

After World War II: The Nuremberg and Tokyo War Crimes Trials



Tokyo War Crimes Trial by Tom Shafer, 1946 (Library of Congress Prints and Photographs Division)

THE GILDER LEHRMAN
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After World War II: The Nuremberg and Tokyo War Crimes Trials

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LESSON OVERVIEW

This lesson is one of the Gilder Lehrman Institute's Teaching Literacy through History™ resources, designed to align to the Common Core State Standards. These units were developed to enable students to understand, summarize, and evaluate original materials of historical significance. Through a step-by-step process, students will acquire the skills to analyze, assess, and develop knowledgeable and well-reasoned viewpoints on primary sources.

In this lesson students will analyze primary and secondary source texts focused on the trials of accused war criminals from Germany and Japan. They will respond to critical thinking questions in groups, compare and contrast primary and secondary sources, and write to a prompt.

OBJECTIVES

Students will be able to

- Analyze primary and secondary source documents using close-reading strategies
- Demonstrate understanding of complex text through critical thinking questions
- Demonstrate understanding of both literal and inferential aspects of text-based evidence
- Write a comparative/argumentative short-answer essay using text-based evidence.

ESSENTIAL QUESTION

Were accused war criminals in Germany and Japan dealt with in essentially the same manner after World War II?

NUMBER OF CLASS PERIODS: 1

GRADE LEVEL(S): 7–12

COMMON CORE STATE STANDARDS

CCSS.ELA-Literacy.RH.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade-level topics, texts, and issues, building on others' ideas and expressing their own clearly.

CCSS.ELA-Literacy.RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-Literacy.SL.9-10.1.C: Propel conversations by posing and responding to questions that relate the current discussion to broader themes or larger ideas; actively incorporate others into the discussion to broader themes or larger ideas; actively incorporate others into the discussion; and clarify, verify, or challenge ideas and conclusions.

CCSS.ELA-Literacy.W.9-10.1: Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

HISTORICAL BACKGROUND

“The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948),” *Milestones: 1945–1952*, Office of the Historian, Bureau of Public Affairs, US Department of State, history.state.gov

Following World War II, the victorious Allied governments established the first international criminal tribunals to prosecute high-level political officials and military authorities for war crimes and other wartime atrocities. The four major Allied powers—France, the Soviet Union, the United Kingdom, and the United States—set up the International Military Tribunal (IMT) in Nuremberg, Germany, to prosecute and punish “the major war criminals of the European Axis.” The IMT presided over a combined trial of senior Nazi political and military leaders, as well as several Nazi organizations. The lesser-known International Military Tribunal for the Far East (IMTFE) was created in Tokyo, Japan, pursuant to a 1946 proclamation by US Army General Douglas MacArthur, Supreme Commander for the Allied Powers in occupied Japan. The IMTFE presided over a series of trials of senior Japanese political and military leaders pursuant to its authority “to try and punish Far Eastern war criminals.”

MATERIALS

- The Nuremberg Trial, excerpts from “The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948),” *Milestones: 1945–1952*, Office of the Historian, Bureau of Public Affairs, US Department of State, history.state.gov
- Excerpt from the “Charter of the International Military Tribunal,” *Trials of War Criminals before the Nuernberg Military Tribunals under Control Council Law No. 10, Nuernberg, October 1946–April 1949*, vol. 3 (Washington DC: US Government Printing Office, 1951), xiii–xiv
- The Tokyo War Crimes Trials, excerpts from “The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948),” *Milestones: 1945–1952*, Office of the Historian, Bureau of Public Affairs, US Department of State, history.state.gov
- Excerpts from the International Military Tribunal for the Far East Charter (IMTFE Charter), Treaty Database, Faculty of Law, University of Oslo Library, www.jus.uio.no/english/services
- Critical Thinking Questions: Analyzing the WWII War Crimes Trials
- Compare and Contrast: The WWII War Crimes Trials

