Soviet Judgment at Nuremberg

A New History of the International Military Tribunal after World War II
October 22, 2022
1 hour, 8 minutes, 42 seconds

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Transcribed by: Rachel E Lieu

Holocaust Living History Workshop
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00:00 [Holocaust Living History Workshop / Presented by the UC San Diego Library and the Jewish Studies Program / Soviet Judgment at Nuremberg Featuring Francine Hirsch - October 12, 2022]

00:02 Susanne Hillman: I am delighted to welcome you all to the first Holocaust Living History Workshop of the new academic year. A big thank you to all of our generous donors and to the UC San Diego Library and the Jewish Studies Program for their ongoing support of the workshop. We appreciate you tremendously. Today's event features uh Francine Hirsch who is joining us from the University of Wisconsin at Madison. She will be introduced by Professor Amelia Glaser, an expert on Russian, Ukrainian, and Yiddish literature, and those of you who have attended in the past, you have seen Professor Glaser. The topic of today's talk reminds us that once upon a time the Americans and the Soviets, or Russians, were allies. From today's vantage point this alliance may seem rather puzzling but perhaps also mildly encouraging. Professor Hirsch's talk will be followed by a 15-minute Q and A session. Please use the Q and A button at the bottom of your screen to submit the question. I will keep track of these questions throughout the talk and share them with our guests after the lecture. And now um I'd like to invite Amelia Glaser to join me on screen, Amelia.

01:16 Amelia Glaser: Thank you so much, Susanne. It's really an honor to get to introduce Professor Francine Hirsch. She's the first speaker in the 2022-23 Holocaust Living History Workshop. Francine Hirsch is the Vilas Distinguished Achievement Professor of History at the University of Wisconsin and her first book *Empire of Nations: Ethnographic Knowledge and the Making of the Soviet Union* helped to define the way that scholars understand, still understand the relationship between the purportedly internationalist Soviet Union and the national and ethnic identities that emerged after 1917. The book had a profound influence on my own work, especially on the Soviet-aligned Yiddish writers of the interwar period that I wrote my last book about. What she helped me to understand is, is how a state could be, you know, suppose it could, could purport to be anti-racist - and could even lead a fight against race theory, um the Nazi race theory, in the on the eve of World War II - but nonetheless end up using party-line identity politics as a means of shaping a colonial relationship that was centered in Moscow. And uh, Professor Hirsch's most recent book *Soviet Judgment at Nuremberg: A New History of the International Military Tribunal After World War II* came out with Oxford University Press in 2020.

02:36 Amelia Glaser: This is a phenomenal study of Soviet legal history. It also reads very well so I highly recommend the book to all of you. Among other things, Professor Hirsch describes the collision between a kind of serious investigative trial that was unfolding at Nuremberg and the show trials that had been taking place under Stalin for nearly two decades at that point. She also demonstrates the double bind that

the Nuremberg trials presented to the Stalin regime. On the one hand, the USSR [Union of Soviet Socialist Republics] was ideologically and militarily victorious over Nazism, on the other hand, the detail of the trial unearthed not only war crimes committed by Nazis but also war crimes committed by the Soviet Union - for example, the Katyn Massacre. Professor Hirsch's meticulous approach to Soviet, and more broadly European, history is exactly the kind of scholarship that we need right now. She helps us to ask important questions, among these are how do we document war crimes? Um how, uh how is ideological rhetoric, even rhetoric that was at one time anti-racist or anti-ethnonationalist, used to justify the perpetuation of what is actually a form of violent colonialism or neocolonialism?

03:51 Amelia Glaser: I will confess that since February I have been fantasizing about a Nuremberg Trial, a kind of trial where everything is revealed, where new borders will align with some sort of international justice - um and I'm talking of course about Ukraine. Um, but utterly essential as the actual Nuremberg Trials were, Nuremberg, of course, didn't bring anyone back. And in fact, it also generated new ideological animosity in the Cold War and in fact, as Professor Hirsch has written, she wrote this in a recent *Washington Post* article, uh there's, there's a danger of Russia presenting a kind of sham war crimes trial in Mariupol for example as a successor to the more clear-cut Nazi war crime uh trials of Krasnodar and Kharkiv [Kharkov]. Professor Hirsch has written broadly and admirably for a general audience, especially over the past six months uh, since February 24th and the invasion of Ukraine. She's written about uh the relevance of legal history to the present situation, about whether to characterize Russia's atrocities in Ukraine as genocide, about Russia's legal strictures on its own citizens. Um with that, I will leave the floor to Professor Francine Hirsch. I'm so pleased that she's made time to speak with us about her work. Thanks.

05:13 Francine Hirsch: Okay now. Okay, I'm assuming everyone can hear me okay. Great, all right, thank you. Well I I just thank you so much um I really like to thank um the UC San Diego Library and Jewish Studies Program for inviting me to talk with you today. And my goodness, thank you so much Professor Glaser for that um this really lovely introduction. I'm really honored to to be with you and and to talk about um *Soviet Judgment at Nuremberg* and I'll be talking some um, towards the end of the talk as well, about the present moment. Um, really since Russia's invasion of Ukraine in February there has been a lot of talk among lawyers, and scholars, and in the news about the need for a new Nuremberg moment. Um, there's been talk about holding Russia's leaders, [Vladimir] Putin and others, and Russian soldiers accountable for crimes against humanity and war crimes. And there's been talk about convening a Nuremberg-like tribunal to try Russia's leaders for waging a predatory, or illegal right, war of aggression, for crimes against peace. And I think that it's a really fitting time to revisit Nuremberg's history and to reflect a bit on its lessons and its legacy.

06:44 Francine Hirsch: So today what I'll be doing is I'll present an overview of my book *Soviet Judgment at Nuremberg* and I'll then lay out the four main arguments. I'll then talk about Nuremberg's significance for today and I really look forward to the conversation that follows with all of you. So to begin um, as many of you know the International Military Tribunal, or IMT, convened from November 20th, 1945 to October 1st, 1946 at the Palace of Justice in occupied Germany. And I'm just trying to get my slideshow to to go forward, so just excuse me for one - oh here we go, perfect. All right great. And here we have um the front of the the court [unclear] and the court, the courthouse and we see the the Occupied Zone. The United States, Great Britain, France, and the Soviet Union - the four major Allied Powers - tried 22 former Nazi leaders, people like Hermann Göring, Rudolf Hess, Joachim von Ribbentrop, Wilhelm Keitel. They tried them for conspiracy, crimes against peace, war crimes, and crimes against humanity. They also tried six Nazi organizations including the Gestapo and the SS [*Schutzstaffel*].

