

An Invitation to Join in Thanksgiving (1941)

*John Q. Barrett**

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In war-besieged London in September 1940, Harold Laski, a professor at the London School of Economics and a leading Socialist party official, thinker, and writer, penned a letter to Robert H. Jackson, Attorney General of the United States. Laski knew Jackson through their mutual friend, U.S. Supreme Court Justice Felix Frankfurter. Laski wrote Jackson to introduce another friend, Professor Hersch Lauterpacht of the University of Cambridge:

15.ix.40

My dear Jackson,

I should like to introduce to you my friend Professor H. Lauterpacht, the Whewell Professor of International Law at Cambridge. You well know of his outstanding work in his own field. I should like only to add that there are few people for whom I care so much.

I think we stand up well to our siege; and we have complete confidence in the outcome.

* Professor of Law, St. John's University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York. I emailed an earlier version of this essay to The Jackson List on November 23, 2016.

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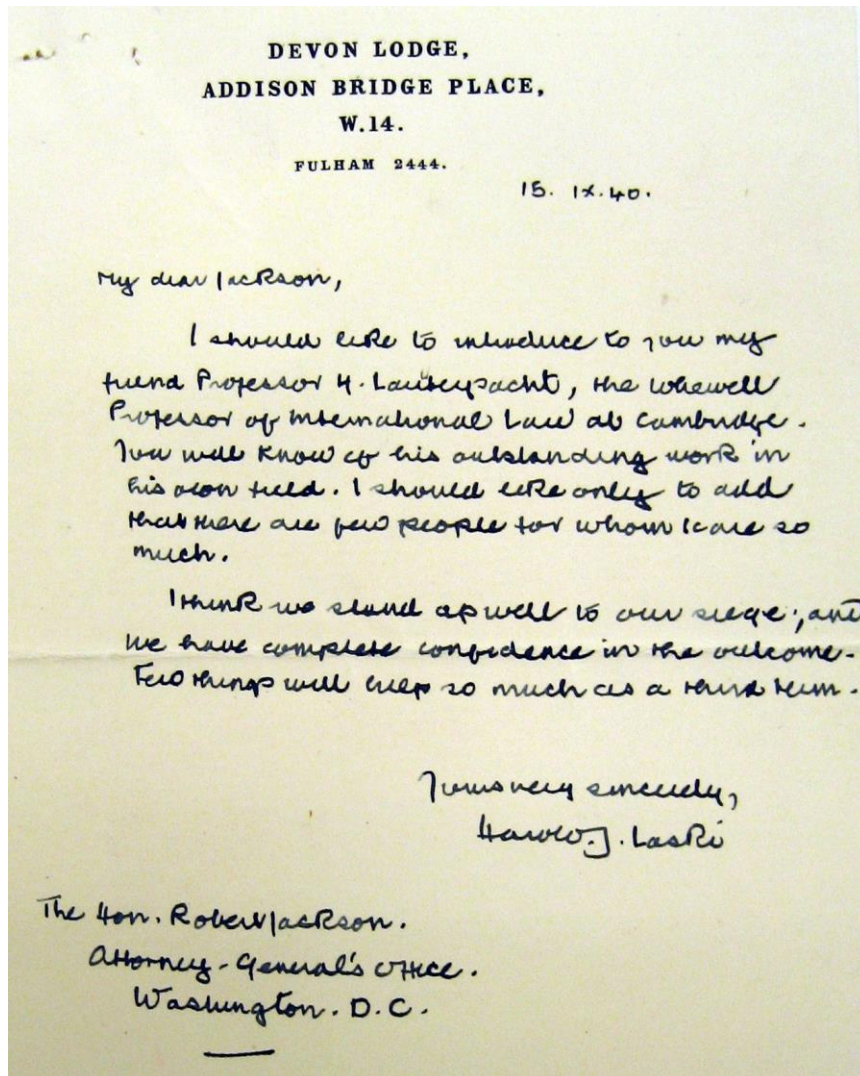
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Few things will help so much as a third term
[for President Franklin D. Roosevelt].

Yours very sincerely,

Harold J. Laski

The Hon. Robert Jackson.
Attorney-General's Office.
Washington. D.C.



