

Telford Taylor

Atrocities Answered

b. 1908 A prosecutor of high Nazi officials at Nuremberg, Taylor helped shape the modern conception of war crimes. Later, he vigorously protested U.S. involvement in Vietnam.

By **Tina Rosenberg**

The war crimes tribunals for Bosnia and Rwanda, the newborn international criminal court and a Spanish judge's indictment of Gen. Augusto Pinochet of Chile are expressions of the idea that how a nation treats its own citizens is everybody's business. That prin-

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ciple was established 50 years ago at the Nuremberg trials, and one of its most important architects was Telford Taylor, who died of a stroke on May 23. Taylor was a deputy prosecutor at the International Military Tribunal that tried the top Nazi officials and chief prosecutor at a dozen American-run trials that followed. His work at Nuremberg helped shape the human rights

movement and define modern international law. But Nuremberg was just one piece of a long career marked by a moral courage unusual in American public life. After the International Military Tribunal ended in 1946, Taylor was promoted to brigadier general and led 12 American trials of German military officers, concentration camp doctors, industrialists and death-squad

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members. These trials, which convicted about 185 defendants, established the idea that accountability for crimes is not limited to those at the top. The notion that a soldier confronted with an immoral order cannot simply turn off his conscience has become part of most of the world's legal systems.

Taylor returned to the States from Nuremberg to his pick of jobs. He joined one of the most prestigious New York firms — then known as Paul, Weiss, Wharton & Garrison — and in the 1950's appalled his law partners by taking cases of people accused by Senator Joseph McCarthy. In 1953, he gave a speech at West Point criticizing McCarthy and attacking President Eisenhower and the Secretary of the Army for their passivity. Taylor wrote a book condemning McCarthy's methods and defended hundreds, perhaps thousands, of people charged with Communist Party membership or perjury. McCarthy retaliated by accusing Taylor of disloyalty. Taylor's ultimate loyalty was to the law. In "The Anatomy of the Nuremberg Trials," one of his numerous books, he wrote that in future wars, trials must

look at the crimes of all participants, not just the losers. He was an outspoken opponent of America's role in Vietnam, arguing that Nuremberg had established waging aggressive war as a crime. In December 1972, during America's Christmas bombing, he was in Hanoi with Joan Baez and others, invited by the North Vietnamese Government. But he would not follow North Vietnam's script. At the news conference, he refused to condemn the bombing of a hospital as a war crime, explaining that there was very little law governing aerial warfare. Then he lectured his hosts for failing to evacuate their American prisoners when the bombing began — a clear violation of the laws of war.

Taylor held various law-faculty positions and pursued many other interests — but he will be remembered for Nuremberg, where his work helped create a democratic Germany and modern international law. His lifelong belief that the law applies even when it is politically inconvenient — and his willingness to say so even when few others would — strengthened the rule of law in America as well. ■