07:57 Francine Hirsch: This was the first of the Nuremberg trials and it would turn out to be the only four-power one. Here in the United States, Nuremberg is still very much remembered as an American story and as an American triumph. In popular books and films, it's the US Chief Prosecutor, the Supreme Court Justice Robert H Jackson who is celebrated and held up as the driving force behind the entire trial. The British and the French, they're depicted in these films and in in these memoirs as playing noble but supporting roles. And the Soviets, well they're barely discussed at all and when they are discussed there's little if any information about their positive contribution to the trials. Now, there's very good reason for this lack of attention to the Soviet contribution to Nuremberg, including to start restricted access to the former Soviet archives which was very much the case during the Cold War and is unfortunately the case, of course you know, once again, right. There's also the fact that the 12 subsequent Nuremberg trials, including the Einsatzgruppen trial, were carried out by the United States alone. But I think that there's also a deeper issue at play, a discomfort with historical complexity.

09:18 Francine Hirsch: The Soviet role in the Nuremberg trials, it was complicated. The Soviets were carrying out deportations in Poland and in Hungary even as the IMT was hearing evidence against the Nazis. There were episodes involving the Soviets at Nuremberg that everyone wanted to forget, such as the Soviet effort to use the IMT to blame one of their own atrocities, the Katyn Massacre of thousands of Polish prisoners of war, Polish officers, to blame that on the Nazis. In a more general sense too, I think the contribution of Joseph Stalin's Soviet Union to the IMT kind of upends the myth, like a nice myth right, of Nuremberg as being fully grounded in liberal ideas about justice and the law. Well, I argue in my book - and and I still very much believe - that we need the full Nuremberg story in all of its complexity. That if Nuremberg is to offer meaningful lessons, and I think that's especially important right now at this moment, we need to understand what actually happened. And with this in mind, in the book, I really aim to bring the Soviets fully

into the picture. I drew on evidence from five Moscow archives to do so and the kinds of materials that I worked with included things like protocols of two secret Soviet Nuremberg commissions, included things like telegrams from Nuremberg to Moscow and back often via Berlin. And those kinds of materials were at the archive of the Ministry of Foreign Affairs.

10:56 Francine Hirsch: I use things like letters and diaries and surveillance reports um, written by Soviet writers, the Soviet correspondents who are on the ground there, and by Soviet diplomats. And these letters are amazing; they really give us a sense of the ups and downs of the trials and also of the day-to-day life of the members of the Soviet delegation. We get their impressions of the city, of the food, of the nightlife, like what they think of the defendants when they see them for the first time. The materials I've worked with also included things like marked-up copies of documents like the indictment and the judgment that the Soviet delegation secretly smuggled back to Moscow for review and approval. And here we even see, well I was able to see in the archive - it was kind of amazing - to see Stalin's handwriting on some of these documents with some of his comments. Through these kinds of materials, we see the tremendous Soviet contribution to the trials but we also see the many ways in which Soviet participation threatened to undermine the IMT's legitimacy. So the book also aimed to use the Soviet piece, like that Soviet story, and the Soviet archives combined with other sources to tell a richer story of the Nuremberg trials as a whole. Because looking at the relationship among all four powers, right among the Soviets and the Americans and the British and the French, it really opens things up. People sometimes forget that there were four prosecution teams at Nuremberg, right? There were four main judges, one representing each country of the prosecution and an assistant judge representing each country of the prosecution.

12:35 Francine Hirsch: The relationships among the prosecutors, and among the judges, and between the prosecutors and the judges are highly revealing. We see clashes about the meaning of justice and compromises that were made on all sides. We also see things like the importance of the nightlife and the parties. And really, there's so much alcohol in Nuremberg. They're drinking all the time, after hours. And we see the role that that played for keeping things congenial and actually for sometimes keeping the trials on track. We also see how the Nuremberg courtroom became a front of the Cold War and how this later affected the telling of the Nuremberg story. So I want to say just a few words about the narrative arc of the book. So the book starts during the Second World War um at the time of the German occupation of the Soviet Union. It covers the road to Nuremberg, focusing on the contentious negotiations about the Nuremberg Charter and about the indictment which set out the charges. It then tells the story of the trials taking readers through the drama of the prosecution's case, the defense case, and the judgment which, to the dismay of the Soviets as we'll see, resulted in several acquittals. It ends with this chapter on Nuremberg's aftermath looking at its legacy

in the post-war period and at its legacy in general on the development of international law, post-war international law, and discussions about human rights.

14:07 Francine Hirsch: Now to be honest like one of my aims with this book was to tell a good story and to introduce readers, even those familiar with Nuremberg and the Nuremberg story, to a new cast of characters. And so, one of the things I try to do in the book is to to tell the story of Nuremberg and the trial through the eyes of some of the Soviet participants, people like the Soviet documentary filmmaker Roman Karmen and the Soviet political cartoonist Boris Efimov and the playwright Vsevolod Vishnevsky and other Soviet correspondents. And here we have Karmen, um third from the right, and other correspondents posing in front of the Grand Hotel right, in Nuremberg. Some of these correspondents like Karmen and Efimov had been embedded with the Red Army during the war and had witnessed the liberation of the concentration camps. They brought that experience with them into the Nuremberg courtroom. And I think that this is really important for just getting a sense again of what was at stake in all of this for the Soviet Union. We also see the Soviets, and the Americans, and the British, and the French just kind of getting to know each other. And here Robert H Jackson's unpublished diaries, which are at the Library of Congress - and anyone who's near Washington I urge you to you know stop by have a look, they're fascinating. And they're full of all kinds of observations. And just to give you one little snippet, Jackson judged one dinner that he hosted during the lead-up to the trials to have been and I'll quote him here, very successful from the point of view of cultivating better relations. Even as he noted that the even as you know that the Soviets, and I'm quoting again, drank very little and were somewhat scornful of the yellow liquid claimed to be vodka which was served.

