

Caught Between Two Evils

*Written and presented by Joshua Rubenstein especially for
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The terrible images associated with Adolf Hitler and the Nazis are engraved in our collective memory. Once they came to power in Germany in January 1933, each of their crimes created the momentum for a more destructive act of cruelty. From the burning of books in 1933 to the Nuremberg laws of 1935, from the expulsion of thousands of Polish Jews from Germany and Kristallnacht in 1938 to the creation of the Warsaw ghetto in 1940, the murder of six million Jews appears to have been an inevitable consequence of Nazi racial hatred. But even Hitler needed time and the right opportunity to realize the full logic of his hatred. It was not until the invasion of the Soviet Union in June 1941 that the Nazis began a wave of full-scale mass murder. In the initial months of the German occupation of Soviet territory--between June and December of 1941--the Germans murdered nearly a million Jews.¹ It was here, before a single Jew was killed in the gas chambers of Treblinka, that the Nazis first manifested the breadth of their murderous intentions. By the time the Red Army drove out the Wehrmacht in 1944, the Nazis succeeded in killing about two and a half million Jews, most of them in open-air massacres near the cities and towns where they had once resided or in mobile gas vans that asphyxiated dozens of victims at a time while the van moved to a ravine where the corpses would be dumped.

The Soviet regime responded to the slaughter of its Jewish citizens in an inconsistent and inadequate manner. Lapses into silence and deliberate distortions of what actually occurred figure in the historical record. But as Professor Zvi Gitelman has observed, "if there was a policy of repressing the Holocaust, it was applied unevenly at

best.”ⁱⁱ Throughout the 1930s, after Hitler gained power in Germany, the Soviet press made frequent references to antisemitic developments in the Third Reich. In a speech on November 25, 1936, to mark the new Soviet Constitution, Vyacheslav Molotov condemned the Nuremberg laws and fascism in general for its support of antisemitism. Indeed, five years earlier Stalin himself had declared that “antisemitism, like any form of racial chauvinism, is the most dangerous vestige of cannibalism.”ⁱⁱⁱ But Stalin had made his remark in a written response to a question from the Jewish Telegraphic Agency in New York, and it was only when Molotov cited it in his speech in 1936 that it appeared in the Soviet Union. Molotov went so far as to express sympathy for the people who had given birth to Karl Marx and many of the “greatest figures in science, engineering, and art.” Speaking of “brotherly feelings for the Jewish people,” Molotov emphasized that these “will define our attitudes toward antisemites and antisemitic atrocities wherever they occur.”^{iv}

Soviet propaganda and popular culture reflected this attitude and occasionally focused on the plight of Jews in Germany. In 1938 two Jewish filmmakers, Adolph Minkin and Herbert Rappaport, produced the movie *Professor Mamlock*, which was based on the 1933 play by the German-Jewish writer Friedrich Wolf and was the first Soviet film to depict Nazi antisemitism. *Professor Mamlock* appeared widely in the Soviet Union and in the West, including the United States, where critics hailed it as “engrossing” and “sincere.”^v

The fall of 1938 marked a turning point in official German policies toward Jewish residents of Germany, including citizens and non-citizens. With ever-increasing severity, German laws restricted the rights of its Jewish citizens, who numbered over half a

million, or less than one percent of the country's population: it became harder for Jews to earn a living, to gain an education, to work as civil servants. With the Nuremberg Laws of 1935, Jews lost their German citizenship and were forbidden to marry non-Jewish Germans. The passage of such laws compelled thousands of Jews to leave Germany, a decision that suited the Nazi leadership. But in 1938, their policies turned from civil restrictions, however severe, to a more dramatic and violent direction. In February, Zionist leaders in Palestine learned from a reliable source with contacts within the German leadership that a violent pogrom directed against the Jews was being planned. That March, the Polish legislature deprived Poles of their citizenship if they had lived continuously abroad for more than five years. This legislation was deliberately intended to prevent the 70,000 Polish Jews who were living in Germany and Austria from returning to Poland. In Germany, Nazi officials, sensing an opportunity, decided to target these vulnerable Polish Jews. In August, all residence permits for foreigners living in Germany were cancelled and would now have to be renewed. As everyone recognized, Polish Jews were not going to receive favorable treatment. But Poland made clear it would not welcome back Jews of Polish origin after October. So the Gestapo, acting ahead of this deadline, arrested and deported the Polish Jews it could apprehend. On the night of October 27, 12,000 Polish Jews were arrested, stripped of their property, and forced onto trains headed to Poland. But once they reached the border, Polish officials refused them entry. They were left stranded at the border where only the Polish Red Cross and Jewish welfare organizations scrambled to feed them.

