

HAYWOOD: Herr Rolfe will make the opening statement or the defense.

*[Rolfe rises slowly and goes before the Tribunal.]*

ROLFE: May it please the Tribunal. It is not only a great honor but also a great challenge for an advocate to aid this Tribunal in its task. The avowed purpose of this Tribunal is to find a code of justice the whole world will be responsible to. How will this code be established? It will be established in a clear, honest evaluation of the responsibility for the crimes in the indictment stated by the prosecution. In the words of the great American jurist, Oliver Wendell Holmes, "This responsibility will not be found only in documents. It will be found in consideration of a political or social nature. It will be found, most of all, in the character of men." *[Pause.]* What is the character of Ernst Janning? Let us examine his life for a moment. Following World War One, he became one of the leaders of the Weimar Republic and was one of the framers of its democratic constitution. He became Minister of Justice in Germany in 1935. A position the equivalent of the Attorney General of the United States. Finally, in a Reichstag speech of 26 April 1942, Hitler attacked Janning and forced him to resign. *[Pause.]* If Ernst Janning is to be found guilty, certain implications must arise. A judge does not make the law. He carries out the laws of his country, be it a democracy or a dictatorship. The statement, "My country right or wrong," was expressed by a great American patriot. It is no less true for a German patriot. Should Ernst Janning have carried out the laws of his country? Or should he have refused to carry them out and become a

traitor? The defense is dedicated to finding responsibility as is the prosecution. For it is not only Ernst Janning who is on trial here. It is the German people.

SCENE: PALACE OF JUSTICE—JUDGES' CHAMBERS

*[Haywood, Ives and Norris enter.]*

HAYWOOD: Shakes you up a bit, doesn't it? These men were judges just like we are. And now they're sitting as defendants accused of crimes.

IVES: We'll see if they're criminals or not.

NORRIS: What do you mean?

IVES: When you've been here a while, you see it's not so cut and dried.

HAYWOOD: Hahn looks at us as though we're the criminals.

NORRIS: Lammpe doesn't seem to know what's going on.

IVES: Janning does. He refuses to acknowledge the authority of this court. And a lot of people think he's right.

HAYWOOD: I got hold of some of the books of Ernst Janning.