

United States Holocaust Memorial Museum

**Interview with William and Belle Zeck
September 23, 1996
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PREFACE

The following oral history testimony is the result of a taped interview with William and Belle Zeck, conducted on September 23, 1996 on behalf of the United States Holocaust Memorial Museum. The interview is part of the United States Holocaust Memorial Museum's collection of oral testimonies. Rights to the interview are held by the United States Holocaust Memorial Museum.

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William and Belle Zeck

September 23, 1996

Tape One

01:01:14

Question: I would like you to begin by asking both of you to state your date of birth, where were you born -- and we'll start with you, Belle.

BZ: Answer: My name is Belle Mayer Zeck. I was born in Port Henry, New York, on Lake Champlain. When I was about six years old, my family moved to Suffern, New York, here in Rockland County. So I went all through the public schools in Suffern, attended Syracuse University and graduated from Fordham Law school in 1940.

Q: Bill?

WZ: I am William Allen Zeck, born March 3rd, 1915. I grew up on 110th Street between Fifth and Lennox Avenue, at the north end of Central Park. I attended grammar school, Townsend-Harris Hall High School, New York University in University Heights, and the New York University Law School, from which I graduated from in June of 1936, and I have been a lawyer all of these years since then.

Q: I want you to talk a little bit about your family background and sort of values that you grew up with. And also perhaps tell me a bit about why you decided to become a lawyer.

BZ: Well, my parents were both immigrants -- both came to this country, my father slightly before the turn of the century, my mother at the turn of the century. They were married here and my father was an upstate dairy farmer, but my parents had four children and one couldn't make a living. For four children doing dairy farming, if you know anything about

the upstate New York or Vermont dairy farmers, they are very poor people. And so he came to Suffern and went into business, but always had a farm. I was the youngest, my eldest sibling was a lawyer and perhaps that unconsciously had some influence on my going to law school. I was also a child of the Depression and it was quite clear, it was made quite clear to all of us that we had to earn a living when we got out of school. It was all right to go to college, but it had to be a purposive venture. And I was told that I couldn't be an actress. I was also told I had no talent whatsoever as a teacher, so I kind of backed into the law, seemed to be all that was left for me.

01:05:21

Q: Isn't that sort of unusual though, for a woman of that time to go into law?

BZ: It was, it was. There weren't many women who went into law at that time, it was still a man's field, I suppose it still is today. But actually, I came along just at the right time because two years after I graduated we were at war and all of the men, all of the lawyers, were being drafted. I think they were the first ones being drafted, so that not only was I welcome in Washington, I and other women lawyers, what few there were, we were rather sought-after. Of course after the war was over and we returned to our private lives, everything went back to the old, to the old order and women were not sought-after and women could not get jobs for which their training and experience had equipped them very well during those years of World War Two.

Q: Any particular challenges that you underwent in terms of law and law school in those early years?

01:07:00

BZ: In my early years I can't remember any other than money, and I certainly was not impoverished in the sense that I was helped a great deal with scholarship money towards tuition. And there were always people around me to see that I didn't starve. But things were very tight for everybody.

Q: Anything in particular you want to add about your family or your values, the way you were raised, that might have prepared you a little bit for the rather challenging work ahead of you?

BZ: No, except that the work ethic was very strong in our house. I mean we always had chores, far more onerous than our children or our grandchildren. And aside from the work ethic, I can't think of much. The first thing I heard about Germany, as I recall, was in high school. My father used to read the papers and he had family in Hungary. It was then – it had become Czechoslovakia during World War One, but he had family and he was deeply concerned, as were most of the people we knew, deeply concerned about Hitler. My mother had no family in Europe so that it didn't hit her quite as deeply as it hit my father, but she too was very concerned about what was happening to the Jews in Europe. I can't say it was a daily topic of conversation. It was not until I got to Washington that I became very immersed in Germany and in the war.

01:09:37

Q: Let's just, I guess, ask Bill similar questions—

WZ: My parents also emigrated, they from Russia in the year 1900. Not together – they met over here. My father got to live the United States, as he put it, just in time to understand that President

William McKinley was assassinated shortly after he got here. My father was in the coffee and tea business. He used to import green coffee, blend it, roast it, package it, sell it both at wholesale and retail. The same also with tea. Not roasting or – but he would blend tea and sell tea, largely to retail customers. Our coffee roaster, at 110th Street, between Park and Madison Avenue, constantly spewed forth, every 20 minutes, a blast of wonderfully smelling coffee, which dispersed in the air, and it was the best advertising he could possibly do. It would spread over a period of about five blocks. We children were myself and two sisters. Belle talked about the discipline of hard work and that was very much our discipline. If I had to specify an objective of my parents, both of them felt that their three children, regardless of gender, should receive as much education as they could absorb. So that – I told you about my college degrees; my older sister was a graduate of NYU at Washington Square. My youngest sister graduated from Hunter College and also got a Master's Degree in addition to her Bachelor's Degree. As far as the family beliefs are concerned, which I certainly think was impounded into me, and it was the business of honesty, integrity. My mother took care of all of the things she felt that she wanted in her children. My father wanted to be sure that all of the family bills were paid, regularly paid, paid on time. I think things that kept him awake at night, if at all, other than possibly health factors, was getting his bills paid. And this was a very important discipline and challenge because we too went through the Depression years. During those years I entered college at 19 in 1930 and graduated college and law school in 1936, but I worked regularly each day with my father in his business because he needed the help, so that this was the basic influence, I think, that probably has carried me through this eighth or ninth decade of my life, whichever it is. And the business of honesty and straight talking and integrity is something that I have always looked for and felt and tried to practice, even in the business of politics, if you will.

01:14:20

Q: [Technical conversation: Let me – you know what Bill? One thing I suggest – you're gripping your shirtsleeve here.]

WZ: I'm sorry.

Q: [Technical conversation: You're driving him crazy because he thought it was his microphone. You can't do that, that would be very helpful.]

WZ: Ok.

Q: Perhaps you can tell me what you knew about what was happening in Europe.

WZ: In Germany? Well, I did enter college in 1930, and Hitler was beginning to scratch around and make his presence felt in one fashion or another in 1931 and '32. Hindenberg¹ was in charge at government, Hitler was pushing in that direction. I didn't know too much about the pre-1930 period, during Hitler's Munich and post-Munich, because it wasn't part of any of my studies, and I was very much involved both with the work I did at home and with my great desire to play shortstop for the New York Yankees and also be a member of the United States Davis Cup tennis team, you see. But once we got into the college level in our history courses and our political science courses, we knew what was happening in Germany, and it was neither pleasant nor pleasurable; but actually, we didn't regard it as a great threat until in the middle '30s we began to realize that the Hitler program was a definite threat to the Jews of Germany and when we began to realize also in the middle '30s his appetite for spreading pan-Germanism, we began to be very unhappy about what was happening in Germany.

01:17:02

¹ Paul von Hindenburg (1847-1934), President of the Weimar Republic.

Belle, as she told you, had some family left in Hungary. As far as I knew, none of my father's family – he was the youngest child – came here in 1900, so we didn't have any family that I knew of in Europe and we didn't have that to concern us. My music was very important in our home. Under duress I studied the violin for six years. Both my sisters played the piano. My mother had a lovely singing voice and we did a good deal of singing and so forth. Music's been very important to us. My father used to buy numbers of – he loved the Italian tenors, particularly Caruso,² and he loved some beautiful tenors who were cantors. We had all kinds of music in the house during that period.

Q: Actually, you bring up something that I guess I didn't ask Belle about. Was religion important in your family?

WZ: Religion? Yes, my parents were Conservative Jews. During my school years I would go to grammar school from nine until three. I would come home at three, I would have a snack and from four to five I would play the violin, with my mother glaring at me to see that I was giving her a full hour, except for five minutes she allowed me to go to the bathroom. At six o'clock I went to Hebrew school, the Harlem Hebrew Institute at 111th Street between Lexington and Park Avenue, and I spent two hours there each day. So that this was a full day of education for kids of that era and education was the principally important thing in raising children of those years. I was Bar Mitzvahed at the usual age, and gradually after Bar Mitzvah I worked my way out from under both the violin and Hebrew instruction. I was finished with all of that. But we had in those terms with a pretty full Hebrew education. As a matter of fact, I can probably sit here and write Yiddish while you speak English, writing Yiddish and translating as we go along. But I'm sure the scratching of the pen would bother the gentleman out there.

² Enrique Caruso (1873-1921), Italian tenor.

01:19:52

Q: So you – did the fact that you knew Yiddish or some German help you later on?

WZ: Yes, yes. As a matter of fact, I had five years of French. French was the language we all studied then, but I had a year of German in college and between the German and the English, I managed to get along in Nuremberg. Not if I was interrogating a witness, not without the presence of an interpreter, a translator, but I do understand a good deal of the language, yeah.

Q: And I'd like to pick up with what you were doing in Washington. You said that after law school you went to Washington?

BZ: Well, two years after I graduated from law school, I went to work in the General Counsel's Office of the United States Treasury and the General Counsel, then Randolph Poll(ph), assigned me to a fairly new bureau called Foreign Funds Control. It was in charge of administering the Trading With the Enemy act. And that act, of course, as you know, forbade all communications, transmittals, remittances – any dealing whatsoever – with Germany. Then, as Germany successively occupied Austria, Poland, Scandinavia, the Benelux countries, and France, with each invasion the Trading With the Enemy act was extended to that country, so that by 1941, before I got to the Treasury, all of Europe and Britain was fairly well – it was insulated to the extent that we could insulate them, to the extent that we could prevent Hitler from getting any use of Germany's external assets. Those external assets, I may tell you, were mainly held by I.G. Farben, the giant chemical company which had offices and factories all over the world – certainly in every major capital of the world – and I. G. was, they were consummate artists at camouflaging their

holdings. They had had a bad experience in the first World War where several assets which they had in this country had been vested by the Alien Property Custodian. So beginning as early as 1936, they made a – they began a concerted effort to transfer out any holdings which they had here into the names of nominees who would cloak their assets for them. I was, in the course of my work at Foreign Funds, I was assigned to the investigation of German assets in this country, specifically General Analine and Film, which was, I think, their largest holding in this country.

01:25:03

But they had so many other participations and holdings in so many companies, I won't recite them all. And then they, if they didn't own three nominees, through Americans, through Swiss, if they didn't own controlling or majority interest in companies, they had arrangements with American companies such as Standard Oil of New Jersey. And they formed new corporations with nominees for their half interests and with the other half being held by the American company, mainly Standard Oil. I started to say that it was – that where they didn't have a direct or indirect participation – they had cartel arrangements with some of the leading companies in this country which permitted them the use of patents in Europe and, of course, in the first instance it was difficult to prove, as I said, because of all these cloaking arrangements, pooling agreements, option agreements, and these sophisticated financial devices. It was difficult to prove ownership. Once we did though – and this was slightly before the Alien Property Custodian's office was established in the Justice Department – once the Treasury felt it had a very strong case and once it had penetrated

these layers and layers of nominees and cloaks, then the property was vested initially in the Treasury and then the Alien Property Custodian would do the vest and foreign funds control, which would just continue to freeze assets wherever we could show that they were beneficially controlled by the Germans. [end of side 1, tape 1]

01:27:42

Q: [Technical conversation: Ok, I want to get her frame a little tighter please... Yeah that works good, you look great.] You were talking about collecting information on I. G. Farben 's assets. How did you go about that?

