Defending Human Rights:
The Legacy of Dachau and Nuremberg

AN EXHIBITION IN COMMEMORATION OF THE
60TH ANNIVERSARY OF THE WAR CRIMES TRIALS AT
DACHAU AND NUREMBERG

Presented by the University of Minnesota Law Library
in cooperation with the University of Minnesota Human Rights Center

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DACHAU WAR CRIME TRIAL

Admit Bearer to court room,
Dachau, Germany,

on Friday,
16 November 1945
“The past is never dead.
It’s not even past.”

– William Faulkner, Requiem for a Nun
The Human Rights Legacy of Dachau

The Dachau trials have been called the largest yet least known series of Nazi trials in history. Beginning on November 13, 1945, the American Military Tribunal at Dachau tried 1,672 alleged war criminals in 489 separate proceedings. Unlike the trials at Nuremberg which focused on the architects of Third Reich policies, the Dachau trials brought to justice those Germans who carried out the policies. Defendants included concentration camp commandants, medical officers, labor officers, and others who held positions at the camps.

Dachau was chosen as the trial site largely because of its long association with German atrocities. The German government built Dachau as its first regular concentration camp in 1933. While the earliest prisoners consisted of the Third Reich’s political opponents, later the regime sent Jews, homosexuals, gypsies, Jehovah’s Witnesses, and priests to Dachau. As at other camps, the Nazis performed medical experiments on prisoners, and forced them to work as slave laborers. Between 1933 and April 1945, thousands died at Dachau. When the U.S. Army liberated the camp at the end of April 1945, it held over 67,000 prisoners.

The International Military Tribunal at Nuremberg saw the prosecution of 22 Nazis, orchestrated by a team of 640 staff members. By contrast, the Dachau prosecutors had only 22 staff members to prosecute 1,672 defendants. The Dachau trials have been overshadowed by those at Nuremberg. Nonetheless, as Professor Fred Morrison has noted, the Dachau trials are part of the “concept” of Nuremberg. (Fred L. Morrison, The Significance of Nuremberg for Modern International Law, 149 Mil. L. Rev. 207, 208 (1995).)

The legacy of Nuremberg includes tenets of individual accountability, medical ethics, international criminal law, universal jurisdiction, human rights, and the transcendence of law. It is reflected in the Universal Declaration of Human Rights, the Genocide Convention, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Statute of the International Criminal Court.

Basic principles emerging from Nuremberg and Dachau include a ban against aggressive war, violations of the laws and customs of war, and inhuman acts committed on civilians; individual liability of heads of state for war crimes; rejection of the “superior orders” defense; and the right of accused war criminals to a fair trial.

Two of those principles predominated at Dachau. First, many defendants claimed that they could not be punished for following orders. In response, the prosecutors proved that no staff member in a concentration camp had ever been executed for refusing to follow an order. This helped convince the American Military Tribunal that concentration camp workers could be held responsible for the crimes against inmates. This principle has played an important role in subsequent war crimes trials, including those before the International Criminal Tribunals for the Former Yugoslavia and for Rwanda.
“The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated.”

—Opening statement for the United States by Robert H. Jackson, Nuremberg, November 21, 1945

A second principle from Dachau is the war criminal’s right to a fair trial. Some Allied leaders, including Winston Churchill, suggested executing Nazis without trial. But others felt strongly that the Allies should avoid “victor's justice.” Thus, at Dachau, the defendants had important procedural rights, including the right to the defense attorney of their choice and the right to refuse to testify. They could cross-examine government witnesses, make statements to the tribunal, and have all proceedings translated into their own language. Most German defendants were amazed at the rights accorded to them.