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Laski wrote his letter not to be mailed, but for Lauterpacht, who was spending Fall 1940 in the U.S., to use when he had an opportunity to introduce himself to Jackson.

That moment arrived at the end of the year. On December 23, 1940, Lauterpacht, living in the Bronx, wrote to Jackson in Washington to request a meeting:

Trinity College,
Cambridge.
[crossed out]

23 December, 1940

5444 Arlington
Avenue
Riverdale on Hudson
New York City

Dear Mr. Attorney-General,

I hope to be in Washington between January 6-9, prior to my departure for England. If you can spare the time, I should very much appreciate an opportunity of calling on you and paying my respects.

I enclose a letter of introduction from Professor Laski.

Yours very truly,

H. Lauterpacht

The Hon. Robert Jackson.
Attorney-General's Office.
Washington. D.C.

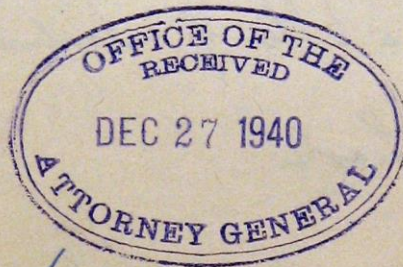
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Lauterpacht's letter, with the enclosed vouching letter from Laski, worked. Jackson wrote back promptly, telling Lauterpacht to contact Jackson's secretary to schedule the meeting.

Robert Jackson and Hersch Lauterpacht met at the U.S. Department of Justice on January 8, 1941. They discussed Nazi Germany's bombing attacks on the United Kingdom, U.S. military assistance to the U.K., and domestic and international law issues. And obviously they hit it off.

Over the next week, Lauterpacht stayed in downtown Washington and, at Jackson's request, wrote him a thorough memorandum on international law issues. It addressed, in twenty-one pages, what Jackson had described in their first meeting as "the philosophy, in international law, of the policy of aiding the [anti-Nazi U.S.] Allies by all means short of war." Lauterpacht sent the memorandum to Jackson on January 15, and they met the next day to discuss it.

Lauterpacht argued, then and later, that Nazi Germany's military aggression, on the European continent and against the U.K., violated international law embodied in its own and in many nations' treaty commitments. These arguments fit with and advanced Jackson's own legal thinking. In the months ahead, Lauterpacht's input contributed to some of Attorney General Jackson's, and then to Justice Jackson's—he joined the U.S. Supreme Court in July 1941—major public addresses attacking Nazi lawlessness.

More than four years later, in circumstances that neither Jackson nor Lauterpacht could have envisioned when they first met in Washington in early 1941, they worked together, in the U.K. and then in Nuremberg in the Allied-occupied former Germany, to hold Nazi leaders accountable for their illegal war-waging.

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Justice Jackson and Professor Lauterpacht corresponded during the World War II years. They also saw each other occasionally, when Lauterpacht was visiting the U.S.

One such occasion was November 19, 1941, when Lauterpacht visited Justice Jackson at the Supreme Court. Jackson asked Lauterpacht to stay over in Washington on that Wednesday night, and to join Jackson and his wife Irene the next day for Thanksgiving dinner at their home, Hickory Hill, in McLean, Virginia—"It will give Mrs. Jackson and me great pleasure if you will have dinner with us," Jackson wrote when he communicated this invitation a few days beforehand, as he and Lauterpacht were finalizing their plans.

November 17, 1941

My dear Professor Lauterpacht:

I shall be glad to see you on Wednesday afternoon, November 19, but as the Court is sitting it will be 4:30 before I can be free.

If you are to remain in the city over the 20th, which is being observed here as Thanksgiving Day, it will give Mrs. Jackson and me great pleasure if you will have dinner with us. We shall dine about 1:00 in the afternoon, and it will be very informal.

With highest regards,

Sincerely yours,

Professor H. Lauterpacht
5444 Arlington Avenue
Riverdale, N.Y.

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Alas, and to Lauterpacht's regret, he could not accept this invitation.

He and Jackson did have later occasions to share meals, and to give thanks, including in Nuremberg.