

## United States Attorneys General in Nuremberg Courtroom 600

*John Q. Barrett\**

Five former, current, or future United States Attorneys General have, to my knowledge, spent time in Courtroom 600 in the Palace of Justice in Nuremberg, Germany.

In 1945-46, Courtroom 600 was the site of the International Military Tribunal (IMT) criminal proceedings against the principal Nazis who were prosecuted following World War II. The Palace of Justice, including Courtroom 600, also was the site of the twelve 1946-49 U.S.-only—i.e., the U.S. national, not international—Nuremberg Military Tribunal (NMT) criminal trials of additional Nazi defendants.

U.S. Supreme Court Justice Robert H. Jackson was the first former U.S. Attorney General to visit Courtroom 600. Jackson served as A.G. for eighteen months, January 1940 through June 1941.

In July 1945, Justice Jackson, serving by appointment of President Harry S. Truman as U.S. chief counsel for the prosecution of Nazi war criminals, visited Courtroom 600 to inspect it as a possible international trial site. Jackson liked it, as his British counterpart did too, and Jackson selected it.

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July 8, 1945: Attorney General David Maxwell Fyfe (U.K.) (left) and Justice Robert H. Jackson, on their first visit to Courtroom 600.

Jackson started to live in the Nuremberg area and to work in the Palace of Justice, including in Courtroom 600, in Fall 1945. He and Allied counterparts had finished negotiating the creation of the IMT. The courthouse, damaged by wartime bombing, was repaired. Courtroom 600 was renovated for the impending international criminal trial. It became the courtroom in which Jackson prosecuted Nazis from Fall 1945 through Summer 1946.

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*UNITED STATES ATTORNEYS GENERAL IN NUREMBERG COURTROOM 600*

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Francis Biddle, Jackson's successor as U.S. Attorney General, serving from September 1941 through June 1945, was the second former A.G. to spend time in Courtroom 600. Biddle served, also by appointment of President Truman, as the principal U.S. judge on the IMT from October 1945 until October 1946.



U.S. judge Francis Biddle (left) and U.S. alternate judge John J. Parker, on the bench in Courtroom 600.

Biddle and Jackson thus were together in Courtroom 600 for most of a year—Jackson, as U.S. chief prosecutor, litigated before Judge Biddle and his IMT colleagues.



Judge Biddle and IMT colleagues (left) on the bench, and Justice Jackson speaking at the podium (right), in Courtroom 600.

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Judge Biddle certainly holds the title of “former A.G. who spent the most time in Courtroom 600.” He was on the bench there for every IMT court day, typically six days per week, during the Nuremberg trial. Chief Prosecutor Jackson, by contrast, regularly was able to skip in-court days to work in his Palace of Justice office or at his Nuremberg-area home.

A third, and the most recent, U.S. Attorney General to visit Courtroom 600 was Loretta E. Lynch. She served as A.G. from April 2015 until January 2017. On September 29, 2016, Attorney General Lynch spoke in Courtroom 600 in a program commemorating the 70<sup>th</sup> anniversary of the conclusion of the IMT. ([Click here](#) for her prepared remarks and [click here](#) for video excerpts of her speech.)



September 29, 2016: Attorney General Lynch, speaking in Courtroom 600.

The fourth and, prior to Attorney General Lynch, the only sitting U.S. Attorney General to visit Courtroom 600 was Tom C. Clark. He served in that office from July 1945 until he was appointed to the U.S. Supreme Court in August 1949 (where he then served with Justice Jackson until Jackson’s death in October 1954).

Attorney General Clark and his wife Mary Ramsey Clark visited Nuremberg in August 1946, during the IMT trial. Justice Jackson, who a few weeks earlier had made his closing statement in the trial, had returned to Washington and the year-plus of



accumulated Supreme Court work that he had missed—he was not present in Nuremberg to see the Clarks.