BZ: Well, Treasury had, to begin with, lists of known German concerns in this country, possibly not just from World War One, but from the ordinary sources, ordinary commercial sources and of course, it became more a matter not of identifying the company, but of proving that it was German because by then they had been transferring shares. I mean, we knew the General Analine and Film had once been a German company, but now these shares were in the hands of Swiss nominees and the management was American.

02:02:33

BZ: We sent investigators into these companies and examined their stock books, their transfer books, their books of account, and then we investigated the nominal share holders of the company. In the case of General Analine and Film, we found very useful memorandum when the army occupied Germany and Bernstein's cartel in finance division went into the

Farben administration building and brought back to Washington documents that I will tell you about in a moment. We found a memorandum from von Knieriem³, the general council of I. G., to the members of the Vorstand⁴ – that is, the managing board of directors of the company – outlining specifically, precisely what they were going to do to cloak their American holdings in the United States. And as I said before they used very diverse means, very intricate fiscal stratagems and combinations of stratagems. But we had teams of investigators – this is before we learned so much from the investigators – on the ground in Germany. We had teams of investigators at the Treasury who were out in the field investigating in the banks, investigating banking transactions involving the Germans and companies and factories all over.

02:04:58

Q: And you personally were doing what?

BZ: I personally supervised the investigation of I.G. Farben's largest firm in this country, General Analine and Film, and I wrote the investigative report, with our conclusions.

Q: [Technical conversation: What is that? I'm hearing feedback. I don't know whether it's affecting anything. Okay, that's probably all it was. I'm sorry.]

BZ: Well, that's it.

Q: Do you want to, just sort of continue on with your experiences?

BZ: Then, well, take for example this investigative report. It would go from the General Counsel to others in the Treasury and they either would vest the company or they would ask the

³ August von Knieriem, member of Central Committee of Farben's Board of Directors.

⁴ Board of directors (German).

Justice Department, the Alien Property Custodian to vest it. But much – and then after about, towards the end of '42, the Justice Department started its own investigations. They had investigating teams in the field, too, because, of course, they were preparing for trial and that required much finer tuning than our investigative reports represented. Then a former Assistant Secretary of the Treasury, Bernard Bernstein, who was drafted in 1942, became Eisenhower's – General Eisenhower's financial aide in North Africa and in addition to his duties in North Africa, he tried to find out everybody in the North African theater who had Treasury experience or banking experience, because he was already paving the way for our occupation of Germany. He then sent us a telegram, well we didn't have telegrams, we had what we call TWXs,⁵ where the Pentagon would summon you to a TWX conference and Bernstein would be on the other end of the Telex – it was more comparable to that. They called it TWX and he would ask me, in this particular instance, he asked me to send him the names of likely personnel for his operation, which I did in conjunction with help from the Civil Affairs Division of the War Department. These men, when we did occupy Germany, they went into mainly the Farben administration building in Frankfurt, that was in the American zone, and they just took every document that was visible or that they could find in any cabinet. They put them in gunnysacks, they brought them back to the United States to the Treasury, and on the basis of those – and then there was intensive work on the documents, because some related to war crimes, some didn't. Some related – were of great concern to the Senate committee investigating wartime production and the conduct of our own businesses during the Hitler period, vis-à-vis their German counterparts.

⁵ Telegraphic message, interchangeable with Telex. Jennifer Mossman, ed., *Initialisms and Abbreviations Dictionary* (Detroit: Gale Research Inc., 1992), s.v. "TWX."

02:10:18

So that all of this did culminate in a way in the reports I discussed with you which represented the testimony of Colonel Bernstein and Major General Hildering(ph), the head of Civil Affairs, before the Senate committees in December of 1944. And hundreds of these documents were annexed in a separate volume to the main report. The main report being a Part Seven of the Senate subcommittee hearings and the exhibits in Part 10.

Q: Maybe you can tell me what the Senate hearings were, because I don't know how these worked. You don't need to show me papers, I just want you to explain to me that involvement.

BZ: They were investigating our mobilization for war, directed by Senator Harley Kilgore⁶ of West Virginia. As a matter of fact I think the hearings were called "Mobilization for War." They were also investigating the extent to which American industry helped, contributed to Hitler's war machine, before and during the war. The Treasury also, of necessity, had to do investigations in South America because it was through South America, through Buenos Aires, largely, and Ecuador and, well, I said Argentina and Rio, that a lot of trans-shipments were made. Goods which originated in the United States were sent to South America, ostensibly to non-German firms, which in turn sold them to German subsidiaries in South America and they were trans-shipped back to the continent. Does that give you an idea?

02:13:14

Q: So you were helping the Senate committee to learn more about the German industry and its operations?

⁶ Harley Martin Kilgore (1893-1956).

BZ: That's right, that's right. And also helping the division of cartels and the finance division of military government in Germany.

Q: It's my understanding that, at this time, under the direction of Eisenhower, there was a big effort underway to try to get a handle on companies, like I. G. Farben so that—

BZ: Yes.

Q: The process of war—

BZ: Yes, in the early stages of the occupation, there was a concerted effort at decartelization, which was breaking up these huge, these mammoth industries which had really had its roots in every country of Europe, and to a certain extent they were successful. After Nuremberg, maybe Bill will talk later about the Clemency Commission, but Krupp⁷ was not only put back together again, but they were given all their assets back. Farben was, I. G. Farben was broken up.

WZ: There was a special decartelization branch in OMGUS,⁸ in the Office of Military Government in Berlin, and they did a great deal of investigative work and I think a great deal of work under General Clay⁹ to break up the German cartels. I did some work, tangentially of what Belle's describing, in Washington with the Board of Economic Warfare. I was in the General Counsel's office there for several months before I went into the army. And some of the work I did related to Lend Lease, I was a member of our interdepartmental land lease committee. And one of the things Belle just mentioned, relating to the trans-shipment of American goods into South America, we were sending, under land lease, goods

⁷ Krupp, after industrialist Gustav Krupp and his son and heir Alfred Krupp von Bohlen und Halbach (1907-1967).

⁸ Office of Military Government, United States

⁹ General Lucius D. Clay

to England. And England was trans-shipping some of our land lease goods – intended for them and for the war effort – trans-shipping them to South America to protect their markets.

02:16:32

And quietly a fuss was raised about it by us, and I'm sure the land lease department and finally the foreign officer – what was his name, Belle – issued a white paper out of London, discontinuing the practice and explaining that practice. I did some related work at BEW¹⁰ as well, in connection with the seizure of patents. I was assigned the business of writing an executive order for President Roosevelt, directing the seizure of enemy owned patents, pursuant to the Trading With the Enemy act, which you mentioned. Also there, I worked on establishing the curriculum for the school for military government. This was in the early days of the war, but there would be a time when we were going to be the occupying power and so we established a school at the University of Virginia in Charlottesville, indicating the processes and the tactics and the legalities of the work that we would be performing as an occupying power. If, God-willing, we got to that point, you know. And also I knew, with not the great amount of detail that Belle did, about I. G. Farben, whose influence concerned not only the Treasury Department but the antitrust division of the Department of Justice – our agency as well. Because I think it was very plain that as the war was developing or—
[interrupted by ringing telephone].

02:19:07

¹⁰ Board of Economic Welfare

Q: Whenever you're ready. OK, Bill, you were?

BZ: Bill was talking about these cartels and I'd like to say a word about this. Cartels are not businesses, they're arrangements or agreements which divide up markets, fix prices, control production. The way this is done is through the use of patents. Now, Standard Oil of New Jersey is a good example. It had had long-standing alliances with I. G. Farben, which went back to World War One, and they not only had these cartel arrangements but they had joint ownership of about 10 companies in this country other than General Aniline and Film, which I mentioned. In the '20s, Standard Oil agreed to give I. G. Farben the patents and distribution rights for the production of synthetic gasoline. They were way ahead in terms of research, way ahead of I. G. Farben. In return, they were – and the right to the European market, where synthetic gasoline was badly needed. In return, they were supposed to get not only the patents for the development of synthetic rubber, but they were supposed to get whatever know-how I. G. Farben had in the production of synthetic rubber. All of our rubber came from Malaysia, 90 percent of it, and when the Japs attacked, the Japanese attacked us at Pearl Harbor, we found our rubber markets cut off completely. In the meantime – and the perniciousness of these cartels becomes apparent when you realize that from, oh, the middle '20s, to as late as 1938, Standard Oil kept pressing Farben to give them those patents and to give them what know-how they had, because whenever our own rubber companies, Goodyear and Firestone for example, tried to do research in producing synthetic rubber, Standard Oil would say to them, “Oh, now, don't spend the money. We have this in the bag, we're going to get them; it's just that they're having a little trouble with Hitler.” Well, we never did get them, but in the meantime in 1936, when all these preparations for

war were being made by I. G. Farben in conjunction with the German Wehrmacht,¹¹ the Farben people filed thousands of applications for patents with the United States Patent Office on their own. And of course they were accepted. Every single combination of elements known, they would file a patent on just to be sure that no one else could touch any one of the fields in which they wanted to be pre-eminent. So we had critical shortages, we had shortages in tungsten and in carbides and in nitrates and ironically, completely aside from the synthetic rubber deal, a lot of this critical war material was being shipped to South America for eventual transmittal to Germany. I. G. Farben, I really don't like the fact that we always identify it as a chemicals concern. Everybody knows of its size, but I don't think people know how far afield Farben was from say, pharmaceuticals. For example, all during the '30s, Farben produced 90% of the gun powder, and certainly during the war they produced 95% of the explosives that were used by the German army.

02:24:45

There isn't a single bomb that could have been launched without the I. G. Farben explosives. They made the treads for the tanks, they were in synthetics; there wasn't, I can't think really of a piece of equipment, of armament to which Farben had not contributed a vital part. So that Hitler could not have possibly waged war without them because all Germany had was coal and I. G. Farben's chemists, who Joe DuBois¹² who was the head of the Farben trial team, called the devil's chemist,¹³ which they could not translate. They could take the coal and mix it with water and air and make all of these synthetics. So that – and what they could

¹¹ Armed Forces (German).

¹² Josiah DuBois, Jr., Deputy Chief Counsel for the United States.

¹³ The interviewee is referring to DuBois's book *The Devil's Chemists*.

not make, because they were Germany's largest source of foreign exchange and hard currencies, namely dollars and Swiss francs, they got from their far flung enterprises. They knew what, the I. G. Farben people knew what Hitler was all about. They were responsible for his rise to power. They attended a meeting in, at the invitation of Goering¹⁴ and Krauch,¹⁵ one of the defendants.

02:27:07

They attended a meeting at Goering's house in February of 1933, early 1933. That is a very significant meeting; Flick¹⁶ and Krupp were there too. It's a significant meeting because just before that, just a few months before, the Nazis had been badly beaten in the elections. Then came this meeting and Hitler spoke at great length, I have the translation here; it's not a very good translation either, but Hitler spoke for well over an hour, two hours and in it he outlined very clearly his plans for Germany. He said that Germany's destiny was inextricably intertwined with that of a strong man. He went further, he said that it was only through military conquest that Germany had ever been great, led by a strong man. He talked a little about – for Hitler half an hour was little – he talked about the threat of communism, and of course that was the big bogie man for German industry as it has been for industry everywhere. And he magnified the communist threat enormously. In fact later, when the Nazis burned down the Reichstag,¹⁷ they blamed it on some poor homeless man who they claimed he set the fire. He was a mentally incompetent, but they claimed it was a communist

¹⁴ Hermann Goering (1893-1946); Commander-in-Chief of Luftwaffe, President of Reichstag, Hitler's designated successor.

¹⁵ Carl Krauch (1887-1968), Nazi Military Economy Leader and professor of chemistry.