One of the families was named Grynspan. They sent a post card to their 17-year-old son, Herszel, who was living without proper documents in Paris; his mother wanted

him to rescue them, to secure visas for America. Despondent, determined to help his family, Herszel Grynszpan undertook a desperate mission. On the morning of November 7, he walked into the German Embassy and asked for an appointment. The clerk assigned a minor official, a young man named Ernst vom Rath, to deal with Grynszpan. After entering vom Rath's office, Grynszpan drew a revolver and shot him five times in the abdomen. Vom Rath died two days later.

It was on November 9, 1923, fifteen years earlier, that Hitler and his followers had staged the failed Beer Hall Putsch in Munich. Following the death of vom Rath, Goebbels and Hitler met in Berlin. Within hours, Nazi stormtroopers descended on Jewish businesses, neighborhoods, and synagogues throughout the Third Reich, in Germany and in Austria. There had already been attacks on synagogues earlier in the year; in June and again in August, synagogues in Munich and Nuremberg had been set on fire. But what happened in November was without precedent. The violence lasted all night and into the following day. More than 90 Jews were killed, while more than 30,000 Jewish men were arrested and dispatched to concentration camps. Jewish shops were smashed and looted, more than 200 synagogues ransacked or burned. In Vienna alone 95 synagogues were destroyed. The pogrom came to be known as *Kristallnacht*, or the Night of the Broken Glass.

Newspaper headlines decried the attacks. Coming in the wake of other disquieting news – the occupation of the Rhineland in 1936 and the Munich Pact of September 1938 when England and France granted the Sudetenland region of Czechoslovakia to Germany – *Kristallnacht* awakened an alarm over the Nazis' intentions that earlier events had failed to do. As the Times of London observed, “No

foreign propagandist bent upon blackening Germany before the world could outdo the tale of burnings and beatings, of blackguardly assaults on defenceless and innocent people, which disgraced that country yesterday.”^{vi}

The Soviet press also provided extensive coverage of Nazi atrocities. On November 2, the Soviet news agency TASS reported on the front page of Izvestia on “the tragic situation of Polish Jews who have been expelled from Germany.” Throughout November and into December, Izvestia and Pravda both provided consistent and often gruesome details about German atrocities: how the Gestapo in Frankfurt took eighteen Jewish orphans to the border, ordered them to cross into Poland, and threatened to shoot any who dared to cross back into Germany. In the same article, readers were told about pregnant women giving birth in open fields without any medical care.^{vii} On November 11, Pravda reported on the summary deportations from late October, how German police “did not permit these deported individuals to take with them even the most necessary personal items and often led them away half naked onto the street.” It also published a photo of refugees languishing on the Polish border.

In the wake of *Kristallnacht*, Pravda and Izvestia carried prominent articles for weeks, often on the front page, with vivid descriptions of synagogues being burned, stories of Jews forced half-naked from their homes, and information on thousands of arrests and scores of outright murders and suicides. As Pravda lamented, this was “a massacre of the defenseless Jewish population,” creating “an incredible fear” among Jews throughout Germany.^{viii}

Another article on the same page explained the origin of these attacks. “German fascists have used news of an attack on the third secretary of the German Embassy in

Paris to sharply increase the terror against the Jews.” The article went on to describe how this pogrom was exceeding everything that had taken place before. “The Jewish population is being assaulted on the streets of German cities. Today, at five o’clock in the morning, fascists started a pogrom against Jewish stores on Freidrichstrasse, Leipzigerstrasse, and other central streets of Berlin. Merchandise which had been ransacked from these looted stores is scattered on the sidewalks.” The Soviet journalist Ilya Ehrenburg had been reporting from Spain about the Civil War. By the end of 1938, writing under the pseudonym Paul Jocelyn, he covered the political crisis that erupted in France following the signing of the Munich Pact. His articles also described how the growing antisemitic violence in Germany was affecting life in France: there were calls for quotas against Jews, for restricting the anti-Fascist press even as pro-German newspapers were left alone.^{ix} The next day, Ehrenburg reported about the arrival in Paris of gangsters from Marseille dispatched to the French capital to provoke antisemitic riots.^x Two days later, Ehrenburg was in Alsace where he saw harried Jewish refugees crossing into France.^{xi}

