

## Turning 54 at Nuremberg

*John Q. Barrett\**

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On February 13, 1946, Justice Robert H. Jackson, serving as United States chief prosecutor in Nuremberg, concluded the process of celebrating—twice—his 54<sup>th</sup> birthday.

Justice Jackson had decided earlier to invite his fellow prosecutors and the judges of the International Military Tribunal to his house for Wednesday evening cocktails on his birthday, February 13th. Before Jackson got his invitations out, however, British prosecutors David Maxwell Fyfe and Geoffrey Dorling (“Khaki”) Roberts grabbed the date—they invited many, including Jackson, to *their* house for dinner and dancing unrelated to Jackson’s birthday. Jackson accepted that invitation, deciding to let his birthday pass privately. (Neither Jackson nor Fyfe and Roberts, by the way, acquired a Nuremberg house through a voluntary transaction. In Nuremberg following World War II, the leading prosecutors and other Allied personnel inhabited houses throughout the city outskirts—generally very fine houses—that the occupying United States Army had seized from their German owners.)

In this same period, Jackson received word that President Truman had, at Jackson’s request, nominated Jackson’s executive officer, Colonel Robert J. Gill, for promotion to brigadier general, and that the United States Senate had confirmed the promotion. Jackson promptly invited about 60 guests, including the British and American judges of the IMT and much of Jackson’s U.S. prosecutorial staff, to his house on February 12, 1946, for a buffet supper in honor of the new General Gill.

At that gathering, Justice Jackson toasted Gill and the crowd drank to his health. Then, as all were eating, Jackson’s core staff, including his secretary Elsie Douglas, General Gill and supply officer Captain John Vonetes, surprised their boss by wheeling in a big, one-day-early birthday

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For a selected archive of Jackson List posts, see my homepage at [www.law.stjohns.edu](http://www.law.stjohns.edu). To subscribe to the Jackson List, which does not display recipient identities or distribute their email addresses, send a note to [barrettj@stjohns.edu](mailto:barrettj@stjohns.edu).

cake and a tray of gifts. As a gag, Gill presented to Jackson a placard written in German—a language that Jackson, working in the former Germany as the chief prosecutor of the surviving Nazi leaders, conspicuously did not read or speak. Over much laughter, Jackson begged off, swearing that he had misplaced his reading glasses.

General Gill, representing Jackson's immediate staff, then gave him a beautiful gold watch with fancy calendar and stopwatch features. Gill described it as the best watch that Captain Vonetes could get away from their Russian colleagues. Jackson, in response, quipped that if he could learn the time of day from the Russians, that would be the first information he had been able to get out of them. (Jackson suspected, in fact, that Vonetes had gotten the watch from Switzerland, and that he probably had gotten it illegally—Vonetes had special talents in black market procurement.)

Jackson's other gifts included a fiddle (on which to accompany, if only he could play it, his assistant prosecutor Sidney S. Alderman, an accomplished violinist), some books, some neckties and, from his original Office of Strategic Services liaison officer, Major Lawrence A. Coleman, Jr., suspenders to replace ones that memorably had burst, on Jackson's person in front of his then-brand-new staff, on their first trip from New York to London in June 1945.

On the following day, Jackson's actual birthday, the IMT was in session but he had no speaking role in court. During the court's midday break, Jackson hosted at Nuremberg's Grand Hotel a lunch for two visiting labor leaders. They were Sidney Hillman, president of the Amalgamated Clothing Workers of America, Congress of Industrial Organizations, who was already a Jackson friend, and a new acquaintance, French labor leader Léon Jouhaux, secretary general of the 56-nation World Federation of Trade Unions.

Jackson, speaking from an outline that he had jotted on a notepad (perhaps in court that morning while Soviet prosecutors were speaking), told Hillman, Jouhaux and other guests about the trial's purposes and its evidence, including evidence concerning Nazi Germany's persecutions of workers and its destruction of labor organizations. One lesson of the Nazi path from persecutions to war, slave labor and extermination was, Jackson stressed, the need to recognize and meet fascism in its "*incipient* stages,"

before it runs its “deadly course.”<sup>1</sup> (Five years later, Jouhaux was awarded the Nobel Peace Prize for his work as a founder of the International Labour Organization.<sup>2</sup> One of the other serious nominees that year, coincidentally, was Justice Jackson for his work at Nuremberg.<sup>3</sup>)

On the evening of February 13, 1946, Jackson and many of the same group from the previous evening attended Fyfe and Roberts’s dinner. During post-dinner dancing, a British officer called a stop to the music. He announced the discovery of a new document that had been stamped into the Nuremberg evidence files as “R.H.J. 1.” He said it demonstrated that Thomas Babington Macauley (Baron Macauley of Rothley), the great British poet, politician and historian, had been a plagiarist, and the officer then read a Jackson-lauding take-off on Macauley’s famous poem, “Horatius at the Bridge.” British staff then wheeled in another large birthday cake, and Jackson did the cutting.

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<sup>1</sup> An image of Jackson’s February 13, 1946, luncheon speech notes follows this text.

<sup>2</sup> For Jouhaux’s biography and the text of his December 11, 1951, Nobel Lecture, see [http://nobelprize.org/nobel\\_prizes/peace/laureates/1951/index.html](http://nobelprize.org/nobel_prizes/peace/laureates/1951/index.html).

<sup>3</sup> See *Nobel Peace Group Lists 9 Americans*, N.Y. TIMES, Feb. 24, 1951, at 15; *Two D.C. Men Nominated for Nobel Award*, WASH. POST, Feb. 24, 1951, at 1.

2/13/46 - Luncheon  
for Sidney Hillman  
& Trade Union  
rep. of  
Hillman as personal friend 56 nations

1. Welcome double - what you stand for collectively  
Hillman as personal friend 56 nations

2. Opportunity to point out great purposes historical -  
Not personalities - forces - currents -  
Aggressive war vs nation  
vs freedom of individual

3. Suppression - destruction & persecution labor not realized  
(a) Overshadowed by emotional & dramatic extenuation  
    1. Jews & persecuting churches.  
(b) More complicated measures - some favor & not too  
(c) Labor itself never clear - never explicit.

4. Tried to put destruction labor movement proper perspective  
Opening - quote it - give copie  
Prof - Sprecher brief - prof - more to come  
more difficult than other

5. What it teaches :-      Germans not fooled  
(a) Relation free society to free labor - /slav labor stop  
(b) Relation organization to keep labor free      slav employer  
(c)      May 2 1933 - suppression confiscation funds  
            May 19      Labor Trustee in place bargaining  
            Nov 30      Employers make Trustee for labor  
                        6 months survival

Must recognize & meet fascism in incipient stages  
Otherwise run deadly course.

6. Cooperate in getting these lessons to world.