¹⁶ Friedrich Flick (1883-1972), industrialist and Nazi supporter.

¹⁷ Parliament (German).

plot to burn down the Reichstag, all of which history proved to be incorrect. However, back to the meeting. The – I. G. Farben ended up making the largest contribution of the night – 400,000 Deutschmarks, which, let' say at the rate of four to one would be over a million and a half dollars back in 1933, was a stunning contribution. However, one of our judges said, “Well, we have fund raising for our people, too. There's nothing wrong with politicians and fund raising.” However, after that meeting, Farben directors approached Hitler to find out what his attitude was towards their experiments with synthetic gasoline and synthetic rubber and when Hitler said that it was indispensable to his future plans and gave them the go ahead, they then, the Farben directors, persuaded von Hindenburg to resign and made Hitler Chancellor of Germany.

Q: Tape change.

02:30:50

End of Tape One

Tape Two

03:00:32

BZ: I'd like to go back to what I was talking about.

Q: [Referring to interviewee's eyeglasses] So, let's see you put them—take them off?

BZ: I'd like to go back there. I was talking about what Farben had done in the way of stockpiling for Hitler and critical war material, about their supplying him with foreign exchange to buy that which he didn't have or couldn't produce in Germany, but all and also to show its worldwide influence, but it still didn't impress one of our judges who was reported to have said that he couldn't see the difference between I. G. Farben and our own Dupont. Well, we were not—incidentally, I could have told him the difference between I. G. Farben and Dupont. I could have told him the difference between German industry and American industry because German industry was his enthusiastic partner for a decade before he ever started his wars, whereas in the United States, even after Pearl Harbor, Franklin Roosevelt had to bribe our businesses to convert to war production by way of tax breaks and tax incentives. To get back, we felt that we had to show the size of I. G. Farben and demonstrate its worldwide influence for the purpose of indicating what a necessary partner they were to the entire Nazi enterprise, and I would just like to quote a few, two short sentences from Telford Taylor,¹⁸ who was our chief counsel of the subsequent proceedings. From the opening of the Flick case – Flick was the coal baron – he said, “At the threshold of this case and because of its unusual character, it is vital that these principles be clearly understood.

¹⁸ Telford Taylor (1908-), American Chief of Counsel for War Crimes at Nuremberg.

The defendants were powerful and wealthy men of history – of industry¹⁹ – (pardon me), but that is not their crime. We do not seek here to reform the economic structure of the world or to raise the standard of living. We seek rather, to confirm and revitalize the ordinary standards of human behavior embodied in the law of nations.” So I think if you have any more questions, this was I. G. Farben preparing for war. Then there came a point when I. G. Farben decided to build its fourth synthetic rubber plant at Auschwitz. They did it because of the availability of cheap labor in the form of concentration camp inmates. It is estimated that in the construction of this enormous plant, in the construction alone, 25,000 workers died. These workers were very, very badly treated and the plant was run with the help of the SS. In other words, there were SS guards in every part of the factory. Not only that, but the SS brought the concentration camp inmates from Auschwitz to the factory every day and I. G. Farben gave them receipts. They paid them, they paid the SS a dollar per man, a dollar a day, 75 cents for a woman and 50 cents for a healthy child, the child that could work. Then the SS complained that it was too dangerous to move these people over such a long road, that there was a danger that they could escape, no matter how many guards they put on. So Farben, in conjunction with the SS, recommended that Birkenau be built. It was closer to Auschwitz proper and they built the crematorium, the gas chambers and the crematorium right into the building so that after the inmates, and there were French and Belgian and Gypsies there, so that after they were gassed, their bodies could be disposed of immediately in the ovens. That's why Birkenau has always been referred to as the four

¹⁹ It should be clear that the interviewee corrected herself and meant to quote the word “industry” and not “history.”

chimneys or five chimneys of Auschwitz. In fact it was the title of the book by Olga Lengyel.²⁰

03:07:37

But to get back to the slave labor operation, the longest sentence meted out on the slave labor count was seven years and another defendant got four years and two other defendants got two years, which was the one part of the decision that I could not rationalize in any way, shape, or form. It was just a very arbitrary thing and then of course, all of the sentences were commuted by McCloy's Clemency Commission, which Bill may want to talk about later.

Q: Now let's go back a little bit now, because you're now talking about sentences and I don't even know how you got there.

BZ: I'm sorry.

Q: That's okay. I know that prior to your going to Nuremberg you also, you went to London, is that right?

BZ: Yes, yes, in 1944, 1945, I went to London as US Treasury representative in London and my assignment was to work on the legislation which the occupying forces would enact in Germany, if and when they established an occupation government in Germany. And I had worked on that to some extent in interdepartmental committees in Washington and then it became an intergovernment thing in London.

Q: Can you tell me anything?

BZ: At that time, the commission, which had been set up by the – well, the London agreement was being promulgated, in which the Allied powers dedicated themselves to the punishment

²⁰ The book mentioned by the interviewee is called *Five Chimneys*.

of war criminals, and they were also drafting the charter, pursuant to which the trials were conducted. And I did not participate in that but I was very aware of their proceedings and would from time to time report to the treasury about it, in the diplomatic pouch.

03:09:54

Q: Is there anything else you want to say about the legislation that you were involved in, in terms of the occupation?

BZ: Well, we – of course the first thing that the office of military government did was abolish all the discriminatory legislation, the Nuremberg laws of 1936 and various other German laws which declared various acts to be criminal, such as intermarriage, such as even ordinary social intercourse with Aryans was prohibited. And of course they were not allowed to practice, Jews and other undesirables, were not permitted to practice their professions, their own businesses and so forth, and we drafted legislation which would annul all this terrible legislation.

Q: You know it must have been pretty heady stuff to have been involved in this.

BZ: It was very heady for a 27 year old girl, yes.

WZ: You were not 27 when you went to London in 1945.

BZ: I was 26.

Q: This was big stuff. What were you thinking?

WZ: Sure, it was big stuff for a girl, too. There weren't many of those.

BZ: It was very heady stuff. You felt that you were doing something of such vital importance that the well-being of the world, you know, was interwoven with your work. At some points I felt that I was carrying the entire war effort on my own shoulders, you know.

Q: It must have been stressful and interesting.

BZ: Oh, very. Oh, very.

03:13:14

Q: And as a woman, as a young woman, were you welcome? Were you treated differently?

BZ: Well, by and large I was treated very well. The State Department in Washington was always very supercilious. These hyphenated names, you know, who were very supercilious people, but I think that they were nasty to everybody, not just women and they—

WZ: Still are.

BZ: And it was a matter of degree. I'm sure that women were on a lower totem pole than men, but there were certain men that came in for their disapproval also. Now the British, both in Washington and in London, were also inclined to be very supercilious, and they would argue a word in a proclamation or an ordinance. They would—sorry – they would argue it to death I mean, whether business should be called a concern or a corporation or an entity, and it would just go on for hours. Of course, I was young and very impatient and we would lock horns and they would make unpleasant remarks about my youth, my impatience, my gender, my origins. That was – I don't think it was exclusively because – I don't think it was exclusively a female-male thing. Like the State Department, I think that the British were generally very supercilious. They didn't realize that they were bankrupt, you know, and that they should treat people better.

Q: You didn't ever feel at a disadvantage or you didn't have more difficulty as a result of being a young woman?

BZ: Well, I had difficulty getting a passport to go to London in the first place. But the Secretary of the Treasury, who was having his own battles with the State Department, really didn't know me at all, decided to make it a cause célèbre, the State Department couldn't tell him who to send to London, or anywhere else, and he prevailed. There weren't, in retrospect, there weren't difficulties. Those, what difficulties I had as a result of gender, religion, perhaps age, I had after the war; I had after the war when I tried to get a job at Chase Bank in their foreign exchange, foreign trade section and I couldn't even get an interview.

Q: Let's go back and talk to Bill for a minute about how you came to all of this. After you were with the Lend-Lease Commission, what you were doing?

WZ: After I finished my military service, in January of 1946, I guess, I knew about the Nuremberg trials. I had been in uniform as an aide-de-camp to General Don E. Scott(ph) when the requisition came through for military people interested in going to Nuremberg. Because we were just before the end of the war, the General said to me, "Bill, if you want to go to Nuremberg, I will let you go now. I will report you." And I said, "General, I want to go to Nuremberg, but I want to get out of the uniform first," because I'd been away from home for six years and so it took a few extra months. When I did get out as a civilian, the only job I was interested in getting was a job in Nuremberg. I went to the Pentagon, I met Telford Taylor, who was still a colonel there and beginning to recruit for subsequent proceedings, subsequent trials. And I was promptly hired and went over there in March of 1946.

03:19:15

Q: Why were you so eager to go to Nuremberg?

WZ: I was eager to go to Nuremberg because – and not only eager to go to Nuremberg, but eager to work on an I. G. Farben trial, because I'd had contact with it in my work at the Board of Economic Welfare before I got into the Army. I was – I think being Jewish certainly had something to do with my eagerness to go there and since I had really been out for well over somewhere between four and six years, I had no law practice to go back to and I was interested in going to federal government again, and this seemed the place to do it and to do, be part of the prosecution. So I went over there and what I found there was a few quick observations I made. All of the people working on the IMT case – and just to set the time for it, this was the end of March of 1946 and the IMT trial ended in September of 1946. The people working on the prosecution staff were virtually all in uniform, either Army or Air Force or Navy. The people who worked subsequent proceedings were all, excuse me, former military people now in civilian mufti. And I went over with the first group of lawyers hired for subsequent proceedings and there were 12 of us on the ship which interestingly was called the *General Taylor*, but apparently it wasn't named after Telford Taylor. When I received a call to report to the port to get on the ship I was told that the ship is the USS *General Taylor* and I said, “Oh, my goodness, has he received a promotion,” you know, because he'd been Colonel Taylor, but obviously it was a different Taylor. In any event, we formed a very close knit group on that victory ship. There were also some women going over as stenographers. There were a few former Germans who were going over as translators. We talked about the obvious things, things we'd been doing in recent years and what we hoped to do when we got over there. When we did get over there, there wasn't very much for us to do because the IMT trial was on, everybody working was concerned with it.

We didn't know whether there would be a second international trial of industrialists, but my interest, Telford's interest certainly was, in beginning to research for one kind of a trial or another involving the I. G. Farben people. I did sit in for a number of days between April and June on the IMT case, became familiar with the identities of the defendants, the people in the dock, also trying to get organized with respect to I. G. Farben. There were then only two of us who wanted to work the I. G. Farben case. One was a lawyer from Virginia named Jim Heath,²¹ who'd been a railroad lawyer, whose father had been the counsel to the Southern Railroad. And we knew, the thing we did know as background matter was Bell's report to the Kilgore Committee, which was Part seven of that series of documents, and we also had a Part 10 which detailed in narrative form some of the exhibits that they used. And then we began looking for documents because we had reason to believe that there was an I. G. Farben document center in Frankfurt. There were German documents in Berlin. All of these were captured documents. And there was one, what was the name of that little town outside of Frankfurt, Belle? Down by, no, down by Hoechst? No, I'll think of it. In any event, went to all of those places, couldn't find significant I.G. documents. By the time June arrived, it seemed reasonably clear that we wouldn't have a second international trial, although Telford was not sure of it and I'd exhausted all the possible sources of Kilgore documents. So we decided that I'd go to Washington to look for Kilgore documents because the people on that investigating committee were Justice people, Treasury people, War Department people – a limited number. And he said, “While you're there, while you're looking for those documents, please open a document center in the Pentagon for the high command and general staff on military cases and also on SS cases.” And he said, “when you

²¹ James E. Heath; Chief Counsel for the Farben trial team during its initial stages of preparation.

get there, you can work with Mickey Marcus, Colonel David Marcus, who is the head of the War Crimes Branch of the War Department.” So I worked with Mickey, you know who Colonel Marcus was, he was the West Point graduate who went over to Israel and was shot because he didn't know the password or tell the password. He was a very colorful figure, both in Jewish lore and in military lore.