For weeks, the Soviet press kept a running survey of how news of German atrocities was being handled in Western capitals. There were articles about debates in the French and British Parliaments; about coverage in right-wing and liberal Western newspapers; about demonstrations in the streets of London, Basel, New York, Boston, and Washington, D.C. Izvestia informed its readers that the American Secretary of State Cordell Hull had summoned the German ambassador to the State Department and met with him for fifteen minutes, that there were calls in Congress and in American streets for President Franklin Delano Roosevelt to stop trade relations with Germany, to recall the

U.S. Ambassador (which was done), even to break off diplomatic relations altogether. Another report claimed that British and American officials were discussing the evacuation of German Jews from the Third Reich.

The Soviet response was not limited to news articles. On November 27, around 2,000 people gathered in the Great Hall of the Moscow Conservatory to protest atrocities in Germany. The meeting was sponsored by the Presidium of the Union of Soviet Writers and the Presidium of the Union of Soviet Architects in response to “Jewish pogroms in Fascist Germany.” Such a gathering could only have been held with the explicit support and initiative of the Kremlin itself.

The meeting was opened by the writer Alexei Tolstoy who gave “a strong and vivid speech. “To compare the fascist regime with the Middle Ages, as is often done, is to insult the Middle Ages. The Fascist regime of Germany cannot be compared with anything because no other country in all of human history has carried out such an outrage.” He was followed by several other speakers, among them Solomon Mikhoels, the famous actor and director of Moscow’s Jewish State Theater, an officially sponsored Yiddish theater in the nation’s capital.

There are several aspects to Soviet coverage of *Kristallnacht* that deserve special attention. The articles in the country’s central press, in Pravda, Izvestia, and Literaturnaya gazeta, often cited what was being reported in Western news outlets, including references to protest demonstrations in front of German diplomatic offices in Europe and the United States. It is also worth noting the placement of other articles at that time.

It was a coincidence that the Jewish State Theater held a premiere of one of its most popular plays, Tevye the Milkman, which was based on the stories of Sholem Aleichem, that same month. At a time when the Soviet press was reporting on the Nazis' vicious attacks on German Jews, the same newspapers highlighted the success and popularity of Moscow's Yiddish theater. But it may not have been a coincidence that references to Mikhoels and the new play continued to appear after it opened.

Another antifascist film, *The Family Oppenheim*, which was based on a novel by the German-Jewish writer Leon Feuchtwanger, came out in 1939. Already in November 1938, in the wake of *Kristallnacht*, a lead article in Literaturnaya gazeta discussed both the earlier film, *Professor Mamlock*, and *The Family Oppenheim*, including explicit sympathy for German Jews in the wake of the Nazi pogrom. "The films call out to each other," the reviewer Viktor Fink wrote,

In each one, the action concerns the unhappy outset of 1933; in each one the abomination of fascist obscurantism is exposed by showing zoological antisemitism; in each one, the drama of a scholarly Jewish intellectual is depicted; in each one Jewish doctors are the victims of shameless Black Hundreds; in each one, bandits in military uniforms burst into a clinic during an operation. In brief, each film reminds us of the other.

This article appeared on December 1, 1938, on the same page where Literaturnaya gazeta, the newspaper of the Union of Soviet Writers and one of the principal newspapers of the country, carried a prominent article about the large meeting at the Moscow Conservatory to protest the recent attacks on the Jewish community of Germany. It is

fair to say that the placement of such articles was part of a calculated, deliberate strategy to demonstrate how the Soviet Union differed from Nazi Germany when it came to the treatment of its Jewish citizens.

With the signing of the Soviet-German Non-Aggression Pact in August 1939, however, Soviet propaganda did an about-face. The Soviet media remained silent about antisemitic attacks by the Nazis in Poland. At the same time, with the annexation of Eastern Poland (Western Ukraine and Western Belorussia), the Baltic states, and parts of Bessarabia and Northern Bukovina (the latter areas from Romania), the Jewish population under Soviet control grew by two million, to five million people. And they would all be in jeopardy after the German invasion on June 22, 1941.

