

Liza Gellerman

Tam Institute Summer Research Grant Report

The Waxman Fund provided me with the opportunity to conduct archival research for my history honors thesis. My thesis is a study of the charges of crimes against humanity and genocide in the context of the Nuremberg trials, more specifically subsequent Nuremberg proceeding no. 9, the *Einsatzgruppen* trial. I argue that the *Einsatzgruppen* trial represents the first time prosecutors confronted atrocities associated with the crime of genocide, and I explore the reasons why defendants were charged with crimes against humanity instead of genocide at trial.

My research in the archives consisted of working with the personal papers of Raphael Lemkin and Benjamin Ferencz at the American Jewish Historical Society (New York City) and the United States Holocaust Memorial Museum (Washington, D.C.), respectively. Raphael Lemkin coined the term *genocide* in 1944 and spent the remaining years of his career campaigning for its adoption as a crime under international law. His scholarship contributed significantly to a worldwide understanding of racially motivated murder committed by national governments. At the American Jewish Historical Society, I worked with Lemkin's personal papers and was able to note the degree of time and energy he spent pushing for genocide to become an internationally recognized crime. Lemkin was described by many of his peers as a "disheveled" man who lacked the professional conduct of a lobbyist and scholar. I picked up on Lemkin's unruly temperament when I was examining his notes – many of the archived documents were Lemkin's scribbles on paper that eventually amounted to his coining of the word *genocide*. Studying the personal notes of Raphael Lemkin exposed me to the desperation

that he felt in trying to alert the world to the meaning of genocide and his dedication to lobbying for its adopting under international law.

Benjamin Ferencz was the chief prosecutor at the *Einsatzgruppen* trial, the ninth trial at Nuremberg conducted solely by an American legal team. The defendants were SS leaders who oversaw mass shootings of Jews and other civilians deemed “racially undesirable” in Poland and the Soviet Union during World War II. The *Einsatzgruppen* trial was Ferencz’s first time ever prosecuting a case, as he had just recently graduated from Harvard Law School. Ferencz went on to be a campaigner for international human rights law and an outspoken supporter of the International Criminal Court. Unlike Lemkin’s files, Ferencz kept organized and heavily documented papers. His notes ranged from newspaper clippings about the Nuremberg proceedings, to the trial of Adolf Eichmann, to his correspondence with inquiring students, to copies of speeches that he delivered at universities half a century after the conclusion of the *Einsatzgruppen* trial. I was able to learn a great deal from Ferencz’s personal papers, not only about his experiences at Nuremberg, but how prosecuting the *Einsatzgruppen* trial shaped the rest of his career.

While researching and writing my thesis, I have engaged heavily with disturbing information about the nature of mass murder. Usually, that information comes in written form. Although studying different scholarly interpretations on genocide, crimes against humanity and the Holocaust has certainly made me more knowledgeable in my field, I sometimes forget to think about what I’m reading as an outcome of a historical event. I get so caught up in the reading and writing process that I forget to think of my topic as one that resembles an *experience* for those who have been victimized by mass atrocity.

After I completed my work in the archival library at the Holocaust Memorial Museum, I spent my final afternoon in Washington, D.C. visiting the museum's exhibits. There is so much to say about the museum as an institution, a lesson, and a vehicle for human rights consciousness, but that is a separate topic. I will say, however, that the exhibits at the Holocaust Memorial Museum reminded me to always think of my subject as one with a human face. It's easy to lose sight of your own sympathy amongst the reading, writing and editing process, but the Holocaust Memorial Museum was an experience that re-alerted me to the deeper meaning of my studies.

I am extremely grateful to the Waxman family for giving me the opportunity to engage in advanced historical research and to further expand my knowledge on the issues surrounding my thesis topic. I thank you for your generosity and commitment to promoting higher learning amongst Emory students.