03:27:44

He was a lawyer who was buried up at West Point, who also after Telford, went back after his hiring the first 12, did the interviewing and the hiring for the remaining civilian lawyers who went over to Nuremberg. So in the months of July and August we hired a staff, did the necessary work to collect all of those military and SS documents in the Pentagon, and then I went to my first love, which was to find the I. G. Farben documents. So I took the introduction to Part seven and I spoke with every one of the Kilgore people. There were I think seven or eight of them I talked to, trying to avoid talking to Miss Belle Mayer, who wrote the report, you know. Oh, they didn't know where the documents were, but I damn well better talk to Belle Mayer. I was not very fond of lady lawyers at that particular point in my life, so I called over to the treasury shortly, at the end of August, and a lawyer named Bob Scott answered her telephone and he said, “Yes, this is where she works, but she's in Colorado now on vacation. She'll be back after Labor Day.” So the Friday after Labor Day I called, she answered the phone, I went over there, and we met. And I told her my tale of woe and said, “What can you tell me?” In despair I said, “What can you tell me about the I. G. Farben documents, Miss Mayer?” So she pulled open 12 file drawers and she said,

“These are the I. G. Farben documents, at least the Kilgore documents.” So I looked at this tall, blonde girl, had a lot of suntan from her vacation and I said, with a new look in my eye I said, “Miss Mayer, you are a wondrous lady. I’ll send over here for these documents from the Pentagon.” [end of side 1, tape 2]

04:00:55

WZ: It's not confusing, it's just a matter of timing and we'll do, as far as I'm concerned, you call the shots here. I'll tell you what you want to hear.

Q: No, no, no, but I just—to tell you the sorts of things that I'm interested in, I'll let you (indecipherable). Wait just a minute. Hold it a minute. Okay, Bill, maybe you'll continue on.

WZ: Belle said to me in no uncertain terms, “You can't have these documents.” I said, “We need them. We need them desperately for trial. How can we prepare for trial?” And she said to me, “I don't think you people would know how to use these documents,” you know, in connection with the business of how this young woman was treated over in government, you know. She was giving me back some of what she undoubtedly faced herself. Well, she worked it out that the Treasury Department would work overtime over the weekend and photostat the documents if I could assure her that the War Department would reimburse the Treasury Department for the extra cost and I assured her that we could. And I left Washington on Friday and I came back on Monday morning and there, sitting in four or five large gunnysacks, were the Xeroxed copies of the precious documents. So I telephoned her promptly – I had to get back to Nuremberg because they were about to issue the decision in the IMT case, I certainly wanted to be present.

04:03:20

I called her and said, "Thank you for the documents Miss Mayer. Can I take you to dinner?" And her response was, "The bill for overtime is 47 dollars and you're committed to having the War Department send us a check?" I said, "Yes, the War Department will send you a check." We had dinner and I went back with the gunnysacks on Wednesday, back to Nuremberg. Now it was very clear that we were going to have an I. G. Farben trial and it would be conducted by the United States. No other powers in this case; we were going alone on this case and we desperately needed people to staff the prosecution. So the first thing I tried to do was get Belle, and we were having these telecons²² each week and Belle began to, I guess she began to think about coming over, although the first I realized was when she was asking me on the telecon how much we would pay her, what her classification would be, because she would have to transfer from the Treasury Department to the War Department and that kind of bureaucratic nonsense, you know. She wanted a raise above her present salary and Jim Heath said, "Well, let her have it," and I said, "Hell no, she's not going to get paid any more than we're getting paid." She came over, in any event, she came over in early November, I think. And she promptly went after several of her colleagues in Treasury who she felt would be useful here and one of them was Josiah DuBois, who came over and became the head of the whole trial team. And he put her to work drawing the indictment, which she did largely all by herself. At the same time, I had a special project set up in Frankfurt with a Paul Dencker, who was the chief bookkeeper of I. G. Farben, and I was pumping him over a number of days for information about the work activity of each of

²² Teleconferences.

these members of the Vorstand, so that we had curriculum vitae on all of them from Dencker. And I came back from there, Belle worked on the indictment, and shortly after that I realized that I would not probably be able to function with the new hierarchy of prosecutors on the I. G. Farben case, because Joe DuBois had decided – he had seen a picture of an ugly SOB in an SS uniform, who somehow worked for I. G. Farben in some capacity, named von der Hyde²³ and he said, “I’ve got to have this man in the dock,” and I said, “The man doesn’t belong in our dock because of the careful selection we’ve made with respect to background.” Every member in the dock was a member of the Vorstand.

04:07:51

Q: [Technical conversation: I’ve got to see what this noise is...]

WZ: I decided that with all the work and effort I put into this thing, with the care with which I’d selected the individual defendants, developed their backgrounds through quizzing and interrogating Dencker, and with the theory, the legal theory I had established with respect to the individual responsibility of each of the Vorstand members. When Joe DuBois arrived from the United States of America – and I don’t know what, if any background he had on I. G.; Belle had a lot of background. I didn’t know what DuBois’s background was, but that didn’t matter if all he could see himself doing, fresh off a plane, on the basis of a photograph he saw, was make an arbitrary decision to replace a vulnerable defendant with a guy in an SS uniform, I figured that I’d had enough, you know. Belle was there, there was a new team, another one arrived while I was busy interrogating in Frankfurt, in the coldest winter they’d

²³ Erich von der Hyde, Member of Political Economy Department.

seen in a hundred years, a man came in off a plane named Morris Amchen, and he looked around and he saw what I was doing, and he said have I examined their income tax returns? So I figured this was another one who was going to brighten my life as I try to proceed with this prosecution. I decided to go home. Before I went home, I was asked to serve as the counsel to the court in the Justice case; the Justice case was a marvelous case. You saw the bones of it in the movie *Justice at Nuremberg*. They structured that, the story, in terms of the Justice case and I was being pushed by a dear friend, Charlie LaFollette,²⁴ who was the chief prosecutor in that case, to come with that court. Telford Taylor called me on the telephone and he said, "Bill, with all the work you've done, why don't you stay and help put the case into court?" And I said, "Telford, I am going home, period." So I went home, and I brooded all – for the rest of the year and finally decided to sit down and make my contribution to Nuremberg, in the form of that article in the North Carolina law Journal. But my Nuremberg work breaks off at this point, so that I think Belle better carry it forward.

Q: I just wanted to ask you a couple of questions before we talk to Belle again.

WZ: Go ahead, sure.

03:11:46

Q: You had established, helped establish which defendants you were going to prosecute and you talked about individual responsibility. Was there some overriding principle that needed to apply in your mind when you chose these people?

²⁴ Charles LaFollette (1890-1974); Representative from Indiana, Deputy Chief Counsel for War Crimes at Nuremberg in 1947.

WZ: Well, number one, you had to be able to indicate that these people were involved and importantly involved in making policy and in their functioning together with the Hitler people, together with Goering, who was in charge of the, not the four year plan, what was it?

BZ: Yes, he was.

WZ: In charge of the four year plan. You had to know what their activities were in the company and they were as varied in I. G. Farben as the 12 – the defendants in the 12 different cases – the 12 individual cases were. But all of these coagulated in our minds anyway in terms of their contribution to the war, you see. Now these Vorstand people were, some were chemists, some were engineers, there's a couple of lawyers, some were salespeople, whose activities were involved in foreign diplomacy.

BZ: Spying.

WZ: Spying for the Nazis, sure. But we had all of these things set up and as a lawyer, we had to do it that way. You couldn't just use a broad brush and decide because a man was on the Vorstand, we'll put him in the dock. It wasn't that kind of thing, we had background, we had information, we had evidence on all of these people.

04:04:01

Q: Was it difficult to get that background?

WZ: There were two ways in which we acquired evidence. One was through paper, documentation, which was really the bulk of what we did in all of the trials and the other was through interrogation. And the interrogation process proceeded exceedingly well, unlike trying to prosecute war criminals in Bosnia, because these people were our prisoners. We had won a war and

they really didn't have any alternative, so that when you interrogated them and you had some documentation when you did interrogate, I think you could expect for them to tell you the truth, particularly since they all had one defense: Superior orders—we had to do it because Hitler ordered it or we had to do it because the head of the company ordered it, you see. But you still didn't make a case that requires individual knowledge and individual acquiescence and responsibility, without proving that the individual defendant did know what he was doing and did willingly collaborate with the Hitler government.

Q: Is there any way to sum up your impressions of some of these people you interrogated?

WZ: I think, of the people that I interrogated, basically my useful interrogation on I. G. Farben was with this bookkeeper Paul Dencker. And Dencker was a mousy little man with a mustache, who may have weighed about 147 pounds soaking wet. And he sat very submissively and referred to me as "Herr Doktor,"²⁵ you know, and he answered my questions and I would question him about Krauch and about Schmitz²⁶ and about Schnitzler²⁷ and about Heinrich Mann,²⁸ and all the other people in the dock, what did they do. And he knew what they all did, what their assignments were and so forth. He had a vast knowledge and I was fortunate to have Dencker, and I think you people knew of Dencker because I first saw his name in one of your reports, Belle. But then I went home and turned I. G. Farben, the prosecution, over to the tender mercies of Belle Mayer and Joe DuBois and I guess Drex Sprecher²⁹ became involved in the case too.

Q: Did you interview any, did you interrogate these other members of the Vorstand?

²⁵ Doctor (German).

²⁶ Hermann Schmitz, Chairman of I.G. Farben's Board of Directors.

²⁷ Georg von Schnitzler, Chairman of Farben's Board of Directors.

²⁸ Wilhelm Mann, Chairman of Farben's Board of Directors.

²⁹ Drexel A. Sprecher, Assistant Trial Counsel for the United States at Nuremberg.

WZ: I'm sure I did, some of them. At this particular moment I am hard pressed to remember which. I think you may gather, at this point, with my departure, that there's a certain philosophical rejection of that part of the I. G. Farben prosecution that followed my departure. They were in good hands.

04:18:14

Q: Let me ask you one other question and then you're off the hook for a while.

WZ: Right.

Q: You initially went over to work on these cases during the time of the IMT, and you were an observer there. What was, can you describe for me what it was like to be in that courtroom?

WZ: During most of the time that early summer and late spring, the trial was being conducted by a man who later became United States Senator Thomas J. Dodd.³⁰ He was a little white-haired man with a round belly, and he was the least likely American impression of a great trial lawyer, but he stuck it out you see, until many people, there were many who came there with reputations, who came to Nuremberg, stayed a week, who were well known back home, who were using this Nuremberg adventure, to which they contributed very little, for political purposes and to dress up their curriculum vitae(ph), you know. There were many of those. There were a number of very competent young people, like my old colleague Tom Lambert of the BEW, who was a naval officer at the time and a number of others who made a contribution, worked hard and did make a contribution and then went home. Everybody wanted to get home. All the people in uniform wanted to get home.

³⁰ Thomas Dodd (1907-1971); Senator from Connecticut; Executive Trial Counsel, U.S. Counsel at Nuremberg.

Q: What was it like in that courtroom? What was the atmosphere like?