By August, Stalin was ready to enlist Jewish voices and use Jewish suffering in an appeal to Jews in England and the United States. On August 16, several leading Jewish cultural figures approached the Kremlin with a proposal to stage a rally “with the participation of Jewish academicians, writers, artists, and Red Army soldiers.”^{xii} The regime accepted the idea and arranged for an international radio broadcast and a mass rally in Moscow’s Park of Culture on August 24. All the speakers, including Solomon Mikhoels, the Yiddish poet Peretz Markish, and the writer Ilya Ehrenburg, in carefully screened remarks later published in leading newspapers, emphasized Jewish unity and the terror of Nazi persecution. Ehrenburg’s remarks were widely cited:

I grew up in a Russian city. My native language is Russian. I am a Russian writer. Now I, like all Russians, am defending my homeland.

But the Nazis have reminded me of something else: my mother’s name

was Hannah. I am a Jew. I say this proudly. Hitler hates us more than anything, and this makes us proud.

This meeting was the first step in the creation of the Jewish Anti-Fascist Committee (JAC), one of five such committees set up to engage in propaganda directed toward the West to generate support for the wartime alliance with the Soviet Union.^{xiii} Until the end of the war, the JAC would collect information about atrocities and distribute news articles and essays, primarily in the West, about Jewish suffering. All the speakers at the 1941 event, most notably Mikhoels, several Yiddish-language writers, and figures like the influential journalist Ilya Ehrenburg became leading voices within the JAC.^{xiv}

On occasion, Soviet officials also made references for domestic audiences to the massacre of the Jews. On November 6, 1941, Stalin gave a defiant speech in Moscow commemorating the 24th anniversary of the Bolshevik Revolution, at a time when the Wehrmacht was threatening the capital. Among German atrocities, Stalin explicitly accused them of “happily organizing medieval pogroms against the Jews, just as the tsarist regime had done before.”^{xv} Twelve days later, *Izvestia* cited a news source in New York which claimed that 52,000 Jewish men, women, and children had been killed in Kiev.^{xvi} Then Molotov, in an official diplomatic statement on January 6, 1942 to protest German atrocities, included an explicit reference to the massacre in Kiev; the text of his message began on the front page of *Pravda*.^{xvii} The Soviet press carried two front-page denunciations of the massacres of Jews. On December 18, 1942, *Pravda* provided the full text of a joint declaration by eleven nations and the French National Committee condemning the persecution and murder of Jews in every territory occupied by the

Germans, and declared that “such events can only reinforce the determination of freedom-loving peoples to overthrow Hitler’s barbaric tyranny.” And the next day *Izvestia* carried a prominent article under the grim headline: “On the Fulfillment of the Hitlerite Plan to Exterminate the Jewish population of Europe.” In three long columns, it described the deportation and massacre of Jews throughout Europe East and West, including Scandinavia and the occupied Soviet territories. It left no doubt that the plan was to cleanse Europe of all its Jews.^{xviii}

With the end of the war, the Allied Powers faced the dilemma of how to hold German leaders accountable for their many crimes. It was at Nuremberg that the Allies settled their accounts. There were thirteen trials at Nuremberg, although it is the first trial, the International Military Tribunal, or IMT, that remains the most prominent in our collective memory. Its twenty-two defendants included several of the most infamous political and military leaders of Nazi Germany: Hermann Goering, Rudolf Hess, Albert Speer, Joachim von Ribbentrop, and Julius Streicher.

This was the most elaborate of the thirteen trials that took place at Nuremberg and the only one to involve judges and prosecutors of all four major Allied powers--the United States, the Soviet Union, Great Britain, and France. But contrary to what most people assume about justice at Nuremberg, the mass murder of the Jews was not the driving force behind the prosecution, although this was the first time that the crime of genocide was included in a criminal indictment. The principal charges involved initiating a war of aggression, war crimes (against soldiers and civilians), and crimes against humanity. The IMT, after all, opened on November 20, 1945, just six months after the end of the war

in Europe, when the Allies were still absorbing the scale of the Nazis' crimes. Telford Taylor himself, who served as assistant to Justice Robert Jackson during the IMT and then as Chief Prosecutor for all twelve subsequent trials, acknowledged in his memoirs that in 1945 he "remained ignorant of the mass extermination camps in Poland and [that] the full scope of the Holocaust did not dawn on me until several months later, at Nuremberg."^{xix}