One of the less recognized lessons from the Nuremberg and Dachau trials is the importance of documenting human rights violations. Robert Jackson, the chief prosecutor at Nuremberg, sought to present and preserve the evidence of Nazi crimes “with such authenticity and in such detail that there can be no responsible denial of these crimes in the future ...” As the last witnesses to the Holocaust disappear, the role of documentation, and the archives and libraries that preserve it, becomes even more important. Justice Stephen Breyer acknowledged this legacy when he said, “Future generations need only open their eyes and read.” (Stephen Breyer, Speech, Crimes against Humanity: Nuremberg, 1946, 71 N.Y.U. L. Rev. 1161 (1996).)

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The centerpiece of the exhibition Defending Human Rights: The Legacy of Dachau and Nuremberg is a unique collection of photographs and documents collected by Horace R. Hansen, prosecutor of war crimes at Mauthausen, Buchenwald, Dachau and Flossenburg.

The Horace R. Hansen Archives were donated to the University of Minnesota Law Library in May 2005 by the Hansen family.

Horace Hansen (1910-1995) received his J.D. from the St. Paul College of Law (William Mitchell College of Law) in 1933. Before joining the armed forces in 1943, Hansen had a successful career as a workers’ compensation attorney for the Industrial Commission and as a prosecuting attorney in the Ramsey County Attorney’s Office.

The Archives include photographs taken by Hansen during World War II and at the war crimes trials at Dachau. Hansen’s photographs record several key events of World War II, including the Army’s discovery of a barn near Gardelegen, Germany, where Nazis had burned alive more than one thousand slave laborers to prevent them from falling into enemy hands. The plan of the Germans to completely incinerate the remains of the bodies was destroyed by the advance of the 102nd Infantry Division in which Hansen served. Hansen’s photographs of the Army’s discovery of the atrocity at Gardelegen on April 14, 1945 supplement those of the U.S. Army Signal Corps, which were widely circulated in the press, including The Washington Post and The New York Times.

The Hansen Archives include personal pictures of the surrender of German soldiers and officers in the weeks leading up to V-E Day, May 7, 1945. In one of Hansen’s extensive letters home, he wrote, in his characteristic straightforward manner, “When we hear the great V-E news is announced, there is mild excitement lasting about five minutes. Then everyone goes back to work.” The Archives include a complete file of these letters, which were widely circulated and published in the St. Paul Dispatch.

Hansen’s transfer in January 1945 to the Judge Advocate’s General Corps with assignment to the war crimes division led to his appointment as a prosecutor at Dachau. The Hansen Archives contain personal photographs of the courtroom at Dachau, including a chilling photograph of Dr. Klaus Schilling, who was found responsible for performing malarial experiences on patients and was hanged in May 1946.
of forty defendants, with Hansen’s handwritten annotation, “These are the bastards now on trial.”

On Hansen’s staff at Dachau were five of the eight stenographers who had recorded verbatim Hitler’s twice-daily military-situation conferences. Hansen conducted thorough interviews with each of these recorders, documenting first hand information about Hitler’s rise to power and his command of the war. The Archives include transcriptions of these immensely valuable oral histories. Of particular interest is an eyewitness account by Reichstagsstenograph Heinz Buchholz of the attempt on Hitler’s life on July 20, 1944. Hansen’s experiences as a prosecutor and his interviews with Hitler’s chief recorders form the basis for his book, *Witness to Barbarism*, published in 2002.

After the war, Hansen became a partner in the St. Paul firm now known as Hansen, Dordell, Bradt, Odlaug & Bradt. He was a nationally recognized expert in insurance, banking and health law. He served for many years as general counsel for Independent Bankers of America. Hansen was general counsel for the Group Health Association of America and testified several times in Congress on behalf of cooperative health insurance. His papers documenting this work are preserved in the Social Welfare History Archives at the University of Minnesota. His articles on group health plans appeared in the *Minnesota Law Review*, the *Iowa Law Review*, and the *Vanderbilt Law Review*. Hansen was one of the founders of Group Health in Minnesota, now HealthPartners, and served as its counsel for many years.

Katherine Hedin
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Cover photograph: Liberation at Dachau, April 28-29, 1945

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