WZ: The atmosphere in the courtroom – number one in the dock was Hermann Goering; in political terms, the head of the whole team. And he was leaning over the – like I'm leaning over the edge of this table, you know, appearing disinterested. Generally, he had his own idea about where this was going and he knew what was going to happen. At the other end, at the far end from Goering was sitting Mr. Schacht,³¹ Hjalmar Schacht. Schacht did not look ahead. Schacht sat with his back, if this was the dock, Staccato was sitting here and looking out in this direction. Across from where I'm sitting would be the well of the courtroom, with the lawyers and parallel to this, on the other side, were the judges. The legal staffs were off at one end and you have the twenty two people in the dock and each had a particular different face and different approach. You had the disgusting pig of a man, who was the publisher of a dirty magazine, *Der Stürmer*, you know, Julius Streicher.³² You had the two military leaders, Jodl³³ and Keitel³⁴ and they were wearing uniforms that hadn't been pressed that morning for sure. You had the two naval leaders, Raeder³⁵ and the guy who—

BZ: Jodl?

WZ: No, no. Raeder and the one who succeeded Hitler. Yeah, yeah, yeah, yeah.

Q: It's okay, I'm just trying to get a sense of—

04:22:59

³¹ Hjalmar Schacht (1897-1970), President of the Reichsbank.

³² Julius Streicher (1882-1946), Founder and Editor-in-Chief of *Der Stürmer*.

³³ Alfred Jodl (1890-1946); Chief of Operations Staff of the High Command of the German Armed forces, 1939-1945.

³⁴ Wilhelm Keitel (1882-1946), General Field Marshall and Chief of Staff of the German Armed Forces, 1938-1945.

³⁵ Erich Raeder (1876-1960), Grand Admiral and Commander in Chief of German Navy.

WZ: I know his—

Q: [Technical conversation: The buzz in the room.]

WZ: I know his name like—

BZ: Doenitz?³⁶

WZ: Pardon?

BZ: Doenitz?

WZ: Doenitz, that's right, Karl Doenitz. You had the Nazi philosopher Rosenberg,³⁷ you had the guy who looked like he was left with half a brain, Rudolf Hoess,³⁸ whose look never changed. He just sat there looking out like this. You had people like von Papen,³⁹ the diplomat, who was well-controlled, who also was acquitted. You had the butchers, Hans Frank,⁴⁰ who was the Gauleiter⁴¹ of Poland, who was a prominent Catholic and who said, quote, "If Germany lives for 1000 years, it will never be able to atone for what it's done to the Jews." A few others, I would have to look, yeah. But that was it and it went along in very desultory fashion. Now I was not there when this happened, but one of the spectacular parts of the trial was when Goering testified, and when Goering testified, because this was the piece de resistance, our chief prosecutor, who delivered most wonderful opening and closing addresses with magnificent prose, came in to cross-examine Goering. And he wasn't

³⁶ Karl Doenitz (1891-1980), Commander in Chief of German Navy and Hitler's designated successor.

³⁷ Alfred Rosenberg (1893-1946), Hitler's mentor and semi-official philosopher of Nazi party.

³⁸ Rudolph Hoess (1900-1947); Commandant of Auschwitz, 1940-1943.

³⁹ Franz von Papen (1879-1969), Reich Chancellor in 1932 and Hitler's Deputy Chancellor.

⁴⁰ Hans Frank (1900-1946), Nazi party jurist and Governor-General of Poland during World War II.

⁴¹ Term used for head of a Nazi administrative district (German).

well-prepared for the kind of stuff he was getting from Goering, and the press was reporting that very sharply and in abundance, so that after a day or two of Justice Jackson,⁴² the British were called in to put some semblance of usefulness into this cross examination of Goering. And that was done by Sir David Maxwell-Fyfe, who had just become the Attorney General. That was it. There was a lot of – so there was a lot of sitting and time was passing during the Tom Dodd period and the trial was just – much of the stuff, the documentation part of it, didn't have any fireworks, you see, because under the rules established, every document had to be translated into four languages and document books, with respect to each defendant, had to be delivered in advance to the defendant's counsel. And so it was a very slow and quite tedious process. But the reason really, the basis for the convictions was very much more the documentation than the interrogation of the witnesses. The witnesses all said, superior orders, Hitler ordered it, we had to do it. But the Germans, this is generally known, were absolutely wonderful document keepers, you know. They loved nothing better than General Ohlendorf⁴³ reporting each day in the Einsatzgruppen documents in the village of wherever, “We shot 167 Jews, 72 Gypsies, a dozen or so Communists,” and so forth. And these, even at the level of the industrialists, in terms of their production, in terms of the conferences and the work they did for the Nazi government, were very well recorded.

04:27:59

Q: Was there a feeling of animus? Were the prosecutors able to comport themselves in a very formal—

⁴² Robert Jackson (1892-1954), United States Chief Prosecutor at the International Military Tribunal.

⁴³ Otto Ohlendorf (1908-1951), Head of Nazi Security Service.

WZ: Sure, the German prosecutors – or the German defense counsel for example, were carefully selected from what was available then in Germany and they did their job as best they could, within the limits of what the court was receiving. The court was receiving their statements with respect to superior orders, you know, and the court treated with it accordingly. I don't – now I don't think they were delivering spectacular justifications of what happened in Nazi Germany. Many of the defendants, for example the, what's the name, youth leader and the one—

BZ: von Shirach.⁴⁴

WZ: von Shirach and the one who died about two years ago—

BZ: Speer.⁴⁵

WZ: Speer, Albert Speer. He said, “We really didn't know what was going on in the concentration camps,” you know. They did plead lack of knowledge of what happened, what went on in the concentration camps. The most wonderful—

Q: I'm not sure I can let you finish this because we're out of tape.

04:30:27

End of Tape Two

⁴⁴ Baldur von Schirach (1907-1974), Reich youth leader and Governor of Vienna during WWII.

⁴⁵ Albert Speer(1905-1981), Reich Minister for War Production from 1942 to 1945.

Tape Three

05:00:59

WZ: The lawyers, from day to day, they showed no animus, but they, yes, they showed no animus. They were doing a job, but it's a job they wanted to do. And it was a job that in most cases was predicated upon their idealism with respect to, particularly in this case, achieving justice. That, yes.

Q: [Inaudible]. Belle, your colleague left At this point and you were—

BZ: Well, I want to say first one thing in self defense. Bill made it sound as if my reluctance to go to Nuremberg was predicated on mercenary grounds and it was not. I did ask for a raise in salary, but that was very incidental to the proposition that Schacht and Funk⁴⁶ had been acquitted and I knew that it was going to be very hard to convince judges that these nice looking businessmen, these important businessmen, could be guilty of the heinous crimes that they committed. What did Funk have, a few, some years? But anyway – and Speer got some years, but the economics people—

WZ: Speer got 20 years.

BZ: None of the economics people were sentenced to death or anywhere near it, and it was because if these leaders of the economic life of the country had got such light sentences, then I couldn't see them going after these men who looked like businessmen, talked like businessmen, and were really murderers. I haven't even got into poison gas, or gotten into medical experiments for which four of the Farben defendants were convicted and again given very light sentences. The medical experiments which the United States Holocaust

⁴⁶ Walther Funk (1890-1960); Minister of Economic Affairs, 1937-1945.

Museum has so well documented, I won't go into them, but the Farben people sent quantities of serums to be tested on concentration camp inmates. They were injected with various typhus and typhoid serums, which were experimental.

05:04:02

They were subjected to atmospheric pressure experiments where the inmates not only died but they, their brains exploded; they died in incredible agony. And our court could give you an example of what, for want of a more elegant word, I will call nit-picking – took the word Versuch,⁴⁷ V-e-r-s-u-c-h, and in its decision the court wrote, the prosecution claims, I'm paraphrasing, the prosecution claims that that means experiment. The defendants claim that it means test. In a criminal case, we must give the favor of the doubt to the defendants. Now if anyone can tell me the difference between experiment and test, I'd be glad to hear it.

Farben also manufactured the poison gas, the Zyklon B, and the serum and the Sarin and the Tabun which were used to exterminate the concentration camp inmates, knowing full well the purposes for which it was going to be used, because these were volatile gases and only I. G. Farben, only their technicians, could control the incidence of the gas, the volatility of it. Aside from that, though, I do think this – again going back to the prosecution, that we came from very diverse walks of life and obviously very different exposures. But by and large, all of the lawyers were, as Bill said, very idealistic, very knowledgeable about the atrocities committed by Hitler and other people in the Third Reich and determined to mete out justice.

05:07:10

⁴⁷ Experiment, trial, or test (German).

Many of us felt as the British felt in London – that the crimes that these people had committed had been repeated so often and were of such common knowledge that the courts should take *res adjudicata*⁴⁸ of some of these events and acts that had been publicized on a worldwide basis. Take judicial notice of the fact that they were committed, without the necessity of these very labored proofs. And that's where the trials bogged down, because as a result of the problems in the IMT, they'll also mention that the subsequent proceedings were conducted under the charter, that was the substantive law, but because of the terrible problems of the translation and the reproduction of documents, the subsequent proceedings were conducted under Allied Control Council law number 10, which said, in effect, that if an original document could not be produced, that a Photostat might be used. That if it were impossible to authenticate a particular document, if the authenticating party was dead or missing or couldn't be located, that proof of the source of that document would make it eligible for admission into evidence. In other words, the rules of evidence were ameliorated because of physical exigencies, while our, the Farben court, our judges, went back to the basic rules of the evidence, Anglo-Saxon rules, would not permit in evidence any document that hadn't been authenticated and reauthenticated. In fact, if I may be personal, and we've been very personal here, this was the only continuing brawl I had with my colleagues at Nuremberg. The case of von Schnitzler is a good point, is a good example. The investigating group that had initially gone into Germany had taken several depositions of

⁴⁸“A matter adjudged; a thing or matter decided by judgment. Rule that a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand, or cause of action.” Henry Campell Black, M.A. *Black's Law Dictionary* (St. Paul: West Publishing Co., 1983) s.v. “*res adjudicata*.”

von Schnitzler in which he bared his breasts, so to speak, in which he said yes. They described he was the first person to describe the meeting of February 1933, in which I. G. Farben had cast its lot with Hitler. He was the first person to say, once we got the assurances that our plans for developing synthetic oil and synthetic rubber were very much to Hitler's liking, we then supported him in every possible way. And these depositions of his were pretty lengthy. Well, somebody on our trial staff said, "Oh, you can't introduce this document because of some technical flaw," very minor and so Drex Sprecher went back and he again examined von Schnitzler after all these years, after von Schnitzler had been sitting in jail, talking to his former colleagues and undoubtedly taking a beating from them for the candor with which he had spoken two years earlier.

05:11:51

And he said, he didn't exactly retract but he said that he didn't know what he was saying because he said – now I'm quoting, "I was terribly" (quote) "depressed at the time." He recanted. Eventually Drex went back to him and he finally said, "What I initially told those people in Frankfurt in 1944 or '45, I forget which was the truth." But I mean this constant revisiting of a document – don't forget that in the Farben case, over 2000 documents were introduced. That doesn't include the interrogations of the defendants and of other employees of I. G. Farben, who had written very damning memos to the board of directors. So I would like to comment on something else, because I don't think that young people today, even lawyers, can begin to visualize the mechanical difficulties under which we were operating. We did not have modern Xerox machines, copying machines; we had these old photo

copiers, which were a wet process and they had to, you had to use this thin copy paper which came out and curled at the edges. Now we were required to give the defendants' copies of all of our exhibits 24 hours in advance of their introduction. This called for a very strict timetable. In the meantime the mimeograph people – I didn't mean photocopying, I meant mimeographing. The mimeograph people were working double shifts, but even so, they couldn't handle this volume of business. We never were able to get things from them on time. Instead of having our own duplicating machines, we had to rely on this pen. The mimeograph – pen is not the right word for it but – they were in isolation and somebody would hand them something, it could be a Rand McNally atlas with a hundred pages of charts. We also had to assist the defendants in locating things they considered material to their defense, which they did not have the means to locate, so that half the time we were working for the defendants, assisting them. I felt these were the only brawls we had, that we were leaning backwards to show how fair we were being. Charles LaFollette, whom Bill mentioned, the former congressman from Indiana – Bill described his role in the case, the Justice case and against the judges, the people's court.