The IMT, nonetheless, succeeded in presenting "the first comprehensive definition and documentation to a non-Jewish audience of the persecution and massacre of European Jewry," as Michael Marrus has noted.^{xx} In his famous opening statement, Justice Jackson devoted an entire section to crimes against the Jews, "the most savage and numerous crimes planned and committed by the Nazis."^{xxi} Over the year that followed, more than eight hundred documents and thirty witnesses substantiated the charges regarding the fate of the Jews.

About six weeks into the trial the Americans summoned SS general Otto Ohlendorf to testify. Ohlendorf had commanded Einsatzgruppen D, which had operated in southern Ukraine and the Crimea. His testimony was "a real blockbuster," as Taylor recalled in his memoirs. "Ohlendorf was small of stature, young-looking, and rather comely. He spoke quietly, with great precision, dispassion, and apparent intelligence," even as he admitted that under his command the 500 men of Einsatzgruppen D had killed 90,000 people between June 1941 and June 1942, including men, women, and children.^{xxii} Similar testimony which linked the army to the atrocities of the Einsatzgruppen was heard from General Erich von dem Bach-Zelewski. Their statements stunned the

courtroom, provoking even Herman Goering, who always tried hard to preserve his equanimity. Following Ohlendorf's testimony, Goering was heard to denounce him as a "swine" who was "selling his soul to the enemy." And when Bach-Zelewski left the witness stand, Goering "glared at him and snarled, 'Schweinhund und Verrater' (Pig-dog and traitor)."^{xxiii}

The Soviet prosecutors also decided to focus on the persecution of the Jews. They called three witnesses on February 27, 1946: the poet Abram Sutzkever; Severine Shmaglevskaya, a Polish woman who described the murder of Jewish women and children at Auschwitz; and Samuel Rajzman, one of the few Jews who had miraculously survived for nearly a year in Treblinka. Sutzkever had been among the partisans in the Vilna ghetto; he provided vivid testimony about the fate of Lithuanian Jewry and the extermination of nearly 80,000 Jews in Vilna alone.^{xxiv}

The Soviet press responded favorably to their testimonies. Writing in Pravda a week later, Boris Polevoi identified Sutzkever as a "Yiddish poet" with a European reputation, who had survived "the Jewish ghetto" in Vilna. Polevoi was most impressed by Sutzkever's description of his family's destruction at the hands of the Germans.^{xxv}

It was not until September 29, 1947 that a separate trial opened for the commanders of the Einsatzgruppen. The trial lasted for eight months and involved twenty-three defendants, including six SS generals. They were charged with "the murder of more than one million persons, tortures, and atrocities, and other inhumane acts,"^{xxvi} making this the greatest murder trial in history. The

indictment went on to list nearly one hundred separate incidents or patterns of incidents associated with each Einsatzgruppe, what the prosecution called “a systematic program of genocide,” only the second time the term was used as part of an actual indictment.^{xxvii}

Faced with overwhelming evidence of their guilt, several defendants tried to mitigate their culpability by assuring the court that they did all they could to avoid gratuitous violence. Heinz Schubert (a direct descendant of the composer Franz Schubert) sought to establish his humanitarian credentials by explaining that he “took care that the condemned persons were not beaten while the loading [into gas vans] was going on.”^{xxviii} And Ernst Biberstein, who also oversaw the use of gas vans, assured the judges that he himself “saw the unloading of the dead bodies, [that] their faces were in no way distorted, [and that] death came to these people without any outward signs of spasms.”^{xxix} Or as Otto Ohlendorf claimed, “it was my wish that these executions be carried out in a manner and fashion which was military and suitably humane under the circumstances.”^{xxx}

These Nazi officers, in fact, had been more concerned over the psychological impact of such killing on their own men than on any scruples over their victims. Ohlendorf, for example, “never permitted shooting by individuals in Group D, but ordered that several of the men should shoot at the same time in order to avoid direct personal responsibility.”^{xxxi} Paul Blobel, too, adjusted his tactics by arranging for his men to shoot for only one hour at a time before being replaced.

