

IX. POST-WAR TRIALS AND CONSEQUENCES

Professor Susan Benedict
 UT Health Science Center
 Houston, Texas, USA 77030
Susan.C.Benedict@uth.tmc.edu
 001-713-500-2039

Purpose of the Module: To describe the fate of the Nazi perpetrators in post-war trials.

Suggested Readings:

Pellegrino, E. (2010). "When Evil was Good and Good Evil: Remembrances of Nuremberg." In Medicine after the Holocaust, edited by Sheldon Rubinfeld. New York, Palgrave MacMillan, p. 11.

de Mildt, D. (1996). In the Name of the People: Perpetrators of Genocide in the Reflection of their Post-War Prosecution in West Germany: The "Euthanasia" and "Aktion Reinhard" Trial Cases. The Hague: Martinus Nijhoff Publishers.

Goldensohn, L. (2004). The Nuremberg Interviews, edited by Robert Gellately. New York: Alfred A. Knopf.

Annas, G. and Grodin, M. (1992). "The Doctors' Trial and the Nuremberg Code." In The Nazi Doctors and the Nuremberg Code. New York: Oxford University Press, p. 59.

Jaworski, L. (1961). After Fifteen Years. New York: Gulf Publishing Company.

Suggested Videos:

"Judgment at Nuremberg" available from Amazon.com.

"Verdict on Auschwitz: The Frankfurt Auschwitz Trial 1963-1965" available from www.firstrunfeatures.com.

Objectives:

1. To discuss the outcomes of the various trials.
2. To evaluate the justice of the outcomes.

Discussion Questions:

1. Was there a difference in outcomes depending upon how soon after the war they were held?
2. Was there a difference in outcomes depending upon the country in which the trials were held?
3. Having committed and admitted to the same crimes, why were some perpetrators executed whereas others were acquitted?

Synopsis:

Trials of the perpetrators of Nazi Germany began in 1945, even before the war ended, and were still being prepared as recently as 2008. Yet many of the most egregious perpetrators were never brought to justice including Adolf Hitler, Joseph Mengele, Horst Schumann, and Carl Clauberg. This module will describe some of the “euthanasia” trials, the “Doctors’ Trial”, and the 1963 trial of the personnel of Auschwitz.

“Euthanasia” Trials

Meseritz-Obrwalde

As described in Module 3, Part 3, Meseritz-Obrwalde was one of the primary hospitals in which “wild euthanasia” was committed. One of the first trials of perpetrators took place when the Russian Army came upon the hospital on January 29, 1945, before the war had ended. All of the staff had fled, leaving the patients to fend for themselves. Soon thereafter, the army found senior nurse Amanda Ratajczak and subjected her to an on-the-spot trial. She admitted to killing about 2,500 patients within the previous 3 years. The soldiers set up a table in front of one of the killing rooms in Building 19. There she was told to re-enact how she did the killings. She filled a syringe with Evipan and enacted the administration of an injection. She stated that 18,000 patients had been killed in such a way at Meseritz-Obrwalde. Following this re-enactment, which was filmed, she was pronounced guilty along with a male orderly and shot on the spot. There are photos of this “trial” in a memorial chamber for the victims which is currently in the main administration building of Meseritz-Obrwalde.¹

*Amanda Ratajczak
demonstriert vor
der sowjetischen
Untersuchungskommission die
Tötungsmethode,
Februar 1945*



*Amanda Anna Ratajczak demonstrująca przygotowywanie śmiertelnych
zastrzyków podczas przesłuchiwania jej przez organa śledcze Armii Radzieckiej.
(fot. z 1945 r.)*



Sources:

Top photo: Ebbinghaus, A. (1987). "Dokumentation Krankenschwestern vor Gericht." In Opfer und Täterinnen. Nördlingen, Germany: Delphi Politik, p. 221.

Bottom photo: Dramowicz, W. (2004). Obrzyce: Dzieje Szpitala. Międzyrzecz, Poland, p. 60.