05:17:30

LaFollette said that, once said jestingly, but with great weariness, that he had always thought that the aim of the trials was to punish the prosecution and all that the trials were doing was killing, to punish the defendants. But all they were doing was killing the prosecution, and there was a lot of truth in that. In fact, we had, I think what the prosecution was lacking, if I may be as frank as Bill, I think that what we were lacking was top-notch trial counsel. This

is in retrospect. I think if we had had some good homicide lawyers over there, we might have made a more telling case. As it was, we did have some trial lawyers who came with good reputations for advocacy, who left, because these were people, no matter how primitive our technical equipment, these were people who were used to pushing a button and summoning a staff who would immediately respond. Our typewriters were antiquated, making carbon copies, 25 of every single thing that was done, was just back-breaking. And so we had trial lawyers who just would not stay because they could not operate in this very frustrating milieu.

Q: What else can you tell me about preparing for the trials themselves – the collection of evidence, who helped you in that endeavor?

BZ: Well, we had analysts, translators, and we would tell them what we were looking for. I had done a draft of a trial memorandum but I'm wondering how many people on the trial team was following it very rigidly, because frequently we would send off an analyst, say to Berlin document center because we felt that certain points we were going to make, needed some bolstering. And they would go to Berlin and these people did work, but they would decide what they wanted to prove and they would come back with documents which they considered really incriminatory, but they were not the documents you sent them for. There were analysts, there were stenographers, there were people to whom one gave documents already in one's possession and asked them to give you a digest of them. So this was the staff, there were lawyers, analysts, stenographers and then these kind of separate omnibus groups, like the mimeograph people.

05:20:54

WZ: We did use Germans. The Germans were eager to work because they would get a decent ration, you know, and they weren't in policy positions. They did mechanical work, you know. And they mounted mechanical work required, you can gather from Belle's description, of the movement of the document from a cave in which it was uncovered by the army and its intended use by an attorney after the document had been translated, and so on and so forth. And then it had to be gotten into the hands of the defendant. It was a very, very, very difficult operation. I must say this, I don't intend really to sound sour on the Nuremberg activity, regardless of how I felt and why I left when I did. Three things I think must be mentioned: Number one, the law we established, which provided that a head of the government could be prosecuted as a war criminal, was brand new. Nobody ever thought of trying the Kaiser⁴⁹ or I don't want to speak about Napoleon because it escapes me at the moment, but that is now accepted international law. Number two, with respect to superior orders, it has always been, in the American order of battle, that you obeyed the order of the superior officer and if that superior were a corporal or a sergeant or a captain or a general, his order was sacrosanct. As a result of Nuremberg, our order of battle was changed to provide you had to obey only the lawful order of a superior officer. So now, even the private is invested with a policy gene. He has to obey what he's ordered to do, but not if he's ordered to kill babies and defenseless people, as happened in the Lieutenant Calley case in...

BZ: Vietnam.

WZ: Vietnam. So those two things, and perhaps the most important thing – and I certainly did not go to Nuremberg for the purpose of creating a history. I went to Nuremberg with the purpose of establishing certain law with respect to initiating and waging aggressive war. And I don't feel that we were successful, basically, in that respect, but we established a

⁴⁹ Emperor (German).

history and all the skinheads that can be collected on anywhere and all the naysayers have to face the history, the transcripts of the Nuremberg trials, the volumes – several different sets of volumes, the first one on the IMT, a terrible volume, 42 of them, the blue back, and so forth.

05:25:36

But this kind of thing – and mine is not a document recital – but those compilations, which largely Drex Sprecher was the head of editing and gathering, that's been Sprech's career, really have been on file in European countries and in libraries and the Library of Congress, of course, and in law libraries all over the United States of America. And that is not policy stuff, that's historical fact. Fortunately most of it's supplied by documents maintained by the Germans themselves. So that to me is the warming aspect of my recollection of Nuremberg. It was a terrible place in which to work and if when they didn't pay attention to you, you formed a softball team and you played out where Hitler used to conduct his meetings in the, what was the—

BZ: Sportpalast(ph).

WZ: Sportpalast, yeah. And you sat around and you talked and you talked about many, many things, but you did an enormous amount of reading of documents and so forth. And – but the history of Nuremberg is something that pleases me very much. It was worth all the – there was a good deal of agony involved in doing that work over there, no question about it. So I'm glad I was associated with it.

BZ: And it certainly is the answer to the revisionists.

Q: Let's just go back a little bit more to the I. G. Farben trial?

BZ: Oh, is this going to go on much longer?

06:00:55

Q: I just want you to sort of wrap up this – what else can you tell me about—

BZ: And incidentally, Randy, I'd like to say this, that the documents, which were unearthed by the troops in 1944, which were the subject of the Senate investigation hearings, they were just a small part of the evidence, because after we got to Nuremberg, many of the defendants who had never been interrogated were interrogated. We found caches of documents at various individual factories throughout Germany. After all, I.G. Farben had about 500 factories and owned innumerable related establishments. And so we sent investigators into all of these establishments, looking for evidence to plug a lot of holes that we had and—

WZ: But you're talking I. G. Farben, aren't you?

BZ: Right. And to supplement what we already had.

Q: Did you get support from other governments, from Jewish organizations?

BZ: Well, none from Jewish organizations. I doubt that they had the kind of material that we had. The support we got was from survivors of the camps, who might have been directed to us by the Jewish organizations, but not as far as documentation was concerned, because they were not in Germany at the time, the Jewish organizations were not. We did talk to many survivors, of Auschwitz in particular.

Q: Did you personally?

BZ: No. In a non-assignment fashion. I would talk to people in the DP camps, but I was severely handicapped in that sense. I could not speak Yiddish and no one could understand my German. I thought I was pretty good at German, but nobody could understand it. I have a terrible accent in everything. As a matter of fact the only way I could talk to people in the DP camps and particularly to the children was in my baby Hungarian, because you'd always find a Hungarian Jew who could translate for you. And my discussions with them rarely bordered on their experiences because the kind of evidence we could use had to be really in-depth kind of probe.

06:04:58

Q: Were you involved in the interrogation of any of the defendants?

BZ: Before the trial, yes. I was involved with this same von Schnitzler we've been talking about and with Ilgner.⁵⁰ Now many of our defendants were very dignified people whose bearing and whose looks and whose speech were not lost upon the court, believe me. But then there were other defendants who were really rather loathsome, including one whom I interrogated, Max Ilgner, and he was the chief salesman of the group and he had salesmen throughout the world, but his salesmen in South America were called Verbindungs männer⁵¹ and they were, they became spies for the German government. It's interesting to me that every place we went in Germany was full of documentation, but there were two special groups in Berlin which dealt directly with the Wehrmacht, (the German army), and exclusively with them. And one was called the Vermittlungsstelle⁵², which was the headquarters of these salesmen. And they reported, the bureau in Berlin reported directly to the German high command. And

⁵⁰ Max Ilgner, I.G. Farben Director.

⁵¹ Middleman, contact (German).

⁵² Agency (German).

they, it was that bureau whose records were all destroyed, before the United States and Allied advance in 1944. And there was another bureau which dealt directly with the army and with the intelligence people and that was called VOWI,⁵³ V-O-W-I, and their records were destroyed. So I did interrogate this salesman and asked him what happened to the documents, to try to find out, and he protested mightily against being examined by a girl and he said that he had been humiliated a lot by everything that had gone on since the war's end, but the worst humiliation he'd ever had to face was being interrogated by a female.

06:08:03

Q: Tell me a little bit about the trial itself. I'd love you to tell me a little bit about the trial itself, sort of describe what was going on, what it felt like, and any particularly interesting aspects of it.

BZ: Well, there were three judges and an alternate sitting at the side, facing the defendants on a raised kind of platform and opposite there were 21 chairs in the dock. And incidentally, Bill was talking about the selection of the defendants before – we could have selected 50 defendants worthy of the title but there were only 21 chairs so the prosecution was limited in that respect. And they were on either side to the front of the courtroom and beneath them on a long table, a long, almost platform-y kind of apparatus, were the interpreters and the stenographers and in front – that was on one side – on the other side, in front of the dock were the defendants counsel, who were numerous. I don't think that, I'm sure that every defendant didn't have his private lawyer, but there were several defense lawyers, some like Dix,⁵⁴ represented four or five defendants, others just represented one. But and then there

⁵³ Volkswirtschaftliche Abteikung, or Political Economy Office (German).

⁵⁴ Dr. Rudolph Dix, Hermann Schmitz's Defense Counsel.

was the prosecution table, fairly close to the judges' dais, but more toward the center of the room, and they had a table. Why the defense counsels' table wasn't alongside, I don't know – maybe so they could talk to their clients more readily. Then behind the table at which the defense counsel were sitting were the chairs for the audience. The Farben case had a big press there, pardon me. Then in the gallery, in a balcony, there were observers, ordinary people who wanted to see the trial and the witnesses were kept in a separate room off the courtroom. There are many pictures of the courtroom and particularly of the Farben defense.

06:11:48

Q: What was it like being there?

BZ: Well, it was a little nerve-racking because the thing that made it worse was that – were the objections of defense counsel, which would come rattling into your earphones while you were trying to make a point. And after a while I decided that if I were going to get anything accomplished, I'd better put my earphones down and not listen to them, which is something I should not have said in public. But the Chief Justice, Curtis Shake⁵⁵ was very, very polite to me and there again maybe my sex helped me because I sure didn't get the lectures that some of the men got, nor was I a party to some of their brawls. I think the judges all, whether they were sympathetic to the prosecution or not – and none of them were sympathetic except for Paul Hebert⁵⁶, the dean of Louisiana State Law School, of Louisiana Law School. He was the only person who seemed to understand what the prosecution was

⁵⁵ Curtis Grover Shake, Presiding Judge, International Military Tribunal.

⁵⁶ Paul Macarius Hebert, Judge, International Military Tribunal.

doing and was sympathetic. But the other three—well, Merrell⁵⁷ doesn't count, but Shake and Morris⁵⁸ were unfailingly courteous to me. Now, I left after the first count—Crimes Against Peace – which we discussed in great detail, after that was put in, I did not stay for the rest of the case, but I followed the case for a number of years, best I could and got letters frequently from Nuremberg and we had some friends on the New York Times. When they'd get back from Germany, they would bring me up to date, but there were brawls that were reported in the newspapers, in the New York Times and in other publications. For example, Judge Morris at one point asked Drexel Sprecher how many more documents he intended to put in and Drex said, “500,” and Morris just plain had a fit. He said, “We're going to be here for another year” and, “Why can't you curtail your evidence?” and “You're bringing in everything including the kitchen bathtub.” And he really reamed Drex out in a very injudicial manner.

06:15:15

Q: What was the morale like over there among the prosecution team?