Otto Ohlendorf was the central figure in the case. His readiness to testify--he had already appeared at the IMT in January 1946 and would later testify at the trial of the German High Command in August 1948 as a witness for the defense--and to confess to his actions (but not his guilt) made him stand out from virtually all the other defendants at Nuremberg.^{xxxii} Ohlendorf's testimony reflected how an intelligent, well-educated German could participate in mass murder out of sheer ideological conviction.

Ohlendorf gave himself up to British forces on May 24, 1945, almost three full weeks after the unconditional German surrender. Over the next two years, he was interrogated on thirty-six different occasions by the Americans, who had obtained his extradition from the British Zone; they were hoping to use him as a witness against other Nazi leaders.^{xxxiii} Ohlendorf did not disappoint them and identified hundreds of other war criminals who would otherwise have been difficult if not impossible to track. Ohlendorf's attitude baffled his interrogators. "His moral compass was so skewed that he genuinely believed that what he had done, supervise the murder of 90,000 innocent civilians, was not wrong," as Hilary Earl pointed out in *Accidental Justice*, her study of the trial.^{xxxiv} One prison psychologist had to conclude that Ohlendorf must have been "a sadist, a pervert or a lunatic" to have participated so intimately in genocide and then talked in such a matter-of-fact way about his crimes without the slightest hint of remorse.^{xxxv} For Ohlendorf, though, obedience to Hitler and Himmler was the highest ideal. Even when the prosecutor and Judge Michael Musmanno, determined to grasp the full measure of Ohlendorf's ideological commitment,

challenged him to answer if he would kill his own sister if ordered to by a superior, Ohlendorf felt compelled to say “yes.”^{xxxvi}

Not all the defendants were as articulate or as ideologically committed as Ohlendorf. Several claimed they experienced inner conflicts but still had to obey orders. One defendant, Gustav Nosske, in the face of overwhelming corroborating evidence, stubbornly maintained his innocence until, pressed by Judge Musmanno, he admitted that his unit “might be” responsible for killing 244 people.^{xxxvii} Another defendant, Walter Haensch, who was a lawyer by training, denied doing anything illegal or immoral; he claimed that he only learned about the murder of the Jews when he reached Nuremberg in July 1947. And when prosecutors showed reports confirming his unit’s massacres, Haensch had the audacity to declare under oath that he had been “in Berlin, attending a birthday party, having his photograph taken, and visiting his dentist.”^{xxxviii}

Paul Blobel offered a different kind of defense. He had supervised the killings at Babi Yar, earning a reputation among the Nazis as one of their most efficient killers. One witness claimed that Blobel “lost patience with the pace of the operation and frequently yelled at his men to speed it up.”^{xxxix} Judge Musmanno later recalled that Blobel “sat in the front row in the defendant’s dock [with his square red beard jut[ting] out ahead like the prow of a piratical ship commanded by himself. His blood-shot eyes glared with the penetrating intensity of a wild animal at bay.”^{xl} During the pre-trial investigation, Blobel initially denied killing anyone. But Rolf Wartenberg persisted. “I questioned him about his sleep,” Wartenberg once recalled. “I wanted to know if his conscience

permitted him to sleep or if the memory of the Jews he had killed had disturbed his sleep. Now, he confessed, that I was correct, he was directly involved in the execution of 10-15,000 Jews.”^{xli} But Blobel insisted that he had not killed as many as his own reports had claimed, as if this alleged discrepancy could amount to mitigating evidence.

With the close of the trial in the spring of 1948, fourteen of the twenty-three defendants were sentenced to death, more than at any trial at Nuremberg. But with the onset of the Cold War and a failure of moral resilience, the Americans, who had organized this trial and held all the defendants in a Bavarian prison, grew hesitant about carrying out the sentences. In the end, only four of the defendants were executed, while all the others, regardless of their original sentence of death, life imprisonment, or even twenty years of imprisonment, were released by the summer of 1958.

