



PROFILES IN COURAGE

Teacher's Guide

ROBERT A. TAFT

CREDITS:

Starring Lee Tracy, David Opatoshu, Lou Frizzell, George Furth, Sue Randall, and Loring Smith. Written by William Hanley. Directed by Jose Quintero. Produced by Gordon Oliver and Robert Saudek and Associates. Inspired by John F. Kennedy's Pulitzer Prize-winning book. **50 minutes.** Guide prepared for Social Studies School Service by Robert D. Barnes, 1983.

OBJECTIVES:

- To trace the historical development of the concept of equal justice under the law.
- To explore the idea of international law.
- To examine the issues of war crimes and genocide.
- To understand the meaning of moral courage.

BACKGROUND:

On November 20, 1945, War Crime Trials began in the city of Nuremberg, Germany. The Charter for the International Military Tribunal required two days to read in four languages. The United States, Great Britain, France, and the Soviet Union, represented by eight judges, sat in judgment of 22 Nazi leaders. Tried for torture, deportation, persecution, murder, and mass extermination, 19 were found guilty, 12 of those receiving sentences of death.

Writing in the epilogue of his distinguished and massive work, *The Rise and Fall of the Third Reich*, William Shirer recalled:

"I went down to Nuremberg to see them. I had often watched them in their hour of glory and power at the annual party rallies in this town. In the dock...they looked different. There had been quite a metamorphosis. Attired in rather shabby clothes, slumped in their seats fidgeting nervously, they no longer resembled the arrogant leaders of old. They seemed to be a drab assortment of mediocrities. It seemed difficult to grasp that such men...had wielded such monstrous power..."

Few citizens of the world in 1945 and 1946, certainly

few Americans, were concerned with the fate of these men. They were criminals, monsters even. They would be tried, found guilty, and punished.

But there were some concerns. Writing years later, Supreme Court Justice William O. Douglas pointed out:

"No matter how finely the lawyers analyzed it, the crime for which the Nazis were tried had never been formalized as a crime with the definiteness required by our legal standards, nor outlawed with a death penalty by the international community. By our standards that crime arose under an ex post facto law... Their guilt did not justify us in substituting power for principle."

Kennedy, writing in *Profiles in Courage*, notes:

"[Douglas's] conclusions are shared, I believe, by a substantial number of American citizens today. And they were shared, at least privately, by a goodly number in 1946. But no politician of consequence would speak out...none, that is, but Senator Taft."

SYNOPSIS:

We see Robert A. Taft, at the time of the Nuremberg trials, insist that man cannot be tried under an ex post facto statute. Further, we watch Taft challenge the legitimacy of an International Tribunal prosecuting men for "crimes" never formalized nor outlawed with a death penalty.

We hear Robert A. Taft's Kenyon College speech, in Cambier, Ohio, October 5, 1946, where Taft admonishes:

"The trial of the vanquished by the victors cannot be impartial no matter how it is hedged about with the forms of justice. I question whether the hanging of those [persons],...however despicable,...will ever discourage the making of aggressive war... About this whole judgment there is the spirit of vengeance, and vengeance is seldom justice. The hanging of the 11 men will be a blot on the American record which we

shall long regret."

VOCABULARY:

The following words and phrases appear in the program. Teachers may wish to check for student understanding:

charnel pit	Geneva Convention
genocide	Versailles Treaty
holocaust	League of Nations
reticent	Kellogg-Briand Pact
Nuremberg	bequeathed
opportunistic	revere
subtle	vengeance
abrasive	ignoble
extant	right of appeal
demented	transitory
articulate	equal justice under law
alacrity	chagrin
dubious	inflammatory
adherence	variance
tribunal	V-E Day
ex post facto	Hiroshima
facade	Nagasaki
expedience	acumen
sounding board	vilification
Hague Tribunal	reactionary

QUESTIONS FOR DISCUSSION:

1. Howard Jensen resigned from the American prosecution staff at Nuremberg because he came to doubt what his friend Taft had already called "such a dubious enterprise."

What views do Jensen and Taft hold of the Nuremberg Trials? What view does Max present? Is a German Jew in a position to be objective about the trials? Explain.

2. Taft says, "No law existed whereby these men could be punished, so it became necessary for the Military Tribunal to establish such a law, but after the fact."

Why does Taft object to this procedure?

An ex post facto law punishes people for actions committed before there were laws punishing those actions. Can you think of some real or hypothetical examples?

3. Taft uses his friend Roger Marsden as a "sounding board." What is Roger's warning to a politician during a congressional campaign, speaking out against Nuremberg "as a private individual?"

What is Taft's view? Is this politically naive?

4. Why bother to speak out when it is, essentially, too late? Taft's view? Max's view? What do you think?

5. What would Taft have done with the war criminals?

6. If you had been in the audience at Kenyon College on the evening of October 5, 1946, would you have been alert to Taft's remarks about the Nuremberg Trials? Explain.

What are the qualities we expect in a good political speech from a good speaker?

7. Max had "no comment" on his friendship with Taft when queried by a reporter. Later he apologized to Taft. Was an apology necessary? Have you ever been in Max's position?

8. Says Taft, "It saddens me that with all the talk of liberty on the one hand, that on the other, a man can be subjected to such vilification for the freedom of exercising that liberty." Max responds, "Every good man's heart holds its own truth, a truth that is indisputable, that must be respected and accepted by others, however reluctantly, if we are to survive..."

Can you explain what Max is saying? Do you believe Max is right? Would this philosophy be hard to practice? Explain.

ACTIVITY:

Hold a class discussion where you attempt to understand the view of justice expressed by Robert A. Taft. At the end of the discussion introduce additional views of justice including: vengeance, punishment, protection of society, an example or deterrent to others, etc.

If the discussion lags, the highly charged issue of capital punishment should be injected.

FOR RESEARCH AND DISCUSSION:

The Government of Germany subscribed to the conditions of each of the following:

the Hague Tribunal, the Geneva Convention, the Versailles Treaty, the Covenant of the League of Nations, and the Kellogg-Briand Pact.

Conduct research to find out what these agreements have to say about the conduct of men and nations. Did the Nazis violate any rules of conduct set down

in these agreements?