

Nuremberg Indictment Day

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On October 18, 1945, the International Military Tribunal (IMT) held its first public session. It met in Berlin, its official seat, in the Grand Conference Room of the Allied Control Authority Building. The late morning session lasted about one hour.¹

The IMT was comprised, on that day and throughout its work over the next ten-plus months, of eight judges. Major General Iona T. Nikitchenko of the Soviet Union served that day as IMT President. His colleagues were Lord Justice Geoffrey Lawrence of the United Kingdom, Mr. Francis Biddle of the United States, and Monsieur Professor Henri Donnedieu de Vabres of the French Republic. Also present were the alternate members of the Tribunal: Lieutenant Colonel Alexander F. Volchkov of the USSR, Mr. Justice Norman Birkett of the UK, Judge John J. Parker of the US, and M. Le Conseiller Robert Falco of France.

After General Nikitchenko declared the session open, each judge stood in turn and declared, in his own native language, that he would exercise his functions and fulfill his duties as a member of the IMT “honorably, impartially and conscientiously.”²

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¹ Minutes of this session are available at <http://avalon.law.yale.edu/imt/imtmin.asp>.

² Tania Long, *Germans Indicted at Crimes Scene*, N.Y. TIMES, Oct. 19, 1945, at 10.

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October 18, 1945: International Military Tribunal Judges (L-R) Parker, Biddle, Volchkov, Nikitchenko and Donnedieu de Vabres, in the Grand Conference Room, Allied Control Authority Building, Berlin, Allied-occupied former Germany.

The British chief prosecutor, His Majesty's Attorney-General Sir Hartley Shawcross, then announced that the chief prosecutors of the four nations had agreed on an Indictment. He then called on each of his counterparts, the Soviet Chief Prosecutor General Roman A. Rudenko, the French Chief Prosecutor M. François de Menthon, and United States representative Francis M. Shea, to speak. Each made a brief statement, which then was translated orally into the other languages, and each presented a copy of the indictment printed in his own language to the IMT.

General Nikitchenko then announced that an Indictment had been lodged with the Tribunal setting out charges against twenty-four persons: Hermann Wilhelm Göring, Rudolf Hess, Joachim von Ribbentrop, Robert Ley, Wilhelm Keitel, et al.³ Nikitchenko announced that German language copies of the IMT Charter, the Indictment and accompanying documents would be served upon these defendants immediately, that they would be informed of their rights to defend themselves or to select defense counsel, that they would receive rules of procedure for production of witnesses and documents for “a fair trial with a full opportunity to present their defense,”

³ The Indictment is available at <http://avalon.law.yale.edu/imt/count.asp>.

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that trial would commence in Nuremberg no sooner than thirty days after service of the Indictment, and that Lord Justice Lawrence would preside at the trial.

General Nikitchenko also gave notice that the prosecutors intended to ask the IMT to declare six specified organizations—the Reich Cabinet, the Leadership Corps of the Nazi Party, the SS, etc.—to be criminal, and that any member thereof could apply for leave to be heard on the question of that organization’s criminality.

After these announcements had been translated orally, and somewhat slowly, into French, English, Russian and German, the IMT adjourned. The judges left immediately for Nuremberg. The US, French and Soviet judges, flying together in a plane that General Dwight D. Eisenhower had made available to Judge Biddle, arrived in time for dinner. The British judges, flying in their own plane, encountered bad weather and had to divert to London.

Justice Robert H. Jackson, the United States Chief of Counsel, was not present in Berlin for the filing of the Indictment. He had spent much of the previous week there, meeting, working and waiting for judges, generals and other prosecutors to arrive. On Wednesday, October 10th, Jackson, fed up with the confusion and delays in Berlin, had flown back to Nuremberg to resume witness interrogations and other trial preparation, leaving his close friends and senior assistants Gordon E. Dean and Francis Shea in charge in Berlin. (On Jackson’s flight back to Nuremberg, he and colleagues listened to an Armed Forces Network radio broadcast of the Detroit Tigers beating the Chicago Cubs, 9-3, at Wrigley Field in the 7th and final game of that year’s World Series.⁴)

Eight days later, as Francis Shea and others arrived in Nuremberg from filing the Indictment before the IMT in Berlin, Justice Jackson was a hosting a cocktail party at his requisitioned German home. He had invited about forty officers to celebrate the awarding of the Legion of Merit to his executive officer, Colonel Robert J. Gill. One diarist noted that “[i]t was a very nice party—the table in [Jackson’s] dining room was a work of art—both with floral decoration and with canapés etc. It was all done by enlisted men—but I discovered that the man in charge was formerly with the Stork Club in New York.”

⁴ The box score of this game is available at www.baseball-almanac.com/box-scores/boxscore.php?boxid=194510100CHN.

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Jackson also intended to host, after that cocktail party, evening dinner and dancing for all of his staff. At the last minute, however, the commanding general said no—he objected to the idea of enlisted men and officers being together at such an event. A young American secretary wrote home to her mother and sister that Jackson “argued his head off but it didn’t work and so the whole thing was cancelled.”