BZ: It was not good because of what I told you before, that one of the judges was reported to have said that he couldn't see the difference between I. G. Farben and Dupont and that not only caused, was not calculated to lift up people's morale, but I decided or I felt that it would be a good idea if we didn't lead off with Crimes Against Peace and lead off with all these innumerable charts showing I. G. Farben's organization and particularly where the defendants that Bill had so much to do with, where they fit into the hierarchy, whether it was manufacturing or sales or administration or

⁵⁷ Clarence F. Merrell, Alternate Judge, International Military Tribunal.

⁵⁸ James Morris, Judge, International Military Tribunal.

where. I think it might have been better if we had led off with Slave Labor or some of these atrocities which might have created some interest in Morris. It would have been extremely difficult but that was the sort of thing that would throw you off base and you'd have discussions about it until all hours. Discussions of strategy and how to cope with a couple of the judges, who were obviously hostile. Then again I might have had an advantage, Randy, not only because of my sex but I might have had an advantage in that I was one of the first to lead off with a presentation of the prosecution's case, so that their patience might have been in better shape at that time.

06:17:46

WZ: I think, and this is all in retrospect, on the political side, I hadn't any idea how the judges were selected to sit on particular cases. I know generally that the way the judges were selected here in the United States. The chief judge of the United States Supreme Court refused to let any Supreme Court judges come over, he refused to let any District Court judges to come over, so that you really got a potpourri of people from various states of the country. However, just as cautious as we were in the selection of the prosecution staff for I. G. Farben, for example, and I think basically for better or worse, we felt that the best people we were getting would go to I. G. Farben and the other industrialist cases, if those lawyers wanted to work those cases you see. There should have been some technique for evaluating which judges were better prepared to serve on an I. G. Farben case, for example. Paul Hebert belonged there, Morris of North Dakota, obviously didn't belong there and you know, I'm speaking without knowing any of these people but from what I've heard. That part of the process was faulty, but if you suggested that to Telford Taylor, he would possibly say, "Look at what we had to do to get a document translated," you know, and delivered to the

defendant and so on and so forth. And of course it was very, very – the difficulty in the whole operation, having sat on the Supreme Court of New York for 10 years myself and having since my retirement spent a good deal of time looking at the two because nobody wants anyone of any age to go to his grave without having sat 500 hours watching the O. J. Simpson case, you know. The selection of judges is part of the function of an administrative judge, who ought to know his people and their backgrounds and their predilections sufficiently to assign them sensibly to cases. This was beyond comprehension in Nuremberg and probably beyond having being able to work out. But I don't know what kind of curriculum vitae Telford Taylor had with respect to each of the 33 judges who came over, but it would seem to me that somebody made these assignments and I can only assume that they were made on a helter-skelter basis, which was unfortunate.

06:21:54

BZ: That's true, they were picked on the basis of their volunteering to go. Now, that didn't mean that we didn't have some very good judges. Out of our personal knowledge, I think that we could name them. And when I say good judge, I don't mean that they should have been given the litmus test for whether they were for the prosecution or against the prosecution. I think, though, that they did require a degree of sophistication. I feel they should have had background on the whole German gestalt, the whole German business. If nothing else, the rise of Hitler, what he did, who he was, how he succeeded in taking over an entire continent and how he almost succeeded in taking over the rest of the world.

WZ: And what kind of work these judges did as lawyers, what their backgrounds were.

BZ: And how skillful they were in handling a trial of this really great significance, great importance.

Q: What was local reaction to the trials, from your perceptions, being over there?

BZ: That's a hard one for me.

WZ: It's a forgettable part of history. When we make the turn into the twenty-first century and all the remaining people in their nineties and so forth and the children of these concentration camp survivors also go deep into Social Security, I don't think the trial will have very much more significance than the Civil War, which will be that much older again, in terms of centuries. It's going to be forgotten. But the history is there.

BZ: Of course, except for international law scholars.

WZ: Yes, well, again – and they know what they have taken out or they'll be able to find out what they have taken out in terms of international law. But look at another reason that I was not eager to get involved at the last gathering last March was because I know from the work that Belle was doing that they were busy writing resolutions concerning the establishment of the International Criminal Court at the Hague as well as Bosnia and the apprehension of those war criminals, and so on and so forth. And everybody was so involved emotionally and I'm involved emotionally, too, but I cannot escape from the politics of the situation and the difficulty of deciding to take these indicted war criminals out of Bosnia and deliver them to the Hague if you are in effect the United States of America. Because the most significant thing politically about the difference between Nuremberg and what we're doing now, or trying to do now, is the fact that we had won a war and these people were our prisoners, these defendants were. There was no question of delivering any one of the defendants to the dock in Nuremberg, you did it.

06:26:33

Q: But what I was trying to ask you was, at the time of the trials, was there a local reaction?

WZ: In Germany?

Q: Correct.

WZ: Germany was so – what I saw of it, Nuremberg, Frankfurt, was so badly torn up and devastated that the Germans wanted to have a bed to sleep in and they wanted to have a place to eat in and they wanted to have some food on the table and this was beyond their enmities. The enmities by and large evaporated with the end of the war. They had to survive; the problem was survival. And not only did we not interfere with their survival, with the Marshall Plan and money that we pumped into Germany and the other devastated countries and Japan, we rebuilt their factories and put them on their feet, you see.

BZ: They were hostile, they were hostile to the trials, naturally. That's a generalization, but neither Bill nor I are any tests of public opinion because we simply didn't deal with the public. We have read accounts by Rebecca West and other journalists and reporters but we would not be able to gauge the German reaction at all.

Q: I would love to—

06:28:19

End of Tape Three

Tape Four

07:00:50

BZ: We talked a great deal about the tensions created by the difficulties of the place we were working in. Incidentally, I haven't even mentioned the freezing cold of Nuremberg or the dust of Nuremberg. But there was a tension, a very important tension that was created by the shift in our policy towards the Soviet Republic. In the fall of 1946, before the trial even began, our Secretary of State, James Byrnes⁵⁹ had made a speech at Stuttgart, in which he indicated that it was “obvious to some people”, quote, “some people, that we were going to end up with a conflict with Russia – in a conflict with Russia,” and he intimated that we would certainly need the Germans on our side. Well, as Bill once characterized it, here was the United States Government, sitting with this wet baby on its lap, that baby being the Nuremberg trials. So we on the prosecution never knew from day to day whether or not the rug was going to be pulled out from under us and, until the indictment was served in the United States, could we draw free breath and know that the I. G. Farben case was going to actually take place. I think that that, incidentally, I think that the court might have been very sensitive to that fact, too, that instead of punishing these defendants we ought to welcome their expertise in the martial arts and in chemistry and in warfare generally.

07:03:48

⁵⁹ James Francis Byrnes (1882-1972), Representative and Senator from South Carolina; Secretary of State 1945-1947.

Q: What about the emotional toll of absorbing so much difficulty of the nation?

BZ: I didn't get the question.

Q: What about the, personally, what about the emotional toll of absorbing so much difficulty of the nation?

BZ: Oh, there was a toll, there was a very, a very definite toll. I can't quantify it, but I had thought before I went there that I knew a great deal about the atrocities that had taken place, but it seemed to me that every day was a fresh revelation. I think that after a while, one became inured to it. I remember hearing myself say, it's hard to believe of me, but I remember one of the analysts coming to me once with a story about experiments on five people and I said something unpleasant like, "Why would you bring me a document about five people when we have documents which involve several hundred people," and that's a perfectly horrible kind of comment to make. When I came home from Nuremberg, or shortly thereafter, a little girl fell in a well, I think it was in Texas, and this entire country held its breath until that child was retrieved. But a million little girls like that and boys were murdered by the Nazis and the fact is that the world did very little about it.

07:06:07

Q: What about the results of the trial and—

BZ: Well, as I indicated before, there were, there was general acquittal on both the commission of aggressive war and on conspiracy to prepare and wage a war of aggression. There were sentences for the misuse of civilians, slave labor, not for medical experiments, no convictions, and there were sentences for the plundering of the industries of the countries that the Nazis occupied because the I. G. Farben defendants walked—marched – right along with Wehrmacht and took over all of the

chemical factories of the country involved. If a company was viable, they put in their own management. If the company was borderline financially, they dismantled the factory or laboratory and shipped it back to Germany. And that went on in country after country including Norway's hydro-electric installations, which were the largest in Europe at the time.

Q: On these slave labor charges, wasn't there some defense in terms of the necessity of it?

BZ: Oh, yes, well, that was the defense throughout, as Bill explained. Either that they were ordered to do it, or that they had to do it as a patriotic German when his country is at war. But it was always the defense of superior orders and many of the defendants who were not convicted on the slave labor count, said they knew nothing about it. Well, we had memoranda from employees of I. G. Farben to the Board of Directors, explaining the necessity of having the SS guard there at all times. One of these memos said that the Belgians and the French are very surly. They don't say anything, but their looks are so hostile that it is better to have the SS guard there at all times. They went on to say, and as far as the Jews are concerned, they are intolerable, just that. So that, notwithstanding that, many members of the Board of Directors said they didn't see that memo, they didn't see any of the memos on the injections that were being carried on, on any of the experiments whether they involved injections or not. They didn't know about the poison gas.

07:10:04

Q: Did it anger you to learn of the sentences, or lack thereof?

BZ: Oh, yes. Oh, yes, I was in the States at the time. There is a wonderful picture of which I do not have a copy and that is the picture of the prosecutors as the decision is being read by

Shake, and they say a picture is worth a thousand words, you can see the shock and the dejection of Sprecher and DuBois and Amchen and the others, Linscott(ph). It was a very telling picture. If the museum doesn't have it, it surely should get it, but of course I was just stunned by the decision. Then it was eventually – when it was reproduced, but I did get a letter from General Taylor saying that he was sure that I was disappointed and that they were all disappointed but that he had felt that we had made an important contribution to international criminal law and to think of it in that respect. Then I received a full copy of the, of Hebert's dissenting opinion and that indicated that some of our work had struck fertile ground, but it was a two to one opinion and both Shake and Morris were very provincial people. I don't know how much they read or how much they studied, but they, from the outset, could not believe that these very respectable former businessmen could be guilty of such perversion.

WZ: Just to include in your record: five or six statistical numbers, in the 12, in the 13 trials, the 12 plus the International Military Tribunal, 199 were tried, there were 36 death sentences, 23 life sentences, 102 prison sentences, lesser than life, of course, and 38 acquittals. When we speak of this disappointment in terms of the sentencing, the impression should not be gathered that there weren't any severe sentences put out. Now, of the 102 prison sentences, that's where I believe that the Clemency Commission did their nefarious work. Obviously the – those that had been hanged were beyond the mercies of the Clemency Commission and I don't know how many life sentences were reduced. I would think if any, it was a small number, but in the total number of prison sentences, that's where, in my own description, the Clemency Commission opened the doors of the prison without consulting with counsel,

without doing anything other than being appointed by the high commissioner and sitting for either 30 or 60 days and doing their job.

07:15:09

And this was a job they were selected to do. For my own, for my own pleasure, I point out that of the 33 judges – and we talked a little bit about whether or not they were carefully assigned to their particular cases, should have been more carefully considered. Of the 33 American judges, no Jewish judges. I don't resent that at all, I think it is good in terms of what they were trying, that there not be Jewish judges. There was no lack of Jews on the prosecution stand, but the way in which the Clemency Commission was selected, and I do believe that the chief judge, the acting chief judge among the three members of the Clemency Commission was a Jew and maybe from the high commissioner's viewpoint, or possibly from Washington's viewpoint, I don't know, I wouldn't say Washington in this situation, Harry Truman was the president. If indeed Judge Peck was Jewish, that was also a carefully contrived political maneuver to ease the passage of something politically desired, you see.

