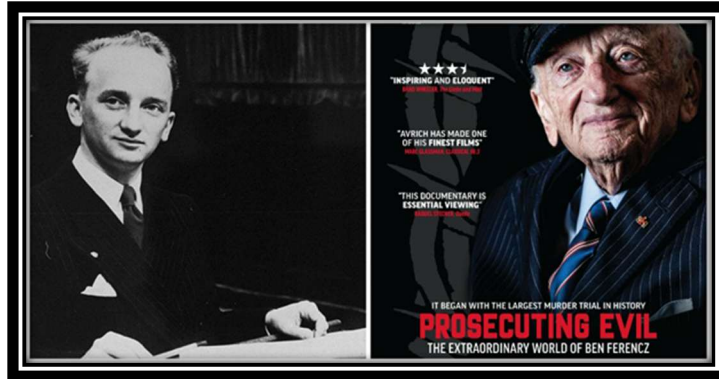


THE STORY OF BENJAMIN FERENCZ
THE LAST SURVIVING NURENBERG PROSECUTOR

486

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THE LAST NURENBERG PROSECUTOR RECALLS
EVIDENCE OF NAZI S' WAR CRIMES



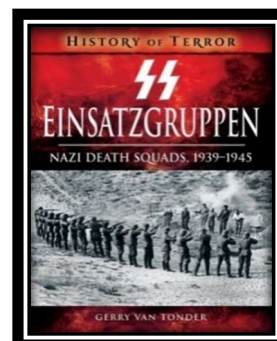
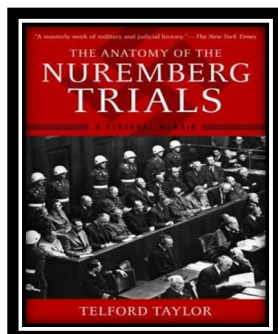
MAY 3, 2019

THE EINSATZGRUPPEN TRIAL

Sep 29, 1947 – Apr 10, 1948
Nuremberg, Germany

Einsatzgruppen (Germany's Death Squads) Trial was the ninth of the twelve trials for War Crimes and Crimes against Humanity by the US authorities held in their occupation zone in Germany in Nuremberg after the end of World War II.

These twelve trials were all held before US military courts, not before the International Military Tribunal.



More than a half-century has passed since Benjamin Ferencz rushed into the first of many concentration camps as Nazi Germany fell. Yet the sights and sounds are seared into his memory. "It was the chaos of war," Ferencz recalled.

"The SS were fleeing the camps; the Americans were shooting after them and chasing after them. Those inmates who were still able to get up were chasing after the guards who were there.

Ferencz was twenty-six. His job was to find evidence that would bring Adolf Hitler's henchmen to trial.

"I'd go into the office, and there I would find the death registries: Who had been in the camp, what transports had arrived, the names of those who had been killed in different transports," he said. "It was a gold mine of information from a war crimes point of view."

Ferencz stockpiled evidence from ten camps, including Auschwitz.

Though most inmates were too sick to move, he recalls one grueling experience in which a group of men tackled an SS officer to the ground.

"And they were all kicking him and beating him. And some guy came along with a gurney, which was what they used to dump them in the crematorium. And they take him and they put him in the crematorium, and they cooked him. They put him in slowly and pulled him out, put him in again, and then took him out, just to keep him alive. And when they pulled him out, they'd beat him up again. They killed him.

Just a few yards away, he thought about stopping them.

"And I talked to myself," Ferencz explained. "I said, 'Well, how am I going to stop them?' I could fire a few shots into the air, but I thought, 'I'm not going to be able to stop this anyway.' And I must confess, I said, 'Let them do it.'"

FROM D-DAY TO PROSECUTING NAZI'S BEFORE THE TRIALS, NURENBERG PROSECUTOR BEGAN AS A SOLDIER



Benjamin Ferencz will be the first to tell you if your choice in World War II literature is sub-par. He would know because he lived it.

"This is not particularly a good book," Ferencz said of a magazine-style book on the war. He pointed to the pages of one chapter.

"This is the opening of the courtroom there," he said. "These are the defendants in the international military trial."

That trial was Nuremberg. The defendants were Nazis. *And Ferencz was one of the prosecutors.*

"I was 27 and I'd never tried a case, I'd never even been in a courtroom," he recalled.

Now ninety-nine, he's the last living prosecutor from the Nuremberg Trials. But to understand how a 27-year-old New Yorker wound up prosecuting history's biggest murder trial, you must go back to the year 1941, at Harvard University.

"I applied to the law school because I felt, because of my short height, that I had to be better than everybody else. I was told that Harvard Law School was the best school in the world," he said.