On August 10, 1945, Dr. Hilde Wernicke and nurse Helene Wieczorek were arrested and accused of killing hundreds of patients at Meseritz-Obrwalde. Both were found guilty and executed on January 14, 1947 in Berlin.² Dr. Wernicke was the only “euthanasia” physician tried before a West German court to receive a death sentence which was actually carried out.³

The next trial of nurses from Meseritz-Obrwalde did not take place until 19 years later(!) when 14 nurses were tried for murdering their patients. See Module 3, Part 3 for a description of their actions. Even though these nurses admitted to killing patients or assisting other nurses with the murders, all 14 were acquitted. The judgment was based on the belief that the nurses thought that their actions were legal and that they were acting to relieve the suffering of their patients.⁴ In all probability, the German people had grown weary of post-war trials and by the time this one occurred, all enthusiasm for punishment had diminished.

The T-4 “Euthanasia” Hospitals

In July 1945, the American occupation moved its headquarters to Wiesbaden, Germany and a Trial Section was established to prosecute perpetrators. The trials began in the summer of 1945 and within 6 months 33 proceedings had been held with 110 people being accused and 97 convicted.⁵ Among these proceedings were some of the “euthanasia” trials.

There were 6 hospitals that functioned at T-4 “euthanasia” sites, although not all simultaneously, over an 18 month period. Personnel from these institutions were tried for their actions and some were consequentially executed. Hadamar operated as both a T-4 institution and later as a “wild euthanasia” institution; that is, patients were gassed for a period of time and later, when the T-4 gassings ceased, patients were killed by lethal injection. The personnel of Hadamar were defendants in two trials. The first Hadamar trial was held in October 1945 before a US Military Tribunal with 7 defendants accused of killing over 400 Polish and Russian workers brought to Hadamar for extermination. Irmgard Huber, the female head nurse, was

sentenced to 25 years imprisonment.⁶ Hadamar director Alfons Klein and two mail nurses, Wilhelm Ruoff and Karl Willig, were executed on March 14, 1946.⁷ In 1947, Huber was again tried, this time by a German court, and sentenced to eight years imprisonment.⁸ Twenty-four additional defendants were also tried but only 11 were sentenced, including Dr. Adolf Wahlmann, the medical director, and Dr. Hans Gorgass who received death sentences.⁹ Other nurses from Hadamar and Grafeneck were brought to trial in January 1948 and received from 3 to 5 years imprisonment. Some returned to nursing after their release from prison.¹⁰

From 1945 until as recently as 2008, “euthanasia” trials were being held or prepared. Numerous physicians and nurses were sentenced for committing or assisting with the murder of the handicapped.

The Nuremberg Trials

There were a total of 12 war crimes trials held before the American Military Tribunals at Nuremberg. These began in October 1946 and ended in April 1949. The US Government Printing Office compiled summaries of the various testimonies and documents in a series of 12 volumes known as “The Green Series”. These volumes are available at many libraries and are entitled Trials of War Criminals Before the Nuernberg Military Tribunals Under Council Law No. 10. “The Medical Case” or the so-called “Doctors’ Trial” is in Volumes I and II as Military Tribunal No. 1, Case 1, The United States of America against Karl Brandt, et al.¹¹ Twenty of the 23 defendants were physicians. The crimes with which the defendants were charge included euthanasia and medical experimentation. For a detailed discussion of the “euthanasia” program, see Module 5 and see Modules 7 and 8 for a discussion of the medical experiments.

The Doctors’ Trial was completed on August 20, 1947 with 16 of the 23 defendants found guilty. Seven defendants, all physicians, were acquitted. Seven defendants were sentenced to death by hanging with four of them being physicians: Karl Brandt, Karl Gebhardt,

Joachim Mrugowsky, and Waldemar Hoven. The only female defendant, the physician Herta Oberheuser, was sentenced to 15 years¹² for her role in the medical experiments of Ravensbrück concentration camp.

Within this trial, the so-called Nuremberg Code, was delineated to describe what constituted ethical experimentation on humans. The elements of this code included the following:

1. The voluntary consent of the human subject is absolutely essential.
2. The experiments should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
3. The experiments should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiments should be conducted where there is an *a priori* reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provide to protect the experimental subject against even remote possibilities of injury, disability, or death.