Q: And do you feel that Cold War politics were part of this?

BZ: Oh, unquestionably, unquestionably and that's all understandable, but Cold War politics or no, in my ken, that game should not have been played with these sentences, in the fashion in

which it was played, because I don't think it was necessary. No matter what Jimmy Byrnes said in Stuttgart, I don't think it was necessary to get the Germans on our side in the Cold War against Soviet Russia. It wasn't necessary.

07:18:17

BZ: May I say one more thing? In fairness, I must say that despite the Cold War politics and despite the fact that it gave the prosecution, the various prosecutions ulcers, the War Department held fast until the last trial was over and I think that the war department deserves all the credit in the world for that. We were so sure that they were going to pull the rug out from under us. There was never the slightest indication from that quarter that they were going to do anything to diminish their support of the trials.

WZ: Because of Harry Stimson, the Secretary of War.

BZ: Well, he wasn't there at the end.

WZ: Well, but Roosevelt, however he may be blameworthy in connection with concern with the Jews of Europe during the war, Roosevelt was foursquare for the trial of war criminals. Harry Truman was foursquare for the trial of these criminals.

BZ: Well, the State Department certainly wasn't. That's all, let's not pick a bone about it.

Q: Let me ask you your feelings about a few people who were major players at this time, if you had personal contact with them. Judge Jackson, Telford Taylor I think you both know.

WZ: We both know Telford exceedingly well.

Q: DuBois?

WZ: Great friend of Belle's. He's dead now, but we became friendly, too, after the war, and I never even discussed with him later on. We'd visit them at their home, they'd come up here and visit us and I never said, Joe, you really were a horse's behind with von der Hyde – look what has happened—

BZ: Let's not get into that one episode.

WZ: No, no, no, no, no, no. I'm saying we never did, you know. It just evaporated, it was an event.

07:20:48

Q: But what I'm asking is your feelings about the way some of these men conducted themselves and what affected the hearings.

WZ: They did the best they could. Go ahead.

BZ: Joe DuBois was a very fine administrator in the Treasury Department. He was an assistant General Counsel, he established the War Refugee Board, which—and administered it. And he had several, to use a common word, he had several tickets so far as administration was concerned. And it was necessary – the reason I recommended that he be brought over was because I felt that the prosecution, in preparing the case, was a headless horseman, with people going off on their own adventures so to speak. I'm not talking about black marketeering, non-case adventures, but where the case was concerned they were going, they were making the decision as to what was important and what to do. Amchen had, in private life, and he had also worked for the government during the

war. He had been a trial lawyer and we certainly needed someone who had a great deal of trial experience. Drexel Sprecher had been there from the beginning of the IMT to the very end after all the trials were concluded. He still stayed to edit and publish these sets of books that you're aware of, so that he brought to the prosecution of I. G. Farben extraordinary knowledge of both procedure and a feeling for individual responsibility. He was always very grateful to Bill for pointing out that we had to – that it was all very well and good to lump all these men into one category under the theory of conspiracy, but that it was necessary to point out where they sat in the organization, what their influence was, what their domain was and what their peculiar liability was.

07:23:56

Q: What about the leadership of Taylor?

BZ: Well, Taylor was very good. He did, he could not cope with the mechanical problems any more than anyone else could. His deputy was Tom Erbin, who really worked very hard to get staff, to get bodies, to get machinery that worked, that didn't break down, to adjudicate the impasses that occurred between rival teams for mimeographs and duplicating machines, such as they were, antiquated as they were. Pardon me, they were – it was a tough job, not to mention the fact that they were dealing with, not all, but several prima donnas among the prosecutors. So it was, I'm sure that in my lifetime I've seen better administrations, but I don't think that Telford's great forte was that of administrator, nor indeed was Tom Erbin's. He was an excellent administrator in private life, but the difficulties were, a lot of them were just insurmountable.

Q: What about moral leadership?

BZ: Oh, I think there was extraordinary moral leadership. I think that the morale, up until this Cold War business, I think that Taylor could inspire great dedication, hard work and he could rally people to the cause, without any question. Taylor's problem was that he was – most people considered him rather cold. And he was, Taylor was a scholar, he wasn't a hale fellow, well met. He had his circle of friends, he was not a good politician, in other words. On the other hand, if you went to him with a problem or if you went to him and just said, as I did, "This is one monumental SNAFU and I have instructions to leave whenever I don't feel my services are being properly utilized," he could be very understanding, indeed, warm. And I have letters, which are extremely warm, which he was not obliged to write at all, but also it should be noted that he was one of the most eloquent men, both in writing and in speech, that I have ever met. I mean everyone talks about Jackson's eloquence, particularly in his opening and closing statements which are really, I think will go down in history with the Gettysburg address, they were that touching and powerful. I think that Telford was equally eloquent.

07:28:08

WZ: May I get a word in here? First about DuBois. Joe DuBois can be canonized for his devotion to the Jews, for the fight that he made in the face of people like Rabbi Wise,⁶⁰ who wouldn't approach the President during the war to tell him what was going on. Like his counsel, his personal counsel who was with him every day, Sam Rosenman, Barney Baruch, who sat on the bench and could walk into the President's office, supposedly at any time. The effort that the Jews made to bypass the State Department and get through to FDR is virtually this: it is not a proud part in my book of the Jewish history. DuBois got through. DuBois and a few

⁶⁰ Stephen Samuel Wise (1874-1949), U.S. Rabbi and Zionist Leader.

other non-Jewish lawyers in the Treasury Department managed to incite the Secretary of Treasury, Henry Morgenthau,⁶¹ to demand that something be done and the War Refugee Board was set up. My little set-to with DuBois about von der Hyde and Haberland⁶² pales into nothingness against the totality of Joe DuBois's contribution that I know of, to the good part of the war effort and Nuremberg. Telford, I must say for Telford, I've had, I was part of the circle, you know, the circle of friends.

07:30:42

WZ: Telford had an absolutely monumental administrative job, because although all of us who were there, were there because we were interested in what we were doing, all of us, after all the years of military service and so forth, had a whole kind of, a mass emotional problem, you know. We'd been away from home . . .

BZ: Randy, before we conclude, I would like to read you one paragraph from Telford Taylor's final report to the Secretary of the Army, dated August 15, 1949. It was a report on the War Crimes Trials conducted, known as "Subsequent Proceedings" and I think it is a very useful summary. He said, "Important as is the concept of aggressive war and beneficent as the Hague and Geneva conventions may be, we can hardly expect much further judicial development and interpretation of crimes against peace or war crimes, except of course in the unhappy event of another war. The concept of crimes against humanity however, if it becomes an established part of international penal law, as it seems to be doing, will be of the greatest practical importance in peacetime, indeed it may

⁶¹ Henry Morgenthau (1891-1967), U.S. Secretary of Treasury 1934-1945.

⁶² Ulrich Haberland, head of Lower Rhine Betriebsgemeinschaft [company staff] in 1943. Peter Hayes. *Industry and Ideology: I.G. Farben in the Nazi Era* (Cambridge: Cambridge University Press, 1987), 337.

prove to be a most important safeguard against future wars, in as much as large scale domestic atrocities caused by racial or religious issues, always constitute a serious threat to peace.”

08:02:44

We have seen this happen in Ireland, in Bosnia, in Rwanda and in many, many other places, Burundi and many other places in the world and I believe that just as how we eventually got the genocide convention ratified by all of the peace-loving members of the United Nations, I believe that we will one day see a permanent, international, military court, established under the auspices of the United Nations, with an enforcement apparatus, which will put out these brush fires before they become sad and long sagas of revenge and retaliation and brutality, because as is the case in Bosnia and elsewhere and as I said before, these wars, internal as they may be, which are directed against one religious or racial group, constitute a threat to the peace of every nation in the entire world. That's about all I have to say.

Q: Now I am going to ask you because we started to talk off camera, if you feel that your experience with Nuremberg had any long term impacts on your life, on the way you think, on the way you live?

BZ: Well, yes I do, I think that the Nuremberg principles stay with one. I think they cause one to believe that there is no higher dedication than dedication to peace and as irritating as we find the United Nations, I don't believe we have any other choice but to support it and if anyone can point out to me a better way, I certainly would be interested. It's interesting how much every citizen in not only the United States, in the world, from the youngest to the oldest, from the religious to the non-religious, prattle about peace and so few of us try to do anything concrete about it. You have people

like Benjamin Ferencz and like Henry King of Ohio, who have since the Nuremberg trials, dedicated their entire, have spent this past 50 years dedicated to the strengthening of international law, to the perpetuation of the Nuremberg principles and to the cause of human rights.

08:06:33

Q: Personally impact? Was this a very pivotal experience for you?

BZ: I think it was a very rough experience, I think I was not prepared for it, probably, emotionally. Not mature enough to handle this constant assault on the senses and my husband has told me several times that it was a great, one of the greatest chapters in the lives of everybody who was at Nuremberg and years ago, not recently, not in many years, but years ago I used to say that it was an experience that one did not have to have, because it was pretty shattering emotionally. However, he may be right and I may be wrong. It certainly has had an impact on my life.

Q: Bill?

WZ: I can give you my impression on the impact of Nuremberg on Belle's life.

BZ: No, do it on your life, Bill.

Q: I—actually, why don't you talk to me about the impact it's had on you?

WZ: This was an important event in the history of the twentieth century. My life, between 1915 and wherever it goes from 1996, was encapsulated in the twentieth century. There were two wars. I remember as a small boy, being taken to a parade, watching the AEF, the American Expedition Force, march back in 1919, up Fifth Avenue. I was sensitive to that war. When I was four years old I wore a soldier's suit, which was modeled on the soldier's suits, the soldier's clothing in World War

One. I lived through the Twenties and the exaggerated responses to the first World War. I lived through, as a student and as an adult, the 1930s. I have been very well aware of every campaign for the presidency since Al Smith ran against Herbert Hoover in 1928. This history is part of my life, the history of the entire century and the Nuremberg part of it is one that is terribly important because I participated in it, to the extent of which I participated in the presidency of Jack Kennedy, in the political life of Bobby Kennedy and an awareness of Harry Truman, in trying to achieve a better society through politics, in which I was heavily engaged and so was Belle engaged. And a realization now, at this age, about the beauty and the value of the life of a small child. Nuremberg is connected with all of that. I see those children in the concentration camps, emaciated, frightened, wearing their clothes, I know how I want a child to look like and these things all fit a pattern you know. I have no illusions about my contribution to this society, but I don't downgrade or demean any of – it's had great, great pleasures, it's had very difficult periods and periods of pain and they, they're part of most anybody's life, including at that present time, when the people dear to you, either dying or very close and so on and so forth. Nuremberg was a thing that I'll look back upon with a great deal of pleasure and I have no complications about it.

08:11:50

I wish I could believe, because I know the importance of politics in everything that goes on on this earth, I wish I could believe that those people are going to be picked up and taken to the Hague and tried. If we don't do it, nobody else is going to do it. But I think it's, I see all of the difficulties and all of the complications and if Nuremberg is less than either of us would have wanted it to be, so be it. But Nuremberg was important in my life and I think Nuremberg was

important in Belle's life. Although she chooses to talk of the pain, well she recovered from the pain of Nuremberg. We all recover from pain. I had coronary bypass surgery 21 years ago and I've forgotten about it, but I haven't forgotten about Nuremberg.

Q: Thank you both.

WZ: What can I do? I mean for you folks? Can I—

BZ: We thank you for being so patient.

WZ: Yeah.

08:12:56

End of Tape Four

Conclusion of interview.