15:52 Francine Hirsch: We also see the outside. Oh, here's on one of Efimov's political cartoons by the way. Threw that in there to show you because he was sketching the whole time that he was um, that he was observing the trials. And his political cartoons appeared mostly in *Izvestia* and some of them in *Pravda, the* two main Soviet newspapers. Okay, we also see the outsized role of Andre Vyshinsky. He was the Soviet Deputy Foreign Minister and the head of one of the Soviet Nuremberg commissions, the secret Soviet Nuremberg commissions. Vyshinsky though had a history, a past of his own. He had been the chief prosecutor in the Moscow Trials of 1936 to 1938, major show trials that Stalin had used to take down his political enemies. And I think it's telling that this is who Stalin put in charge of the secret commission for Nuremberg. Although Vyshinsky spent just one week actually in Nuremberg, his influence was constant for the Soviet delegation.

16:55 Francine Hirsch: So um, I'm going to talk a bit now about the book's four main arguments - and I've got a little cup of tea with me. I'm gonna take a sip right now, excuse me. All right, so the first argument that I make in the book is that without the Soviets, without the Soviet Union, the Nuremberg trials likely never would have

happened. The Soviets took up the question of Nazi criminality during the darkest days of the war prompted in part by the brutality of the Nazi occupation. In April 1942 the Soviet foreign minister Vyacheslav Molotov published his third note on German atrocities citing evidence that the burning of villages and the massacre of civilians were part of a deliberate German plan. Four months later, in October 1942, the Soviets publicly called for the convening of a special international tribunal and that's the phrase that they use - a special International tribunal. And they invited all interested governments to cooperate in bringing Hitler, Göring, Hess, and other Nazi leaders to justice. And I think it's just important to realize that the Soviets were really the ones who are out in front here. The US and Britain, they were slow to come on board.

18:19 Francine Hirsch: The US government worried about reprisals against Allied prisoners of war. The British argued that the crimes of Nazi leaders were far too serious for a trial and they pushed instead for punishment by executive decree without a legal process. And so, the Soviets went down their own path. They created their own war crimes commission, The Extraordinary State Commission, and they opted not to participate in the United Nations War Crimes Commission - the UNWCC - which met in London beginning in October 1943. And the Soviets were the only Allied power not to be part of the UNWCC. Even as the Soviets went down their own path though, the Soviet lawyer Aron Trainin, from Moscow's Institute of Law, greatly influenced the international discussion about war crimes through his writings. Trainin argued that the planning and waging of wars of aggression should be punished as crimes against peace. And Trainin coined this term. Trainin also argued that Nazi leaders could and should be tried for participating in these crimes and for participating in a criminal conspiracy - this is this term as well - and he challenged the legitimacy of the defense of following superior orders. In other words, just because a soldier said that he's followed superior orders doesn't mean that he gets off the hook, right?

19:50 Francine Hirsch: Trainin initially set out his ideas in a report for the Ministry of Foreign Affairs. It was then turned into a book called *The Criminal Responsibility of the Hitlerites* and Andre Vyshinsky right, the prosecutor of the Moscow trials, he wrote the introduction. Trainin’s book made its way across Europe to Britain where it was translated into English and discussed by the members of the United Nations War Crimes Commission. It then crossed the Atlantic [Ocean] to the United States where it landed at the War Department's Special Projects Branch and then at the White House. Now Trainin was not the only lawyer arguing at this time for the criminality of aggressive war. This was a conversation that lots of lawyers were having. But whereas many American and European lawyers expressed unease about ex post facto or retroactive law, the Soviets they had no such reservations. After the victory when the other Allied Powers came around to the idea of an international tribunal, Trainin helped to shape its framework. He was one of the two representatives that the Soviets sent of the four-power London conference in the

summer of 1945 to work out the Nuremberg Charter. Crimes against peace, his contribution, became one of the three categories of crimes set out in the charter's Article 6, along with war crimes and crimes against humanity. Trainin was then part of the Soviet Delegation at Nuremberg and we can see him sort of second on the left-hand side there. And um, you can see his pass for the IMT in the bottom. And then the first, in the very corner on the right, that's um [Roman] Rudenko the Soviet Chief Prosecutor so he's in this photo as well.

21:38 Francine Hirsch: So um, moving on now to the book's second main argument. The book's second main argument is that the Soviets had no idea what they had set in motion and were greatly handicapped on the international stage by the constraints of Stalinism. The Soviets thought that Nuremberg would be a show trial. They took Nazi guilt as a given and they were expecting guilty verdicts and hangings down the line. They certainly did not expect the defendants to be allowed to take the stand in their own defense or to be allowed to call witnesses. Soviet expectations shaped their choice of personnel for Nuremberg. Almost all members of the Soviet delegation, of the Soviet legal team, were connected to the Soviet show trials of the 1930s. The Soviet judge Iona Nikitchenko had been a judge in the Moscow trials. The Soviet Chief prosecutor Roman Rudenko had served as the prosecutor for show trials in the 1930s in Ukraine. Soviet assistant prosecutors had similar show trial credentials. The Soviets thought that the victors would control the script just as the prosecution had done in the Soviet Union's show trials in the 1930s and and before, just as the prosecution had done in the Soviet Union's own war crimes trials as well, trials like the Kharkiv trial of December 1943.

23:07 Francine Hirsch: The Soviets were so confident that the prosecution would control the script that they insisted on including the Katyn Massacre - right, their own war crime - in the indictment as a Nazi war crime. They didn't think the defendants would be allowed to challenge their evidence. They were so confident of the victors controlling the script that Soviet leaders initially didn't bother to tell Rudenko about the secret protocols to the Soviet-German non-aggression pact of 1939. These are the secret protocols in which Hitler and Stalin agreed to divide up Poland, and the Baltic states, and some other areas. They thought that Rudenko, you know, just didn't need to know even though Ribbentrop, who had signed this pact, was one of the defendants. The secret protocols became an issue at the very start of the trials in November 1945 and this prompted Andre Vyshinsky's visit to Nuremberg. He was sent to Nuremberg to give Rudenko key information that no one had told Rudenko before and to help Rudenko stand down this challenge from the defense.

24:13 Francine Hirsch: So why, you might be wondering, did Soviet leaders initially think they didn't need to tell Rudenko about the secret protocols? And there are a couple of important things to consider here. First of all, the Nuremberg Charter had established that the IMT would only address European Axis crime. So, it wasn't going to address crimes of the Allied powers. Second, the prosecutors had agreed

before the trial started that they would work together to keep awkward topics, like their own country's war crimes, to keep that out of the courtroom. And they did this actually at Jackson's suggestion. The Soviets referred to this as their Gentleman's Agreement. Back in Moscow um, on the eve of Vyshinsky's trip to Nuremberg, Soviet leaders made a list of taboo topics that they wanted kept out of the courtroom. This list included a number of items about Soviet-German relations including - and I am quoting here - the German-Soviet non-aggression pact of 1939 and all questions relating to it, in other words, the secret protocols. It also included more general topics such as Soviet-Polish relations. Vyshinsky shared this list with Rudenko when he arrived in Nuremberg. He told Rudenko to reach a verbal agreement with the Western prosecutors to steer clear of these topics. He did not give Rudenko permission to share a physical copy of the list, lest the Soviets lose the shield of plausible deniability.

