

## Choosing Courtroom 600 (July 1945)

*John Q. Barrett\**

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On Saturday, July 21, 1945, Justice Robert H. Jackson and his Allied counterparts took a break from their ongoing negotiations in London. He was about three months into his presidential assignment as United States Chief of Counsel for the prosecution of Axis war criminals in the European Theater.

Although the London negotiations to create an international court and a plan for prosecution were far from concluded, it was a time for optimism, for assuming that the U.S, the United Kingdom, the U.S.S.R. and France would reach agreement on how to try and adjudicate, together, captured Nazi prisoners who had committed international crimes.

It was time to make a group inspection trip to Nuremberg, located in the U.S. occupation zone of the former Germany. Justice Jackson, following U.S. Army advice and based on his observations during a brief inspection stop in Nuremberg two weeks earlier, was recommending it as the international trial site.

The journey began that morning. Jackson, accompanied by ten U.S. colleagues including his son and executive assistant William E. Jackson, was driven from central London to Bovingdon airfield. Justice Jackson and members of his staff, plus British and French colleagues, boarded “his” U.S. Army plane, a C-47.

They took off through very low clouds. The weather cleared over the English Channel. Looking back, they viewed the Dover cliffs and the water’s narrowness. During the next three hours, they flew over Brussels and Liege and then, descending for better views, sites in what had been

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Germany, before its unconditional surrender: the Rhine River just south of Cologne; the collapsed Hindenburg Bridge; the Ludendorff Bridge at Remagen, fallen into the water; Koblenz, badly damaged by Allied bombing during the war; and Frankfurt am Main, also destroyed.<sup>1</sup>

Three hours later, Justice Jackson and his group landed outside Nuremberg. The commanding U.S. Army officer for the region, Brigadier General Julian F. Barnes, and other officers met them at the R-28 airfield near Fürth. After posing for a group photograph, they were driven in jeeps



and other Army vehicles into Nuremberg. They saw that it too had been devastated by wartime bombings.

The Grand Hotel in Nuremberg, just outside the old city walls, was damaged but open, functioning as U.S. Army billets and, in its former dining room, the U.S. Officers' Mess. Gen. Barnes hosted an incongruously sumptuous lunch. Justice Jackson toasted his British and French colleagues, noting the significance of the Allied democracies occupying Nuremberg, where Nazi Party rallies in the 1930s had deplored democracy. The Allies were in Nuremberg, Jackson said, "establishing a rule of law in the place where they had said there should be no more law."<sup>2</sup>

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<sup>1</sup> Much of this detail and other information throughout this post comes from Letter from Katherine B. Fite to Mr. & Mrs. Emerson Fite, July 23, 1945, in Katherine Fite Lincoln Papers, Harry S. Truman Presidential Museum & Library, Box 1, available (transcribed) at [www.trumanlibrary.org/whistlestop/study\\_collections/nuremberg/documents/index.php?documentid=1945-07-23&documentid=nuremberg20-03&studycollectionid=&pagenumber=1](http://www.trumanlibrary.org/whistlestop/study_collections/nuremberg/documents/index.php?documentid=1945-07-23&documentid=nuremberg20-03&studycollectionid=&pagenumber=1).

<sup>2</sup> Robert H. Jackson, diary entry (typed by his secretary), July 21, 1945, in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 95, Folder 5.

Following lunch, the visitors were driven to inspect nearby sites. They visited the Palace of Justice courthouse and its connected prison. Everyone agreed that it, and particularly its large courtroom, Room 600, should be the site of the first international trial of principal Nazi war criminals. The visitors also inspected Nuremberg's Opera House, concluding that it should not be the trial site. In nearby Stein, they visited the grand Faber-Castell family castle, which the Army controlled and recommended as the trial billet for Jackson and his U.S. staff. He rejected that idea without much discussion.

By late afternoon, the visitors were installed in requisitioned private homes outside of Nuremberg. That evening, they were driven back to the Grand Hotel for dinner. Before their 11:00 p.m. curfew, they were driven back to "their" homes. The streets were dark and empty—curfew for Germans living in Nuremberg's rubble was 10:00 p.m.

Jackson, back in his billet, resumed working. The Judge Advocate General of the European Theater, General Edward C. Betts, had traveled from Paris with his assistant Colonel Charles Fairman to meet with Jackson. He asked U.S. State Department lawyer Katherine B. Fite, a key member of his staff, to join him in a meeting with Betts and Fairman. Into the late hours, they discussed various legal and political problems, including issues concerning possible turnovers of Nazi prisoners in U.S. custody to other nations.

On this trip, Jackson was accompanied by the U.K. Attorney General, Sir David Maxwell Fyfe, and three members of his staff, and by French Judge Robert Falco and two of his colleagues. They were not joined by any representative of the U.S.S.R., the fourth Allied nation involved in the London negotiations. Jackson had invited Soviet colleagues to make this trip also and at first they accepted. On the day before departure, however, they cancelled, declining to visit possible trial sites in the U.S. occupation zone.

Jackson's U.S. delegation on this trip included, in addition to Katherine Fite, his senior assistants Sidney S. Alderman, Francis M. Shea, Murray C. Bernays, Gordon E. Dean, executive officer Robert J. Gill, administrative officer Ralph L. Morgan, Army engineer and architect Daniel U. Kiley, and secretary Elsie L. Douglas.

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Justice Jackson's travel party did not include his son. When the group took off for Nuremberg, Bill Jackson stayed behind at Bovington and then returned to work in London. He was respecting his father's wishes that, in that time of regular airplane crashes, they do what they could to minimize the number of deaths in their family.