Innumerable memoirs by survivors and innumerable historical studies continue to shed light on a crime so enormous, so unfathomable, that sometimes it seems the facts alone do more to confound than to clarify our understanding. As the historian Isaac Deutscher wrote in the 1960s, “I doubt that in a thousand years people will better understand Hitler, Auschwitz, Majdanek and Treblinka than we do today.”^{xlii}

Every Jew who survived marked a moment of failure on the part of the Nazis; every murder was a representative event. The survivors were people of remarkable resilience who could not have imagined before the catastrophe how they would choose to behave, and then afterwards, overcome with the “contaminated joy of liberation,”^{xliii}

could not imagine how what they had endured could really have happened, or if it was in fact that person, themselves, who had survived a sojourn in the valley of death. Watching their loved ones be killed all around them, “Every human being was broken, shattered, and envious of the dead,” one survivor recalled.^{xliv} We should celebrate each life that was spared but not allow ourselves the comfort of being distracted from the harsh reality the Nazis fashioned: they murdered six million Jews and would have been happy to kill more. On the eve of his death, Hitler boasted that he regarded the killing of the Jews as the greatest service rendered by National Socialism to humanity.^{xlv} And Adolf Eichmann remarked that he “would leap laughing into the grave because the feeling that he had five million people on his conscience would be for him a source of extraordinary satisfaction.”^{xlvi} The only banal quality to their bloodthirsty satisfaction was that it was so widely and enthusiastically shared.

ⁱ Jürgen Matthäus estimates that between 500,000 and 800,000 were murdered by the end of 1941--“on average 2,700 to 4,200 per day.” See Christopher R. Browning, with contributions by Jürgen Matthäus, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939-March 1942* (Lincoln, Neb., and Jerusalem, 2004), p. 244.

ⁱⁱ Zvi Gitelman, “The Soviet Union,” in David S. Wyman, ed., *The World Reacts to the Holocaust* (Baltimore, 1996), p. 307.

ⁱⁱⁱ Cited in the introduction by Vasily Grossman to Ilya Ehrenburg and Vasily Grossman, eds., *The Black Book* (New York, 1981), p. xxx.

^{iv} *Pravda*, November 30, 1936, pp. 1-3.

^v *New York Times*, November 8, 1938, p. 26. A few days later, there were front-page headlines about the pogroms of *Kristallnacht*.

^{vi} *Times* of London, November 11, 1938.

^{vii} *Izvestia*, November 2, 1938, p. 1.

^{viii} *Pravda*, November 13, 1938, p. 5, November 18, 1938, p. 5.

^{ix} See *Izvestia*, November 11, 1938, p. 2.

^x See *Izvestia*, November 12, 1938, p. 1.

^{xi} See *Izvestia*, November 14, 1938, p. 2.

^{xii} Russian State Archive of Social and Political History (hereafter RGASPI), f. 17, op. 125, d. 35, ll. 62-65. The letter is dated August 16, 1941. A full translation can be found in *Shimon Redlich, War, Holocaust and Stalinism: A Documented History of the Jewish Anti-Fascist Committee in the USSR* (Luxembourg, 1995), pp. 173-74.

^{xiii} The other anti-fascist committees were directed toward scientists, young people, women, and Slavs who were living in the West, primarily in Canada and the United States.

^{xiv} See Joshua Rubenstein and Vladimir Naumov, eds., *Stalin's Secret Pogrom: The Postwar Inquisition of the Jewish Anti-Fascist Committee* (Yale University Press in association with the United States Holocaust Memorial Museum, New Haven, 2005) for a history of the JAC and an abridged transcript of the secret trial of fifteen of its members in 1952.

^{xv} Iosif Stalin, *O velikoy otechestvennoy voyne sovietskogo soyuza* (On the Great Patriotic War of the Soviet Union), (Moscow, 1950), pp. 50-51.

^{xvi} *Izvestia*, November 19, 1941, p. 4

^{xvii} *Pravda*, January 7, 1942, pp. 1-2.

^{xviii} *Pravda*, December 18, 1942, p. 1 and *Izvestia*, December 19, 1942, p. 1.

^{xix} Taylor, *The Anatomy of the Nuremberg Trials*, p. xi.

^{xx} Michael R. Marrus, "The Holocaust at Nuremberg," paper prepared for a conference, "Political Justice in Europe in the Aftermath of World War Two," Institut für die Wissenschaften vom Menschen, Vienna, November 1995, revised in February 1996, p. 1.