25:44 Francine Hirsch: So, as I mentioned, there was lots of socializing, and lots of alcohol, and lots of parties, and lots of dinner parties. And the prosecutors socialized amongst each other too. There were a lot of dinner parties they went to, and after one night of a dinner party with a lot of alcohol, Rudenko reported back to Vyshinsky that everything was set. The prosecutors had reached this agreement that he was supposed to help them to reach, right? But there was something that Rudenko and Vyshinsky, and Stalin for that matter, that they didn't understand. They didn't understand that the Western judges, unlike the Soviet judge Nikitchenko, that the Western judges were operating independently from their governments and that the Western judges were also operating independently from their country's prosecutors, right? For the Soviets, the judge and the prosecutor they were kind of a team working together. That wasn't the case for any of the other delegations. Also, the Western judges were not necessarily on board with keeping particular topics out of the courtroom. In fact, the Western judges were very worried about allegations of victor's justice. Throughout the trials, the Western judges, over Nikitchenko's objections, gave significant leeway to the defendants who did what they could to put forward their own narrative about the war.

27:06 Francine Hirsch: Now, I'll just mention a few other ways in which the Soviets also felt the constraints of Stalinism. The Soviet delegation, as I think you're getting a sense of, had much less independence than the other delegations. And the process of constantly having to check in with Moscow and wait for instructions, it actually really got in their way. Instructions back from Moscow often arrived too late to be of real use. Documents were sometimes lost in transit and Nikitchenko and Rudenko then were deprived of the flexibility that they really needed to negotiate and they were often left scrambling. Other things too also got in the way of the Soviet delegation. Some other constraints of Stalinism, the Soviet delegation didn't have enough skilled interpreters in Nuremberg, partly because many German speakers had been arrested and shot during the Stalinist terror and partly because the Soviet Union's Ministry of Internal Affairs, the NKVD [People's Commissariat for Internal

Affairs], was reluctant to clear people who knew foreign languages, especially German, for travel abroad. Another thing I'll mention is that the Soviet prosecution was terrible at cross-examination and that really got in their way during the defense case because you know they were used to show trials. They weren't used to defendants who having able defense attorneys and mounting a vigorous defense, okay.

28:28 Francine Hirsch: So the book's third argument. The book's third argument is that at Nuremberg the Soviets presented powerful proof of what we now know as the Holocaust and what at the time was discussed as Hitler's Final Solution. This Soviet contribution is often overlooked still um, in part because earlier Soviet war crimes trials - like the Kharkiv trial - spoke of crimes against peaceful Soviet citizens even when the victims were Jews, and in part because of the Soviet Union's antisemitic, anti-cosmopolitan campaign that was launched in the years after Nuremberg. But at Nuremberg, the Soviet prosecution presented extensive evidence of the Nazi plan to exterminate Europe's Jews. The Soviet assistant prosecutor Lev Smirnov introduced shocking documents including a report from the commanders of Einsatzgruppe A - and I'll quote here - um bragging about and here's the quote, having fulfilled orders to eliminate the Jews to the fullest possible extent in Latvia, Lithuania, and Estonia. They introduced evidence including a Polish government report, and I'll quote again, stating that 3 million Jews have been exterminated in Poland. Eyewitnesses for the Soviet prosecution also testified about the Nazi campaign to wipe out the Jews.

29:52 Francine Hirsch: Now, just as an aside here, the Soviets almost didn't send eyewitnesses to Nuremberg. The Soviet Security Police had been screening possible witnesses for the Soviet prosecution since November 1945 but Soviet leaders had been considering having the Soviet prosecution build its case on documents alone. Well, the Soviet prosecution presented its part of the case last. They went in turn so it was, you know, the Americans went, and then the British went, and then the French went, and then it was the Soviets. And while the Soviets struggled at Nuremberg for some of the reasons that we've been talking about, they also adapted and made course corrections along the way. And they made the decision to send eyewitnesses in January 1946, right on the eve of the Soviet's case. The Soviets would, it was their turn starting in February, and in January Rudenko was actually back in Moscow for the holiday break meeting with Stalin. The Soviet prosecution ultimately called seven eyewitnesses to testify about Nazi war crimes and crimes against humanity. And really, this testimony ends up being the most compelling and the most memorable part of their case.

31:01 Francine Hirsch: Two of these eyewitnesses Avraham Sutzkever and Samuel Rajzman were selected specifically to testify about Nazi crimes against the Jews. Sutzkever, a Yiddish poet, had been interned in the Vilna Ghetto. He and his wife Freydke had fled the ghetto in September 1943 and joined a group of partisans in

the forests of Northwestern Belarussia. Before escaping from the ghetto Sutzkever had managed to smuggle out some of his poems which reached the Jewish anti-fascist committee back in Moscow. In March 1944 the Soviets staged a rescue operation. They were so impressed by Sutzkever's poetry and saw him as kind of an ideal witness-survivor, so they staged a rescue operation airlifting him and Freydke out of German-occupied territory. Back in Moscow Sutzkever worked with the Jewish anti-fascist committee to compile evidence of the Nazi murder of Jews throughout the Soviet Union and Eastern Europe. The Soviet prosecution called Sutzkever to the witness box in late February 1946.

32:10 Francine Hirsch: His testimony was harrowing. He spoke about the Einsatzgruppen and the systematic killing of Jews in Vilna. He also recounted the murder of his newborn son by German soldiers in the ghetto hospital. Sutzkever was the only witness to remain standing in the witness box as if, as he wrote in his diary which is actually recently been translated into English, as if it had been a matter of saying *Kaddish*, the Jewish prayer for the dead. And he considered it a matter of Jewish destiny, he also wrote, that he, a Yiddish poet, had survived to judge Alfred Rosenberg and Hans Frank at Nuremberg and through them all who adhered to their ideology. Sutzkever, as a Jew and a partisan, understood that he was speaking on behalf of the Soviet people and the Jewish people. His testimony was critical for the Soviets, as was the evidence presented by [Lev] Smirnov. They told the story of the annihilation of the Jews while integrating it into a larger narrative about the wartime suffering of the entire Soviet people in the occupied East.

