

if you're going to be able to live with that. [Pause.] Tad, the thing to do is survive, isn't it? Survive as best as we can?

[Colonel Parker turns and starts. Stops at door.]

COLONEL PARKER: Just for laughs, Matt. What was the war all about? What was it about?

SCENE: PALACE OF JUSTICE—COURTROOM

[Colonel Parker reads from documentary evidence. His voice is flat.]

COLONEL PARKER: Defendant Emil Hahn prepared, signed and circulated reports summarizing NN cases receiving the death penalty at the following special courts on September first, nineteen forty-two: Kiel—two hundred sixty-two defendants from Norway. Essen—eight hundred sixty-three defendants from Belgium and France. Cologne—three hundred thirty-one defendants from France. This concludes the documentary evidence.

[Puts last document on table before the judges. Looks down at small piece of typewritten paper he has prepared. Then, in a hoarse voice.]

Your Honors, during the three years that have passed since the end of the war in Europe, mankind has not crossed over the Jordan. Small but terrible wars rage in Greece and Palestine.

*Hoffstetter*

And the chorus of international voices is discordant. In our country, the fear of war has been revived and we are constrained once more to look to our defenses. There is talk of "cold war," and meanwhile, men and women die in real wars and the echoes of persecutions and atrocities will not be stilled. These events cannot help but color what happens in the courtroom. [Pause.] But somewhere in the midst of these events, the responsibility for the crimes we have brought forward during this case must be placed in true perspective. [Pause.] This is the decision that faces Your Honors. It is the dilemma of our times. It is a dilemma that rests with your conscience.

[Colonel Parker gathers up papers, goes back to prosecution table. Haywood looks at Colonel Parker, stunned that his summation has been so equivocal. Haywood tries to overcome his surprise and goes on.]

HAYWOOD: The defendants will make their final statements. Frederick Hoffstetter.

*Hoffstetter*

HOFFSTETTER [with the utmost sincerity]: I have served my country throughout my life and in whatever position I was assigned to, in faithfulness, with a pure heart, and without malice. I followed the concept I believed to be the highest in my profession. The concept that says: "To sacrifice one's own sense of justice to the authoritative legal order. To ask only what the law is and not if it is also unjust." As judge, I could do no other. I believe Your Honors will find me, and millions of Germans like me who believed they were doing their duty to their country to be not guilty.