PROCEDURE

1. Before beginning this lesson, the students need to be familiar with events of World War II in Europe and the Pacific, particularly the Holocaust in Europe and Japanese atrocities such as the Bataan Death March.
2. Divide the class into groups of three to five students. These will be their “critical thinking groups.”
3. Discuss the information in the Historical Background.
4. Distribute the two secondary source texts, “The Nuremberg Trial” and “The Tokyo War Crimes Trials,” and the two primary source excerpts, “Charter of the International Military Tribunal” and the “International Military Tribunal for the Far East Charter (IMTFE Charter).”
5. Depending on the reading level of the students, you can have them read the documents in their groups or you can “share read” the documents with them. This is done by having the students follow along silently while you begin to read aloud, modeling prosody, inflection, and punctuation. Then ask the class to join in with the reading while you continue to read aloud, still serving as the model for the class. This technique will support struggling readers as well as English language learners (ELL). Make sure they understand the difference between primary and secondary sources.

6. Distribute “Critical Thinking Questions: Analyzing the WWII War Crimes Trials” Each student should receive a copy.
7. Ask the students the first critical thinking question. Explain that they must back up their answer with evidence taken directly from the texts. The students should discuss the question with their group and agree on an answer to the question. Have students compare answers with other groups. Make sure they are using textual evidence to support their answers.
8. Students will now complete the rest of the questions with their group, continuing to reach answers through consensus.
9. Distribute “The WWII War Crimes Trials” The student groups should find similarities and differences in the war crimes trials held in Germany and Japan based on the texts.
10. Students will now write a short-answer essay in response to this prompt based on the essential question for this lesson: Compare and contrast how war criminals were tried and treated in Germany and Japan after World War II.

The Nuremberg Trial (Excerpts)

In August 1945, the four major Allied powers signed the 1945 London Agreement, which established the International Military Tribunal or IMT. The following additional countries subsequently “adhered” to the agreement to show their support: Australia, Belgium, Czechoslovakia, Denmark, Ethiopia, Greece, Haiti, Honduras, India, Luxembourg, the Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Uruguay, and Yugoslavia.

. . . The Nuremberg tribunal consisted of one judge from each of the Allied powers, which each also supplied a prosecution team. The Nuremberg Charter also provided that the IMT had the authority to try and punish persons who “committed any of the following crimes”:

- (a) Crimes Against Peace . . .
- (b) War Crimes . . .
- (c) Crimes Against Humanity . . .

The IMT prosecutors indicted twenty-two senior German political and military leaders, including Hermann Goering, Rudolph Hess, Joachim von Ribbentrop, Alfred Rosenberg, and Albert Speer. Nazi leader Adolf Hitler was not indicted because he had committed suicide in April 1945, in the final days before Germany’s surrender. Seven Nazi organizations also were indicted. The prosecutors sought to have the tribunal declare that these organizations were “criminal organizations” in order to facilitate the later prosecution of their members by other tribunals or courts.

The Nuremberg Trial lasted from November 1945 to October 1946. The tribunal found nineteen individual defendants guilty and sentenced them to punishments that ranged from death by hanging to fifteen years’ imprisonment. Three defendants were found not guilty, one committed suicide prior to trial, and one did not stand trial due to physical or mental illness. The Nuremberg Tribunal also concluded that three of the seven indicted Nazi organizations were “criminal organizations” under the terms of the Charter: the Leadership Corps of the Nazi party; the elite “SS” unit, which carried out the forced transfer, enslavement, and extermination of millions of persons in concentration camps; and the Nazi security police and the Nazi secret police, commonly known as the “SD” and “Gestapo,” respectively, which had instituted slave labor programs and deported Jews, political opponents, and other civilians to concentration camps.