33:22 Francine Hirsch: Okay, the book's fourth argument - the last one that I'll talk about today - um, is is the following, that by the end of the Nuremberg trials Nuremberg had become a Cold War battleground and this helps explain why Nuremberg's promise was not fully realized in the decades that immediately followed. We tend sometimes to think about Nuremberg as a struggle between the prosecution and the defense, right, like any good courtroom drama. But it was also a contest among the countries of the prosecution for power, and influence, and control over the narrative of the war. The United States, France, Britain, and the Soviet Union - they all wanted to use the IMT to bring the Nazis to justice and to strengthen their international influence. But, as I mentioned earlier, they had different ideas about justice and they had different - and in some cases competing - visions for the post-war order. While the prosecution was presenting its case from November 1945 through February 1946, right with the Soviets going last, tensions among the four powers were mostly kept under wraps. And then in March 1946, the Cold War blew into the Nuremberg courtroom.

34:45 Francine Hirsch: On March the 5th former British Prime Minister Winston Churchill gave his Iron Curtain Speech in Fulton, Missouri calling for Anglo-American resistance to Soviet tyranny. The very next day the defense case began in Nuremberg. When the Soviets got to the courtroom there were copies of the US

Army newspaper *Stars and Stripes* scattered everywhere with this heading, Unite to Stop Russians. The defense attorneys were actually holding up copies for their clients to read over their shoulders, and a lot of the memoirs talk about this. All of this energized the defense who upped their efforts to drive a wedge between the Soviets and the Western powers, and the defense had great success in the weeks and months that followed. Göring insisted that Germany had launched a preventive war against the Soviet Union and not a war of aggression. Ribbentrop riveted the courtroom with his description of the secret protocols to the Soviet-German non-aggression pact. He argued that if Germany was guilty of crimes against peace, then the Soviets certainly were too. In fact, one Soviet informant writing home to Moscow after Ribbentrop's testimony, he expressed alarm - and I'll quote here from this telegram he sent home - alarmed that the Soviet Union, a country of victors, had gone to Nuremberg to prosecute the fascists and had instead become the object of their provocative attacks.

36:17 Francine Hirsch: Göring's attorney also petitioned for witnesses to counter Soviet charges about Katyn and the three Western judges, out voting were overruling Nikitchenko, they allowed it. In July three defense witnesses and three Soviet witnesses testified about Katyn. Enough doubt was cast on the Soviet version of events that no mention of Katyn appeared in the judgment. Now the after-hours socializing, this continued and um, and in some ways really helped keep the trials on track. And as the weather got warmer there were tennis matches, and you know, all kinds of get-togethers. But back in Moscow, Soviet leaders interpreted all decisions that the judges made that went against their interests as part of an Anglo-American anti-Soviet plot. In the end, Moscow was also disappointed with the verdicts. Twelve defendants were sentenced to death by hanging. Three were acquitted and the others, including Hess, received prison sentences. Stalin, of course, had been expecting guilty verdicts and hangings down the line. As a result of Nuremberg, the Cold War and the post-war movement for human rights became very much entangled. The United States and the Soviet Union, they began accusing each other constantly of committing war crimes, and crimes against humanity, and crimes against peace. This becomes a sort of a soundtrack of the Cold War and this in turn shaped, and for a long time hampered, discussions in the United Nations and other institutions about the creation of a permanent international criminal court.

37:54 Francine Hirsch: Okay, so I wanna um, I wanna spend the rest of my time um - and kind of conclude - by reflecting on Nuremberg's legacy. And I hope that we can continue this part of the discussion as well during the Q and A. Bringing the Soviets fully into the story reminds us that the IMT was not simply a result of Western leadership and liberal idealism. Nuremberg involved very difficult negotiations and very difficult compromises among the victors. Nuremberg's achievements were significant. The IMT created a comprehensive record of the crimes of the Third Reich and that in itself I think is very significant. It laid the foundation for new laws

and institutions devoted to the protection of human rights, even if some of those were a bit of a long time coming. Nuremberg also introduced the idea of the progressive development of international law, the idea that law is not static, that law must evolve in keeping with the public conscience. That's how they talked about this at the time. And Nuremberg provided the impetus for new institutions that ultimately came into being, and have an important role today of course, like the International Criminal Court.

39:16 Francine Hirsch: Now, that's the uplifting point that I end my book with, my book that was published in 2020. Um, but I have, since then, I've been thinking a lot more too about Nuremberg's limitations and I really think it's it's critically important to talk about those as well. And and while I talk about this in the book, and it comes through in the conclusion, I somehow felt the need to be just you know uplifting. But I want to talk now about some of the problems too. I think it was a problem that the IMT tried only the crimes of the European Axis powers. Um, and as a result the Nuremberg verdict blamed Nazi Germany alone for certain Soviet-German crimes against peace. And I'll just say that um, Russian President Vladimir Putin, he likes the Nuremberg verdict a lot. He invokes it a lot and he likes it for precisely that reason. The Soviet Union, as one of the four countries of the prosecution, was not held accountable at Nuremberg for the secret protocols to the Soviet-German non-aggression pact. It was not held responsible for the invasion of Poland in September 1939, for its invasion on September 14th. Nor was it held responsible for its invasion and annexation of the Baltic states of Latvia, Lithuania, and Estonia less than a year later. And a recent Russian memory law in fact makes it illegal to talk about these Soviet crimes against peace, and it too cites as kind of an explanation for you know why this is against the law of the findings of the Nuremberg verdict.

40:52 Francine Hirsch: Again I think this especially matters now, at least partly because Russia's invasion of Ukraine has important parallels with the Soviet invasion of Poland and the Baltic states. Putin in 2022, like Stalin in 1939, is attempting to reconfigure the geopolitical balance of power. Putin, like Stalin, is attempting to enlarge the state and expand its influence with claims to territories that had once been part of a larger empire. Putin, like Stalin, has launched a war of aggression while calling it a special operation aimed at aiding civilians and restoring the peace - like very, very cynical. We must acknowledge Nuremberg's achievements and also its flaws. At the same time, and really above all else, this is the moment for us to prove - us the world right - that Nuremberg matters, that we as an international community believe in the Nuremberg principles, that we as an international community will not tolerate crimes against peace, war crimes, crimes against humanity, genocide, that we will hold a state's leaders criminally responsible for launching a predatory war of aggression and for the torture, deportation and murder of civilians.