Ferencz wanted to join the war effort, but it was a struggle.

"Immediately, everyone I knew went down to enlist. We went down to Harvard Square," he said. "I thought, 'What could I do that was best for my country?' I spoke French fairly well and the Germans had occupied France. And I felt, 'Well, if they dropped me behind the lines in France and teach me how to use dynamite, I'd make it so hard for the Germans, they'd wish they were back in Berlin!'"

However, he quickly learned it would be harder than he thought

"Wherever it was, wherever I went, there was some excuse why they didn't want to take me," he said.

At first, he wanted to join the Army Air Corps. "But they tested me, and I couldn't reach the pedals," he said. "And I said, 'How about a navigator?' but they tested me for that and said, 'If we told you to bomb Berlin, you'd probably end up in Tokyo!'"

"My dear mother said, 'Go back to school. If they need you, they'll call you,'" he remembered.

The Army took him after graduation and he served in the 115th Anti-Aircraft Artillery Battalion. His first assignment: The invasion of France, or D-Day.

"It was very much a grueling scene," he said. "There were a lot of dead bodies floating face-down in the water with American uniforms. We went forward through what had been the city of St. Lo. All the houses had fallen into the road. We were driving over the houses in the tanks. Anybody in St. Lo was certainly killed. And it made a big impression on me."

He served in Patton's Third Army, but as the war was winding down, his greatest assignment was just beginning.

"I was taken out of the artillery. I reported to the judge advocate and he said, 'We've been given orders by Washington to set up a war crimes branch,'" Ferencz explained. "The president of the U.S. had met with Churchill, and they agreed the Germans would be held accountable for their crimes, and [my] name [was] forwarded to us from Washington."

It was his former Harvard professor, Sheldon Glueck, who remembered Ferencz from a war crimes class.

"I had a pretty good idea what I was getting into," he said. "Glueck was getting reports from Europe of atrocities that were being committed. There were refugee lawyers that were fleeing to London that sent a group for war crimes studies and they were sending reports in and the reports were quite gruesome."

Coming into the camps, he said, was quite a different story.

"They were starving, they were literally dying," he said.

His quest for justice was just beginning.

**NUREMBERG PROSECUTOR RESTED CASE IN 2 DAYS "I HAD PROOF
THEY MURDERED A MILLION PEOPLE."**



Ben Ferencz's legal victory in the Nuremberg, Germany's courtroom more than 70 years ago is hard to match.

"I rested my case in two days," Ferencz said. "And I convicted all of them." That was a record which will never be matched in human history, of any trials!"

He did not call a single witness to the stand. Instead, he used the defendants' own reports against them.

"I had the proof they murdered a million people," he said. "I had the proof there were 3,000 murderers."

Those murderers were SS soldiers who belonged to the Einsatzgruppen, a ruthless killing squad trained and ordered to kill every Jewish man, woman, and child they could lay their hands on.

"They all [pleaded] not guilty," he said.

Ferencz would prosecute twenty-two of them. The answer as to why it was only twenty-two was simple.

"There were only 22 seats in the dock," Ferencz said, the frustration still evident today. "We only had 22 seats in the courtroom. There was no way you could balance twenty-two deaths against a million people killed by just one criminal trial. So I said, 'No, this trial itself, is only symbolic.'"

He said, as he made his opening statements, he wasn't nervous.

"I was not nervous," he said. "And I was not nervous either when I confronted the defendants in the courtroom. But I was concerned. I was concerned because there was no way I could do justice. What difference would it make if I sentenced these twenty-two to death? What happens to the rest? Where is justice, where is the balance, where is the scale?"

His use of the term "genocide" was the first time the phrase was ever used in a courtroom. He defined it as the extermination of whole categories of human beings and claimed it was the foremost instrument of the Nazi Doctrine.

I remember some of my phrases," he recalls. 'These men wrote the darkest human page in human history.' 'Death was their tool, life was their toy.' 'If these men be immune, then life has lost its meaning, and man must live in fear.' And the judges recognized the validity of that appeal."

All twenty-two were found guilty. Thirteen were sentenced to death. and four of them were hanged.

One of those was Otto Ohlendorf. The Nazi claimed his crimes were done in self-defense. Ferencz admits he went to see him after the trial.

"I thought maybe he wanted to send a message to his wife, or to his children. I got through the security and they opened the gates and I said to him in German, "Can I do something for you?" And he said, 'You will see I was right. The Jews in America will suffer. The Russians will take over.' And he began to repeat the argument he made on the trial. Not a word of remorse of any kind. I said 'Goodbye, Mr. Ohlendorf,' in English, and closed the door on him. The next thing I saw was a picture of him hanging."