8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiments seems to him to be impossible.
10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.¹³

Thus the Nuremberg Code was developed as a set of guidelines to define *ethical* research and against which the crimes of the Nazi physicians were to be evaluated.

The Frankfurt Auschwitz Trial

As an example of the trials of the perpetrators of the concentration camps, the 1963-1965 Auschwitz trial held in Frankfurt will be described. It was one of 6,000 war crimes trials held between 1945 and 1980.¹⁴ A documentary of the Frankfurt Auschwitz trial, Verdict on Auschwitz, is recommended and includes much of the evidence and audio excerpts. The full transcript of the trial and related documentation (in German) are available on a DVD, Der Auschwitz-Prozeß (Digitale Bibliothek).

There were 24 defendants in the Auschwitz trial, 8 of whom were identified as being with the "Medical Service". Among these were a physician, 2 dentists, a pharmacist, and medics. Their assignments were to select arriving Jews for immediate gassing or for a more lingering existence as a prisoner. The medics were responsible for the phenol injections of the prisoners in the infirmaries¹⁵ who were judged too sick to work or who could no longer be used for experiments. The 4 medical

professionals tried included Drs. Franz Lucas, Willi Frank, and Willi Schatz. Dr. Viktor Capesius was a pharmacist.

Dr. Franz Lucas was charged with making selections on the ramp and sending people to the gas.

He stated:

Immediately on my arrival at the Auschwitz train station, I received my first horrible impression as a column of inmates marched past on their way to work. That same day, I was invited to share my first glass of schnapps. I was asked whether I had already heard anything about the gas chambers. After these were explained to me, I said that I was a doctor and my job was to save human lives, not exterminate them.¹⁶

Dr. Lucas was described as

an easygoing, fatherly man who carefully and with slow motion selected on the ramp... [He] was always decent toward the patients and...treated us well...[He] was a human being...[who] gave me back my faith in the German man.¹⁷

This “decent” attitude and “softness” toward prisoners led to multiple conflicts with other SS doctors and officers.¹⁸ His conflicts within himself led to his consultation with his hometown bishop about the “obligation to follow ‘immoral orders’”¹⁹ Dr. Lucas requested a transfer to the front rather than selecting people for death on the ramp at Auschwitz; however, his letter to his former commanding officers informed him that “orders were orders.”²⁰ So despite his conflicts of conscience, Dr. Lucas continued to send people to the gas and was “convicted as an accomplice to murder on four counts, each involving at least 1,000 people.” For this, he was sentenced to 3 years and 3 months in prison.²¹

Dr. Willi Frank, a dentist, was transferred to Auschwitz after a lengthy illness.²² He had a long history of membership in the Nazi party but was a reluctant participant at the selection ramp. During the Frankfurt trial, Frank stated:

The former inmates with whom I dealt in Auschwitz have borne witness to my behavior there. None of them has incriminated me. On the contrary, all have said that I treated them humanely, and several have testified that they owe their life to me.²³

He was convicted of accessory to murder and sentenced to 7 years in prison.²⁴

Dr. Willi Schatz, also a dentist, denied making selections at the ramp and stated he only did his duty as a soldier.²⁵ He was acquitted during the Frankfurt trial.²⁶

Dr. Viktor Capesius was a pharmacist who was employed before the war by Bayer Works, the pharmaceutical company, in Romania. His wife was Jewish, a factor which he used in his defense in the Frankfurt trial and which had clearly been overlooked by the SS when he was employed.²⁷