42:15 Francine Hirsch: It's my hope that um, we'll look back to Nuremberg in all of its complexity and take inspiration from it and learn from it when the time comes hopefully soon to hold Russia's leaders accountable. So thank you so much for um for your attention and I really look forward to a conversation with all of you now. Oh here we have, I had a couple more slides. This is one of my favorites of the Soviet prosecution team as things are not going well for them during the defense case. And here are just a few headlines that I pulled on um, you know, one of them from something I wrote but others um from things that other people wrote about. Mine was an article I wrote on Ukraine and Russia both looking to the Nuremberg trials but finding different lessons in the history. And then again there have been lots of talk about a Nuremberg for Russia's crime of aggression and whether Putin could face the Nuremberg tribunal over the Ukraine war. So thank you again. I'm going to see if I can stop sharing my screen now. Okay, here we go, great all right.

43:18 Susanne Hillman: Okay, thank you. I'm back now. Thank you for a fascinating talk. I would like um to encourage everybody to submit questions and in the meantime, Professor Glaser um is going to respond briefly to your wonderful talk. Amelia, please.

43:37 Amelia Glaser: Um, I'm so happy to respond. I'm not allowed to share my video. So, if somebody wants to enable that I can also not just be my weird picture that somehow showed up. Um, but whatever, that's fine too. Okay, cool that works. Um, awesome. Thank you so much for this really really important thought-provoking talk uh Professor Hirsch. That was both historically important but also ending on the note of thinking about today, I think was essential. And this final um, suggestion that uh a Nuremberg-style trial should hold not only the um, you know, the the losers of a war accountable but perhaps also the victors, raises a really important question. Right, there's this assumption on the part of the Soviet Union going into the Nuremberg Trial that history gets to be written by the victors, that they get to now stage the the, you know, the triumphant performance. And I think what you're suggesting is that maybe war is messier than that. Maybe we don't um, emerge from wars with this idea that that right triumphed. Um and that, uh you know, I think that's, you know, kind of an important takeaway for me as we, as we are in a war - as we move through another wartime situation.

44:53 Amelia Glaser: I wanted to just throw out a couple of questions that you can choose to answer and not answer. And and um, we'll gather other questions as I'm doing that. Um, on the Soviet side, the Nuremberg trials were an indictment of Nazism but, of course, as you show in the book, uh they also use this as an opportunity to talk about genocide - to talk about their definition of genocide. And in fact, eventually, you know, they would come to point out um instances of uh, you know, potentially, that could potentially be seen as genocide on the side of the US. And I wonder if you could talk a little bit about this term genocide and the differences in interpretation of the term genocide. I know that the Soviet interpretation of genocide

um was a factor in the way that this was defined at the trials. And it's of course relevant again because, you know, Putin when he invaded Ukraine, when Moscow invaded Ukraine, um accused Ukraine of genocide. And if you scratched beneath the surface what what was actually being said was that um Ukraine was guilty of genocide of Russians by encouraging Russians to identify as Ukrainians. Right, that that was a form of - we're not even talking about death. We're talking about a sort of cultural uh adoption. And then, of course, we are using, you know, the United States has used the term genocide to um discuss what Biden has used the term genocide to discuss what is taking place in Ukraine. So I wonder if you could talk about this term and how that term came to be distilled.

46:30 Amelia Glaser: Um I, um also if if you are willing to to share your thoughts on Babyn Yar that would be especially interesting for me as someone who works on Ukraine. The uh, your book came out shortly before the film that uh Sergei Loznitsa made about Babyn Yar, and that film um, just for those of you who aren't familiar with the film, it's a a kind of documentary with a lot of artistry involved where Loznitsa, this Ukrainian filmmaker uh, takes footage largely from Soviet Trials of um of Nazis, as well as Nazi collaborators, um and goes back into the film archives and strings together the story of the Babyn Yar massacre. But there is a large dose of indictment of Ukrainian collaborators in the film. And it came out really at a terrible time for a film to come out because it came out at this moment when, um you know, it really was widely distributed at the moment when troops were being massed on uh Ukraine's borders and Ukrainian were incredibly [unclear]. Loznitsa may have had good intentions. He wanted to, you know, have this this wonderful multi-ethnic conversation about culpability um, and Ukrainians said you're going back to a Cold War discussion of um of the West versus the Soviet Union. And I wonder if you could say anything, if you have anything to say about this um return to some of that footage and what needs to be done when we look back at the documents as a way of, um I don't know, perhaps reconciling local communities with Jewish communities, um local communities sometimes being, um you know, being collaborators with with Nazis. So that's you know, Babyn Yar is one example but but certainly not the only one. I'll leave it at that for my questions. And obviously, if we get others we will, um shall I read them as we get other questions in or Fran, would you like to take the question to yourself um as they appear on the screen?

48:35 Francine Hirsch: So where will they, where will the questions be coming?

48:39 Susanne Hillman: I will read the questions. I will read the questions. Would you like to respond to Fran, to uh Amelia first?

48:48 Francine Hirsch: Sure, these are, these are big important questions. And I and I fear that I won't be able to do them justice. I think, you know, the question of, you know, genocide - so genocide was not one of the charges that was set out in the Nuremberg Charter. In the indictment, genocide was included as a war crime and in fact, this is this term that Raphael Lemkin came up with and that he kind of worked

very hard over the course of the trials to try to get the countries of the prosecution right, to in- to introduce it and to use it. That he felt that it was extremely important to crimes against humanity, if it's a focus on individuals, right - genocide is about, you know, the murder, the destruction of a group. And and for Lemkin that, that was essential. And so, for a long time during the trials, it wasn't clear, it wasn't brought into the trials until very late in the game. The British brought it in when they when they were cross-examining one of the last defendants [Konstantin] von Neurath. And they did it um as a way of talking about the effort to wipe out um Czech language and culture.