More than half a century later, Ferencz is still haunted by the events.

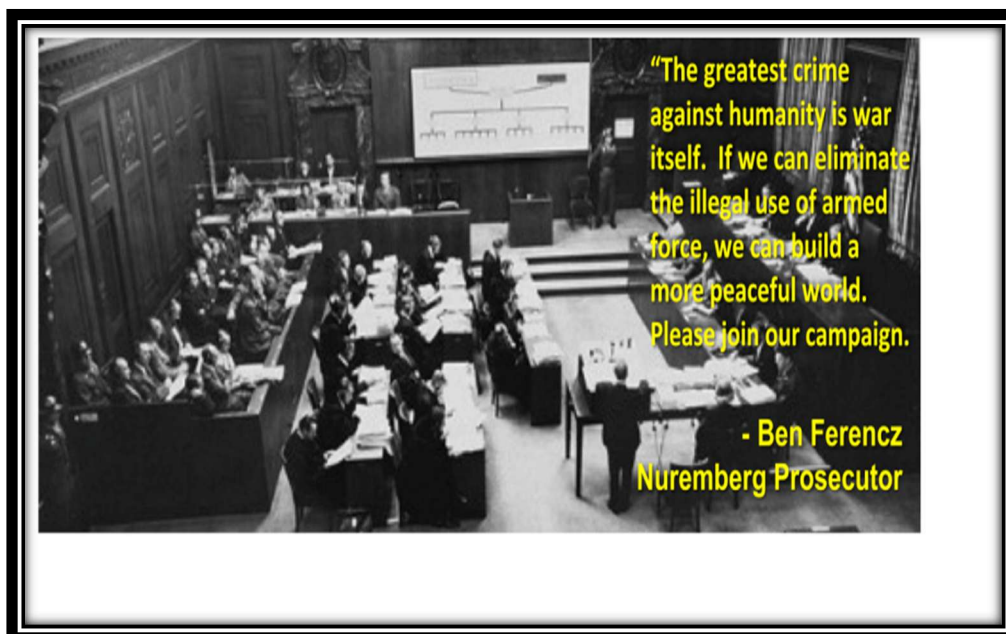
"I think about the events more than the people," he said. "I think about Ohlendorf. I imagine what would happen if I met one of his children."

But his life's work is ensuring it doesn't happen again.

"Imagine if you could substitute a rule of law for war," he said. "You could have to go to a court and settle your disputes without the use of armed force."

Law, not war, is his motto. And if anyone calls him naive, he already knows his response.

"I have three rules," he said. "One, never give up. Two, never give up. And three, never give up."



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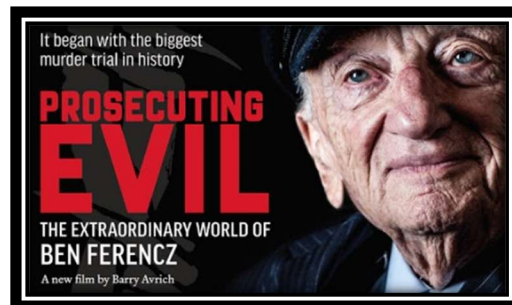
Since bringing members of the Einsatzgruppen (*the Nazi SS*) to account at a subsequent Nuremberg trial, Ben went on to advocate for the establishment of the International Criminal Court. He also fought for compensation for victims and survivors of the Holocaust, the return of stolen assets, and other forms of restitution for those who had suffered at the hands of the Nazis.



The Einsatzgruppen case is underway in the Nuremberg Courthouse in September 1947. Ben Ferencz, the lead prosecutor, is the first person at the left corner of the lower center table

To build on his lifelong work, he partnered with the Museum's Simon-Skjoldt Center for the Prevention of Genocide to launch the Ferencz International Justice Initiative in 2017.

It works to equip victims and survivors of contemporary genocide and related crimes against humanity to seek justice and accountability using the legal principles, courts, and tools that Ben and other justice champions have developed since the Holocaust.



ADDED INFORMATION

Benjamin Berell Ferencz died on April 7, 2021 at the age of 103.

The House passed a bill on in Dec 2022, that seeks to award the Congressional Gold Medal to Benjamin Berell Ferencz

The legislation passed through the lower chamber by voice vote. It has yet to be approved/awarded

The Congressional Gold Medal is an award bestowed by the United States Congress. It is Congress's highest expression of national appreciation for distinguished achievements and contributions by individuals, institutions, or groups. It can be awarded to anyone Congress deems worthy. It is not a military medal.