The Clarks arrived in Nuremberg on Tuesday, August 20, 1946. Mary Clark later described Nuremberg as “the grimmest city I have ever been to”; the people had “war ... written on their faces. There was devastation all around.” The Clarks stayed at Nuremberg’s Grand Hotel, in a suite where Adolf Hitler reportedly had stayed.

On the Clarks’ one night in Nuremberg, Judge Biddle hosted A.G. Clark at a stag dinner at his home while Biddle’s assistant James H. Rowe, Jr., and Jackson’s executive trial counsel Thomas J. Dodd took Mrs. Clark to dinner at the hotel. She later recalled that ladies wore long dresses at dinner, and that she looked out the hotel window at ruined, darkened buildings in which she now and then saw a light, and that “[i]t seemed out of place to be enjoying oneself.”



August 21, 1946: Attorney General Tom C. Clark at Nuremberg, flanked by U.S. judges Biddle and Parker.

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*UNITED STATES ATTORNEYS GENERAL IN NUREMBERG COURTROOM 600*

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On the next day, Wednesday, August 21, 1946, the Clarks visited the Palace of Justice. During that day's trial proceedings in Courtroom 600, Tom Clark sat with Tom Dodd and others at the U.S. prosecutors' table. Mary Clark sat in the balcony, looking down on Hermann Goering, Rudolf Hess, and eighteen other defendants in the defendants' box. The Clarks heard the court proceedings in English—they listened directly to the judges, lawyers, and witnesses who spoke in English and they heard, via headphones at their seats, simultaneous interpretations into English of words spoken in German, French, and Russian. Later in the day, it seems, Clark and Dodd met with reporters in another Palace of Justice room.



August 21, 1946: Thomas J. Dodd (left) and Tom C. Clark, briefing reporters in the Palace of Justice, Nuremberg.

The fifth A.G. to visit Courtroom 600 also was present on August 21, 1946. At that point, Ramsey Clark's service as U.S. Attorney General was decades in the future—he would serve as A.G. from March 1967 until January 1969. In August 1946, he was an eighteen-year-old U.S. Marine—a year earlier, after turning age seventeen, he had dropped out of high school and enlisted. He accompanied his parents on their visit to Nuremberg. In Courtroom

600, Ramsey Clark sat with his father and others at the U.S. prosecutors' table.



August 21, 1946: On the left side of the U.S. prosecutors' table, Tom Dodd and, to his left, Ramsey Clark listening to a man speaking into his left ear; on the right, A.G. Tom Clark and, to his right, General Telford Taylor and United Kingdom barrister and intelligence officer Peter Calvocoressi.

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In the context of the Nuremberg trials, it seems appropriate to mention U.S. Attorney General Nicholas deB. Katzenbach. He served in that office from February 1965 until October 1966—he was A.G. Ramsey Clark's predecessor.

Twenty years earlier, as the Nuremberg trial was commencing in Fall 1945, Nick Katzenbach was age twenty-three, a Princeton University graduate, and a first-year student at Yale Law School.

A few years before that, Katzenbach had left college following Japan's attack on Pearl Harbor. He enlisted in the U.S. Army. He then served in the Army Air Corps, in the Mediterranean Theater of Operations.

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*UNITED STATES ATTORNEYS GENERAL IN NUREMBERG COURTROOM 600*

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In February 1943, First Lieutenant Katzenbach was navigator on a plane that got shot down. He survived and was taken prisoner. He was held for more than two years in prisoner of war camps, including by Nazi Germany.



First Lt. Nicholas Katzenbach, kneeling in the front row, third from left, with his crewmates on a B-25C named "Green Eyes."

I do not believe that Nick Katzenbach ever visited Nuremberg's Courtroom 600. But the evidence of what he and his generation fought against and defeated in World War II was present in—indeed, it is the product of—the trials that were held there. His military service was, if you will, in that room.

Following World War II, Katzenbach's war service and knowledge, his law-enforcing values, his determination to make peace, and his commitments to justice echoed forward in what he did with the rest of his life. He, like each of the others discussed here, lived a great life in the law, including during service as United States Attorney General.