50:05 Francine Hirsch: And so, I think it's really interesting that we tend to think about genocide, and the Holocaust, and the murder extermination of the Jews. The term, how it became used initially in the trial was to talk about murder but also um forced assimilation. And, and so, so it becomes complex and and so at Nuremberg then there are many - and then in the, in the, the British again they come back again in in their conclosing, in their closing comments, um Sir Hartley Shawcross to talk about the different kinds of genocide um that there are, like the genocide, um the elimination discrimination of an intelligentsia. German, you know, genocide the elimination of a language and culture. You know, along with you know genocide um also hunger - the use of hunger to wipe out a population. So all of of those things were part of this initial idea of genocide. What happens later, right after Nuremberg, in discussions about a genocide convention that becomes a really difficult conversation. And at that point, the Soviets want to - well at that point there's a motion. Initially, there are different countries want a broader or narrower definition, a definition that includes cultural genocide. Right, that's what Lemkin thought it included cultural genocide. For him that was clear. A definition that some groups wanted to include political groups, that it wasn't just the extermination of groups because of religion or culture but it could be because of their politics too.

51:40 Francine Hirsch: The Soviets oppose that. That gets left out. So, so that's the way that the definition of genocide that we have now is much much narrower than Lemkin ever anticipated, for all of those kinds of political reasons that that we might imagine, right, of of how do you, how. This is a powerful term, right? How does it, how does it get defined? And I'll just add that, for the Soviets too, um they wanted genocide to be specifically connected with fascism, specifically connected with the Nazis. And so, the idea of any state carrying out a genocide, they thought that that was not something that they should be talking about. So that's, I think, really um key. This question about collaboration, it's that's - that's along with, I think, this this question about what do you do with um - I, I, I know again after, after a war - after warlike right, right, you know, now even - like how do you, how do you begin to, to to deal with questions of collaboration? How do you begin to deal with um, in something where it's so clear-cut of one country, you know, invading another country um with crimes, war crimes committed on the other side? You know, is that a fair thing to take up? Is that something that should happen?

53:01 Francine Hirsch: I think those are really, really, really difficult questions. I think um yeah and I don't, I don't know the answer. And the thing is with any kind of war crimes trial there's, there's politics involved, right? And the question with collaboration too um, you know, there were efforts to deal with questions of collaboration, you know, in the Soviet Union, in Poland. I'm teaching, I'm co-teaching a post-war Europe class now and you know one of this is one of the key themes we've been talking about all semester is this question of collaboration and complicity. And, and what does it mean and, and how do you resistance - like what does resistance look like when people don't have choices, right? We just read um Franziska Exeler excellent book [*Ghosts of War*] on Belarussia [Belarus]right and she talks about like choiceless choices. So I think, um I don't know. I, these are questions of of law and philosophy. It's just, it's just so huge. It's just so huge.

54:00 Susanne Hillman: Okay we have some other questions. There's a comment and a couple of questions from David. He writes excellent and important work. Congratulations. And his questions are about future international tribunals. Wasn't the IMT also a victor's trial? Uh in connection with the recent, uh you know, Ukraine crisis - Russia is unlikely to be destroyed and occupied, that, that's what he's writing and then, doesn't holding those who surrender forces accountable result in different behaviors such as leadership abandoning forces rather than surrendering like in Iraq. So two parts of the questions. I mean two questions.

54:40 Francine Hirsch: So as I'm many of you probably know there are lots of proposals that are on the table right now for different kinds of war crimes trials. So the International Criminal Court right, it can try certain kinds of cases and so it could try, you know, war crimes and crimes against humanity. And Ukraine itself has already held some war crimes trials, right? The the question is part of the reason that there's talk for a new, of the need for a new Nuremberg is that um the I the the International Criminal Court cannot try the crime of aggression unless um the countries involved have signed the Kampala Amendments and have signed on to that. And so, there are limited ways then to try Russia and Russian leaders for aggression. Now this point about - yes, I mean the IMT it was a trial of victor's justice. And whether we talk about victor's justice as like a negative thing or you know just a fact, right? And the fact was is that the reason that we have an international criminal court was because of a discomfort that many of the people involved in Nuremberg including the French judge [Donnedieu] de Vabres that they had about, you know, de Vabres writes about this discomfort that he had. That he understood that this was victor's justice and the only way to avoid that in the future was for there to be some kind of an international criminal court. But the international criminal court that we have along with the United Nations institution that we have, they're only partly functional because states haven't been willing to cede sovereignty right um in order for those courts to be able to do what in theory you know they're supposed to do or they were designed to do.

56:23 Francine Hirsch: So that's, you know, one set of questions, one, one issue. The issue of then well if you declare that there's going to be, you know, war crimes trials will that cause people to act differently in the moment? That was the same debate that they had about Nuremberg, right? That was why the Americans said no until victory was assured because they thought that there would be reprisals. They thought that that would make the war itself um even even more violent or it would change the nature of the war. And so, I think, you know, these are - these are really again these are really really difficult questions. And I think um it's, I mean it's good to see that Ukraine is holding war crimes trials. It's good to see that evidence is being collected. There's so much evidence that's being collected. There's, I mean, there's just so much evidence of these horrific crimes in a way that I, you know, they, they I don't think anyone could imagine right like a war happening in real-time in the digital age then the kinds of of evidence. And so, but there are questions then too about how all that evidence get processed. How much of that evidence would be accepted in a trial? So I think that even though it's hard to know like will there be a tribunal in the future, like what would that look like?

57:42 Francine Hirsch: It is important to think about it now because for there to be any kind of a tribunal in the future it means that these difficult conversations have to happen about how do you process and certify evidence? Like what are the steps that you need to go through? What's the proper way to interview witnesses so that you can use their statements later? And if, if we - the world - waits until the war is over, until Putin's out of office, until something like that happens then it'll be too late. We won't, they won't have what they need in order to to be able to hold those trials. You know, there's been talk about some kind of trial in absentia, I don't know. I mean, and the other truth about this all is that I think it's important to be talking about war crimes trials but it's, the more important conversation is about how to aid Ukraine in the war right now. So I think it's it's good to have these conversations about collecting evidence, about accountability. These are important conversations to have but they should not be happening in place of this discussion - I'd like to see more of a discussion of in general about concrete steps to take. And concrete steps to take in terms of our international institutions right now too. I mean does the fact that Russia still has a seat on the Security Council is absurd. So, I don't know, I have I have a lot of feelings about all of this as I'm sure, you know, many of us do.