^{xxi} *Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg, 14 November 1945-1 October 1946* (Nuremberg, Germany, 1947), Vol. II, p. 18.

^{xxii} Taylor, *The Anatomy of the Nuremberg Trials*, pp. 246, 248.

^{xxiii} *Ibid.*, pp. 248, 260. Ohlendorf testified on January 3, 1946; his testimony can be found in *IMT*, Vol. IV, pp. 311-354. Bach-Zelewski testified on January 7, 1946; his testimony can be found in *IMT*, Vol. IV, pp. 475-496.

^{xxiv} *IMT*, Vol. VIII, pp. 301-321. These three witnesses all appeared on February 27, 1946. Sutzkever is referred to in the trial transcript with the spelling Suzkever. Ilya Ehrenburg, with the help of Solomon Mikhoeles, arranged for Sutzkever to testify at Nuremberg. Sutzkever confided to Ehrenburg that he intended to smuggle a gun into the Palace of Justice to shoot Goering, but Ehrenburg dissuaded Sutzkever from carrying out such a desperate act. See Joseph Leftwich, *Abraham Sutzkever: Partisan Poet* (New York, 1971), pp. 10 and 51.

^{xxv} Boris Polevoi, "Ot imeni chelovechestva" (In the name of humanity), *Pravda*, March 4, 1946, p. 4. Polevoi repeated these observations in his book on the trial *V kontse kontsov* (Finally) (Moscow, 1969), pp. 167-68; there is also a drawing of Sutzkever from Nuremberg in the book. When Sutzkever returned to Moscow, he visited Ehrenburg. In his memoirs, Ehrenburg made a point of recalling Polevoi's coverage of Sutzkever's testimony in *Pravda* and how the judges were shaken by his story; see *Lyudi, Gody, Zhizn*, vol. III, p. 37.

^{xxvi} *Einsatzgruppen Trial Account*, p. 13

^{xxvii} *Ibid.*, p. 15.

^{xxviii} *Einsatzgruppen Trial Account*, p. 208.

^{xxix} *Ibid.*, p. 210

^{xxx} *Ibid.*, p. 134.

^{xxxi} *Ibid.*, p. 206.

^{xxxii} Ohlendorf's testimony at the trial of the German High Command on August 6, 1948 can be found in *Trials of War Criminals Before the Nuernberg Military Tribunals under Control Council Law No. 10, X*, (October 1946-April 1949), U.S. Government Printing Office, Washington, D.C., pp. 1277-80.

^{xxxiii} *Ibid.*, p. 81.

^{xxxiv} *Ibid.*, p. 99.

^{xxxv} *Ibid.*, p. 100. This same psychologist, Dr. Leon Goldensohn, described Ohlendorf as looking "like a burned-out ghoul, and his conscience, if it can be called such, is clean as a whistle and as empty. There is a dearth of affect, but nothing clinically remarkable. His attitude is 'Why blame me? I didn't do anything wrong.'" See Robert Gellately, ed., *The Nuremberg Interviews*, conducted by Leon Goldensohn (New York, 2004), p. 390.

^{xxxvi} See Michael A. Musmanno, *The Eichmann Kommandos* (Philadelphia, Penn., 1961), pp. 117-121 for a compelling account of how the court pressured Ohlendorf to respond on whether or not he would execute his sister.

^{xxxvii} Cited in Earl, *Accidental Justice*, p. 253; Nosske gave this testimony on December 9, 1947.

^{xxxviii} *Ibid.*, p. 256.

^{xxxix} *Ibid.*, p. 258-59.

^{xl} Musmanno, *The Eichmann Kommandos*, p. 145.

^{xli} Author interview with Hannah Wartenberg, New York, New York, May 6, 2005; the quotation is from the personal papers of Rolf Wartenberg, which have been deposited with the United States Holocaust Memorial Museum.

^{xlii} Isaac Deutscher, *The Non-Jewish Jew* (New York, 1982), p. 16.

^{xliii} Langer, *Holocaust Testimonies*, p. 85.

^{xliv} See “In Uman. The recollections of Manya Feingold;” see *The Unknown Black Book*, p. 192.

^{xlv} Cited in Friedländer, “From Anti-Semitism to Extermination,” p. 32.

^{xlvi} Cited in Taylor, *Anatomy of the Nuremberg Trials*, p. 248.