Source: “The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948),” *Milestones: 1945–1952*, Office of the Historian, Bureau of Public Affairs, US Department of State, history.state.gov

Charter of the International Military Tribunal (Excerpt)

II. JURISDICTION AND GENERAL PRINCIPLES

Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- (a) **CRIMES AGAINST PEACE:** namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;
- (b) **WAR CRIMES:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) **CRIMES AGAINST HUMANITY:** namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Source: *Trials of War Criminals before the Nuernberg Military Tribunals under Control Council Law No. 10, Nuernberg, October 1946–April 1949*, vol. 3 (Washington DC: US Government Printing Office, 1951), xiii–xiv.

The Tokyo War Crimes Trials (Excerpts)

In January 1946, . . . General MacArthur issued a special proclamation that established the International Military Tribunal for the Far East (IMTFE). . . . It laid out the composition, jurisdiction, and functions of the tribunal.

The Charter provided for MacArthur to appoint judges to the IMTFE from the countries that had signed Japan's instrument of surrender: Australia, Canada, China, France, India, the Netherlands, Philippines, the Soviet Union, the United Kingdom, and the United States. Each of these countries also had a prosecution team.

As with the IMT, the IMTFE had jurisdiction to try individuals for Crimes Against Peace, War Crimes, and Crimes Against Humanity, and the definitions were nearly verbatim to those contained in the Nuremberg Charter. The IMTFE nonetheless had jurisdiction over crimes that occurred over a greater period of time, from the 1931 Japanese invasion of Manchuria to Japan's 1945 surrender.

The IMTFE presided over the prosecution of nine senior Japanese political leaders and eighteen military leaders. A Japanese scholar also was indicted, but charges against him were dropped during the trial because he was declared unfit due to mental illness. Japanese Emperor Hirohito and other members of the imperial family were not indicted. In fact, the Allied powers permitted Hirohito to retain his position on the throne, albeit with diminished status.

The Tokyo War Crimes Trials took place from May 1946 to November 1948. The IMTFE found all remaining defendants guilty and sentenced them to punishments ranging from death to seven years' imprisonment; two defendants died during the trial.

Source: "The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948)," *Milestones: 1945–1952*, Office of the Historian, Bureau of Public Affairs, US Department of State, history.state.gov

International Military Tribunal for the Far East Charter (IMTFE Charter) (Excerpt)

II - JURISDICTION AND GENERAL PROVISIONS

Article 5

Jurisdiction over persons and offences

The Tribunal shall have the power to try and punish Far Eastern war criminals who as individuals or as members of organizations are charged with offences which include Crimes against Peace.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- a. Crimes against Peace: Namely, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;
- b. Conventional War Crimes: Namely, violations of the laws or customs of war;
- c. Crimes against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political or racial grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any person in execution of such plan.

Source: Treaty Database, Faculty of Law, University of Oslo Library, www.jus.uio.no

CRITICAL THINKING

ANALYZING THE SPEECH

NAME _____

PERIOD _____

DATE _____

Critical Thinking Questions: Analyzing the WWII War Crimes Trials

Answer the following questions in complete sentences using evidence from both the primary and secondary sources. Cite and incorporate that evidence in your answer.

1. How were judges chosen for the Nuremberg Trial?

2. How were judges chosen for the Tokyo War Crimes Trials?

3. What was the range of punishments given at the trials?

4. Are there any major differences between the crimes as defined by either the Constitution of the International Military Tribunal or the International Military Tribunal for the Far East Charter?

5. Both trials found individuals guilty but only one indicted groups. Which groups were indicted and why those groups?

6. Emperor Hirohito of Japan was not indicted for war crimes. If Adolf Hitler had survived the end of the war, would he have been indicted? Use the text from these documents to provide evidence for your answer.

NAME _____ PERIOD _____ DATE _____

Compare and Contrast: The WWII War Crimes Trials

Use the chart below to analyze the Nuremberg Trial and the Tokyo War Crimes Trials.

Similarities	Differences

Using this information, write a short essay responding to this prompt: Compare and contrast how war criminals were tried and treated in Germany and Japan after World War II.

Use evidence from both texts to make your arguments. _____