59:06 Susanne Hillman: Right. Just listening to you uh made me - and reading the questions that have been coming in - just it it really a beautifully illustrates how history matters, right? People want to listen to an expert because you have studied this other instance of mass violence, war, and so forth and people draw on history uh for guidance. I'm currently teaching a course at San Diego State, maybe some of my students are here. It's called Why History Matters and just your talk above all but then also uh the questions people ask that that beautifully demonstrates that history does matter and learning about our past. So uh, there's a few more questions um uh uh Reiney is asking can you speak to current - well actually this

deals with the uh, the war crimes. Can you speak to the current Russian response to Ukrainian accusations of Russian war crimes and how do you think - uh or how you think uh - how to avoid uh a narrative? I'm not fully understanding it. Um, it's a question that how can you avoid that the current narrative hijacks any future trials that might be launched by Russia, the US, the UN, or the Ukraine itself? I wonder if that question came across clearly. The current Russian response to Ukrainian accusations of war crimes, can you say something about that?

1:00:36 Francine Hirsch: Well, I mean the current Russian response is right it's lies, and denial, and the forging of evidence. I mean, it's it's absurd. I I think I think most people watching this from other countries right understand how absurd this is. What I worry about is how Russians are understanding what's happening. And I think that that is a really important question and something that is going to be really critical to think about. Because um again, I think that one of the one of the key things about Nuremberg was the creation of this historical record, right? The creation of all of this evidence that we have now right about what happened during the war. And um, and that is important, is important for denazification. It was important for a reckoning with the past. Right now, if Russians really think that Ukrainians have committed genocide, if Russians really believe this narrative that Putin is putting forward if they're - and and again, you know, different Russians of different generations and living in different places they seek out or have different access to different kinds of news.

1:01:54 Francine Hirsch: And so, people who do not have a VPN, and do not have you know certain internet access, they're getting a restricted picture, right? And even people who do have more of that access and can get more of the story, at a certain point - unless they're willing to put their lives or their family to put it all on the line right - what do they do with the information that comes through? I mean this gets back to this question of like resistance, complicity - like how do we understand those things? So I think that um, it's going to be critical really important you know post some kind of like you know like imagining a post-war trial where Ukraine's the victor right? I mean that will be important for Ukraine but it will also be incredibly important for Russia for there to be some kind of a different Russian state in the future, some kind of a real reckoning um with what, with what happened.

1:02:54 Susanne Hillman: Okay um, you mentioned earlier that uh Putin, um he loves uh the IMT. He loves to kind of praise uh the Soviets for their role in it. And that made me think, have you been able - I know of course there was your book came out and there was the pandemic and then the invasion of Ukraine - have you been able to share some of your research with a Russian audience? Or with Russians, I mean in Russia?

1:03:19 Francine Hirsch: So, I was supposed I, I was supposed to go over and um and do all that but with everything that happened no. And the book actually, it's under contract to be translated into Russian and I've been working with a translator. But

the publisher is NLO, which is a Russian press, and who knows if it'll come to light. So there have been, you know, I've given a bunch of Zoom talks over the past couple of years and Russian colleagues have, you know, come to the talk. And um, you know, and again some of them, you know, part of the story that I'm telling is a story that Russians really like, right? It's about, you know, Trainin and the contribution. The the part though about Katyn and the secret protocols, I mean you know Russian academics know this and they'll just, it's just it's part of the story. But right now with the memory law, um with the foreign agent's law, right with with all the things that the story that I'm telling is illegal, right? So I, I don't, I don't know that you know, NLO could publish this book. We'll see what happens um and I don't know know that a Russian audience would be receptive. It's just, it's really hard to know, yeah.

1:04:26 Susanne Hillman: Right uh, we have one last question. And this is by Joya. She raises a very interesting issue. What do you think are the implications of Russia not being brought to justice for crimes against humanity in Syria, Chechnya, Georgia, and elsewhere?

1:04:04 Francine Hirsch: I mean it's significant, right? But I think not just Russia I mean I think again we have we have a history with these international institutions where um states are not willing to cede sovereignty in order to be, to have military and leaders, right, brought before those courts. So I I, so I think very significant. And I think again it feels like a when I talk about the progressive development of international law with lawyers they they tell me I'm naive, and that that whole idea is kind of crazy, and like no one really believes in that anymore. But I, I really I think that we're gonna have to get to a point where we rethink our international institutions, where we're going to have to decide does does this matter? Do we want to have a functioning international criminal court? And if we do, like all states, we're going to we have to get rid of the veto right at the Security Council and all states are going to have to be willing to go before an international tribunal. But the politics of that and, you know, what states see as the dangers of that and in some cases, you know, probably rightly so. It's yeah, I don't know how you bring it all together. I don't know how you rectify it. Yeah, if anyone has any suggestions let's talk about it, right? I mean it's a, it's a conversation. I think it's an important conversation.

1:06:11 Susanne Hillman: Yes, and it's obviously, as you touched on earlier I mean, it does affect other countries not just the former Soviet Union slash Russia. I mean, I'm thinking uh some of the work I've been doing a little bit on the side dealt with um informal tribunals, specifically in case with India. But I was in the course of my research I came across, and I'm sure you're familiar the World Tribunal on Iraq. It was obviously not official but it indicted President Bush for invading Iraq. And I think symbolically it was significant. Although it led to nothing, obviously. But so um

yeah, personally I welcome your call for everybody being held accountable. But that may, as your colleagues say, that maybe naive. I don't know.

1:06:57 Francine Hirsch: I don't, I'm a historian though. So, you know, I can like be naive more. I don't know try to, yeah but it's um, it's yeah, it's it's difficult, right? You want to believe in your international institutions. You want to believe in international law. I don't know how. I mean, I don't know should we just be hopeful that that maybe this all? Right, it's it's I don't know. It's just a terrible time right now. And it's just a really terrible time.

1:07:23 Susanne Hillman: On that note well, I think those of us who follow the news, we can't argue with that. It is uh terrible and scary and, of course, above all for the Ukrainians. Well, I would like to thank you. I'm sure we all thank you for a truly illuminating um lecture, Fran. Thank you also to everybody who joined us today. Before you leave, I would like to draw your attention to our next event. This will be the first event on campus in the Geisel Library since the start of the pandemic. We last met in February 2020 in the Geisel Library. So, on November 2nd, we will host Aomar Boum, a distinguished professor of anthropology at UCLA [University of California, Los Angeles]. Professor Boum is going to talk about the neglected part of the Holocaust uh the Vichy slave labor camps that were run in the Saharan Desert. So please, look for an announcement at the registration link in your inbox over the coming weeks. And now I wish you all good night, and I see you next time. Thank you again Fran very much for sharing your um insight with us, your many insights. And thank you, Amelia. And thank you all for being here.

1:08:38 Francine Hirsch: Thank you so much and thank you for your excellent questions too.