nazis who had escaped from Germany after the war. The trial of Adolf Eichmann, held in Jerusalem in 1961, captured worldwide attention. Many war criminals, however, were never brought to trial or punished.

(Text from the USHMM webpage)

Activity #1: Comprehensive Research Project

Includes research-based in pairs/groups, specific testimony based on viewpoints of judges, victims, and the accused from the Nuremberg Doctors Trials

General Requirements for the project:

- Participate in the World Café discussion to begin your search for ethical responsibilities of health care providers
- Prepare a presentation (other than a powerpoint) on your assigned viewpoint and be prepared to defend your point-of-view
- Read the relevant transcripts for not only your point-of-view, but for the other viewpoints as well
- Create a concrete poem to accompany your point-of-view and be prepared to share it with the class- make the poem 3-D in nature (Hint: It should not fit on a sheet of 8 ½ by 11 sheet of paper).
- Create a timeline of events for your point-of-view/incorporate it into your presentation.
- Finally, be prepared to use at least two of the six major ethical appeals in a Karl Popper debate format (supporting your views) and working with the other groups, using the dialogue from the trial transcripts, give the class (as part of your presentation) a sample of the questions and answers in a debate setting, (ie., We will hear your perspective views based on the testimony from your groups).

1. Warm-up activity- Display the following paragraph where all students can see/read...

"In the hospital we were put to bed and the hospital room in which we stayed was locked. We were not told what we were to do in the hospital and when one of my comrades put the question she got no answer but she was answered by an ironical smile. Then a nurse arrived and gave me an injection in my leg. After this injection I vomited, and I was put on a hospital cot and they brought me to the operating room. There, Dr. Schidlauski and Rosenthal gave me the second intravenous injection in my arm. A while before, I noticed Dr. Fischer who went out of the operating room and had operating gloves on. Then I lost my consciousness and when I revived I noticed that I was in a regular hospital room. I recovered my consciousness for a while and I felt severe pain in my leg. Then I lost my consciousness again. I regained my consciousness in the morning and then I noticed that my leg was in a cast from the ankle up to the knee and I felt a very strong pain in this leg and the high temperature. I noticed also that my leg was swollen from the toes up to the groin. The pain was increasing and the temperature, too, and the next day I noticed that some liquid was flowing from my leg. The third day I was put on a hospital cart and taken to the dressing room. Then I saw Dr. Fischer again. He had an operating gown and rubber gloves on his hands. A blanket was put over my eyes and I did not know what was done with my leg but I felt great pain and I had the impression that something must have been cut out of my leg."

- a. Ask students to write (either in a journal or on a class blog) a response to the following statements in which they hypothesize **what exactly the passage is referring to, what the program being described entailed, and where it took place**. They should then complete the first column of the KWL chart. After the students have had a few minutes to

free write in silence, allow them to share their thoughts with each other and complete the second column of the KWL chart.

- To which type of program are these statements referring?
- How was the patient treated during this medical procedure?
- How can you explain the conduct of the doctors/nurses during this procedure?
- Why do you think this type of procedure was implemented?
- What other questions do you have at this point?

******It is likely that some students will connect the passage to the medical experiments of the Nazis and the Holocaust. However, you should now give the students some background information on these programs, allowing students to ask questions and posing open-ended discussion questions for reflection. Remind the students of treating this history respectfully, since this affected many lives.

2. Assign students to point-of-view perspectives:the accused, the judges, and the victims (or representatives for deceased victims). Explain as they go through this process, they will take on the perspective from their assigned “person(s).”

a. Students will now participate in the World Café discussion on the following topic question: What are the responsibilities of health care providers? What happens or should happen if those responsibilities are violated? (See the World Café link on how to conduct such a discussion).<http://www.theworldcafe.com/principles.html>

b. Allow students to explore the online exhibit, Deadly Medicine: Creating the Master Race, at the following web address:

<http://www.ushmm.org/information/exhibitions/online-features/online-exhibitions/deadly-medicine-creating-the-master-race>

Students can read individually and in their perspective groups. As they read, they are to keep a list of reflective thoughts, either in a blog or in a journal. They should respond to the following questions:

What surprised you as you read?

What did you agree with? What did you disagree with?

What emotions are you left with after your reading?

What questions do you have?

c. **Beginning your research from your assigned perspective, go to the museum website (www.ushmm.org) and using the following web addresses, begin reading (carefully) and note-taking for your presentation/timeline. Remember that once you have read your perspective, you will need to read for the other perspectives as well so you can develop your ethical appeals and your courtroom presentation defense/support for your perspective.**

- Go to <http://www.ushmm.org/research/doctors/>
- Under the **Opening Statements** (excerpts) and after reviewing this text, there are four categories that you need to review: *The Charges against These Defendants*, *State Medical Services of the Third Reich*, *Crimes Committed in the Guise of Medical Research*, and *Summary*.
- Going back to the first webpage, click on **Indictment**. After reading under this heading, there are four other categories that you need to review: *The Persons Accused as Guilty*, *Count One-The Common Design or Conspiracy*, *Count Two-War Crimes*, *Count Three-Crimes Against Humanity*, and *Count Four-Membership in Criminal Organization*.
- Going back to the first webpage, click on **Testimony** (excerpts). After reading under this heading, read the brief bios of the two victims, then read their excerpted testimony. They are from *Father Leo Miechalowski* and *Vladislava Karolewska*.
- Going back again to the first webpage, click on **Sentences** and read the verdicts and sentences for some of the accused.
- Going back to the first webpage, click on **Nuremberg Code** and read the information there. Then click on "Permissible Medical Experiments."

3. Poetry Writing-Create your 3-D concrete poem that expresses your perspective. It should be creative, related to your point-of-view and provide insight from your readings and reflections. Your group should all be included in the designing of the poem's structure and the writing of the words. It should not written on an 8 1/2 x 11 sheet of paper.

4. Karl Popper Debate- Finally, using the Karl Popper Debate format, plan, prepare, and execute a debate. The Karl Popper Debate format "focuses on relevant and often deeply differing viewpoints.

- To facilitate these goals, debaters work together in teams of three and must research both sides of each issue.
- Each team is given the opportunity to offer arguments and direct questions to the opposing team.
- Judges then offer constructive feedback, commenting on logical flaws, insufficient evidence, or arguments that debaters may have overlooked."
- The link to the rules and procedures can be found at the following web address: http://www.ideal.forestry.ubc.ca/cons481/labs/debate_format.pdf