In early 1944, Capesius was made the manager of the SS pharmacy in Auschwitz. Although he was not a physician, he nevertheless performed ramp selections. Because he had been a representative of Bayer Works, he was personally acquainted with some of the Jewish physicians and pharmacists arriving on the transports from Hungary. They begged for his help and he assured them of rest and being reunited with their families if they went to “the other side” which was, in fact, the column of people to be sent directly to the gas. Not only did Capesius send former friends and colleagues to the gas, he also looted their belongings, taking suitcases full of clothes, money, medications, and jewelry back to the pharmacy to be sorted. He kept the foreign money and finer items but left the food and German money to be shared among the inmates. He even asked some of the inmates to loot for specific items, a diamond brooch, for example, and agreed to pay 12 bottles of schnapps as a finder’s fee. At his trial in Frankfurt, it was noted that even in Auschwitz, where looting was an accepted practice, Capesius managed to stand out.²⁸

Dr. Capesius was arrested in December 1959²⁹ and sentenced to 9 years imprisonment at the Frankfurt Auschwitz trial.³⁰

Summary

Among the more than 6,000 post-war preceedings, numerous physicians, nurses, and other health care professionals were tried. Some were convicted, for example in the Ravensbrück trials, and few were acquitted. Unfortunately, a number of the most egregious perpetrators managed to escape justice. Among these are Drs. Josef Mengele, Horst Schumann, and Carl Clauberg. In each of these three

cases, trials were prepared but never fully conducted. Dr. Mengele was never found alive. Clauberg died under mysterious circumstances in prison immediately before the trial began, and Horst Schumann was deemed too ill to stand trial and lived quite comfortably for another 13 years in a luxurious Hamburg suburb.³¹

References:

1. Ebbinghaus, A. (1987). "Dokumentation Krankenschwestern vor Gericht." In Opfer und Täterinnin. Nördlingen, Germany: Delphi Politik, p. 218.
2. Ibid, p. 247.
3. de Mildt, D. (1996). "'Euthanasia' Accomplices on Trial." In In the Name of the People: Perpetrators of Genocide in the Reflection of their Post-War Prosecution in West Germany: The "Euthanasia" and "Aktion Reinhard" Trial Cases. The Hague: Martinus Nijhoff Publishers, p. 97.
4. Ibid, p. 181.
5. Heberer, P. (2001). "Exitus Heute in Hadamar" The Hadamar Facility and "euthanasia" in Nazi Germany. Dissertation University of Maryland. Ann Arbor: University Microfilms International, p. 476.
6. Hessisches Hauptstaatsarchiv, Wiesbaden, Germany, file 461/32061/25.
7. Heberer, p. 502.
8. Ibid, file 461/32061/8.
9. Heberer, p. 524.
10. Hessisches Hauptstaatsarchiv, file 461/32061/9.
11. Trials of War Criminals Before the Nuernberg Military Tribunals Under Council Law No. 10. "The Medical Case." Washington: US Government Printing Office, vol. 1, p. 3.
12. Mitscherlich, A. and Mielke, F. (1992). "Epilogue: Seven Were Hanged." In The Nazi Doctors and the Nuremberg Code, edited by Annas, G. and Grodin, M. (1992). New York: Oxford University Press, p. 105.
13. Annas, G. and Grodin, M. (1992). "Judgment and Aftermath." In The Nazi Doctors and the Nuremberg Code, edited by Annas, G. and Grodin, M. (1992). New York: Oxford University Press, p. 103.
14. Pendas, D. (2006). "Introduction." In The Frankfurt Auschwitz Trial, 1963-1965. New York: Cambridge University Press, p. 3.
15. Ibid, p. 100.
16. Pendas, p. 132-133.
17. Lifton, R. (1986). "Socializing to Killing." In The Nazi Doctors. New York: Basic Books, p. 195.
18. Ibid.
19. Pendas, p. 119.
20. Ibid, p. 133.
21. Ibid, p. 247.
22. Ibid, p. 132.
23. Langbein, H. (2004). "Physicians in the SS." In People in Auschwitz. Washington: US Holocaust Memorial Museum, p. 357.
24. Pendas, p. 235.
25. Langbein, p. 508.
26. Pendas, p. 235
27. Langbein, p. 349.
28. Ibid, p. 349-351.

29. Ibid, p. 500.
30. Pendas, p. 235.
31. Posner, G. and Ware, J. (2000). Mengele. New York: Cooper Square Press, p. 32.