

To London, June 1945

*John Q. Barrett**

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On Monday, June 18, 1945, Justice Robert H. Jackson was present when the Supreme Court of the United States began to announce its final opinions and orders of the Term. On that day, the Justices (all but Justice Owen J. Roberts, who was absent) took the bench at 10:30 a.m. (Eastern War Time) rather than their customary noontime. They began to read their opinions to the assembled public and press.

At 11:55 a.m., the Court, its business not yet done, adjourned. The Justices hurried across First Street to the chamber of the U.S. House of Representatives. They were present as victorious Supreme Allied Commander General Dwight D. Eisenhower, who had just landed at Washington's National Airport and been greeted by a million people as his motorcade brought him to the Capitol, addressed a joint session of Congress.

When General Eisenhower was done speaking, seven Justices returned to the bench. They finished reading their remaining opinions and commenced the Court's summer recess. Justice Jackson was no longer among them. He had, by 1:00 p.m., arrived at National Airport with most of the core staff who were working with him on his new, presidentially-appointed, now primary assignment: serving as chief U.S. prosecutor of Axis war criminals in the European theater.

At the airport, Jackson and team received a pre-flight briefing, including what he described as "a cheering movie showing what to do when the plane crashed...." By 2:30 p.m., they were airborne. Two hours later, Jackson's son William Eldred Jackson, a twenty-five year old lawyer and Navy officer who would serve as his father's executive assistant for the ensuing "Nuremberg" year, looked down from their flying altitude (9,000

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feet). He saw clearly his *alma mater*, Harvard Law School, and the Charles River. Two-plus hours after that, they cleared the St. Lawrence River.

In less than three more hours (at 1:10 a.m. local time, and still in daylight), Jackson and team landed at the U.S. Army airfield at Goose Bay, Labrador. While their plane was being refueled, Jackson bought everyone dinner and drinks (a \$50 tab) at the officers' club. And he toasted them: "May this end as successfully as it has begun."

Within the hour, after walking down the runway and finding enough snow to make snowballs, Team Jackson was airborne again. Their flight, through a clear night, took them across the north Atlantic, Northern Ireland and the Welsh coast. Approaching London, they received special permission to circle the city at 2,000 feet. After viewing the extensive bomb damage, they landed at Bovingdon Field outside London and, after being whisked through customs and immigration, were driven into the city. Jackson checked into Claridge's, his new hotel home, before dinner time on June 19th.

On June 20th, Jackson focused on organizing his own staff. At Claridge's, he met over breakfast with his son Bill. Justice Jackson then met with his deputy, General William J. Donovan, head of the Office of Strategic Services (OSS), who already was working in London. They decided to use an OSS building (two remodeled houses) as their office space. In late morning, the Jacksons inspected the building, 49 Mount Street, and discovered that OSS personnel had not yet vacated.

That afternoon, Justice Jackson took his entire staff to the United States Embassy to meet with the Ambassador, John Gilbert Winant. After staff departed, Jackson stayed and spoke at length with Winant about the prospect that the Allies would reach an agreement on how to prosecute Nazi war criminals, and about the political situation in the United States. (Gil Winant, a former Republican governor of New Hampshire, had been a strong supporter, friend and appointee of President Franklin Roosevelt, but Winant had never met the new president, Harry S. Truman.)

On June 21, 1945, Justice Jackson had his first substantive meeting in London with his British counterparts. They named individuals they believed should be prosecuted (as in time, beginning that fall in Nuremberg, they were): Hermann Goering, Rudolf Hess, Joachim von

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Ribbentrop, Robert Ley, Wilhelm Keitel, Julius Streicher, Ernst Kaltenbrunner, Hans Frank and Wilhelm Frick. (Jackson, two months into this assignment, obviously still had much to learn, including about the facts—in his notes, he referred to Kaltenbrunner as “Kalterberg.”)

The British wanted to draft an indictment against these men and then to build a case. Jackson, by contrast, proposed that they first gather evidence and then consider who should be prosecuted.

The result, of course, was an agreement to appoint subcommittees to continue this discussion.