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**Service in the Shadow of Justice: The Legacy of the Black American  
Military Court Guards in the Nuremberg Military Tribunals**

**Sample Chapter:**

**The Disputation of America's Moral Authority in Nuremberg**

**By Dawn Miller ©2025**

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## Dedication

This work is dedicated to the memory of the men of the segregated 370<sup>th</sup> and 371<sup>st</sup> Infantry Battalions (U.S. Army) who guarded the proceedings at Nuremberg where America's prosecution of racial animus was ensconced in the aspiration for racial equality.



A view of members of the segregated 370<sup>th</sup> and 371<sup>st</sup> Infantry Battalions during proceedings in Courtroom 600 during the Einsatzgruppen Trial (NMT 9), Place of Justice, Nuremberg. Photo Source: U.S. National Archives and Records Administration NAID 169156192.

## Brief Description

*Service in the Shadow of Justice: The Legacy of the Black American Military Court Guards in the Nuremberg Military Tribunals* documents the remarkable ascension of segregated troops to security duty at the Palace of Justice during the final year of the historic war crimes Trials. The service of Black troops in Nuremberg has been, until the present work, neglected in the narratives surrounding the Trials. A scant and poorly captioned collection of U.S. Army Signal Corps photos in the Still Pictures Branch of the U.S. National Archives and Records Administration provides an opaque window into the work of these troops in the highest profile post in the American occupation zone of Germany. There is near historical silence around the primary fact of their service—a duty which was rendered from within a Jim Crow military structure and for which their role in the distinguished legacy and symbolism of Nuremberg has been denied. The author used primary source materials from the U.S. National Archives and Records Administration and a range of archival collections to reconstruct the path that Black troops traversed en route to Nuremberg, one strewn with the obstacle of racial bias.

The original research presented in *Service in the Shadow of Justice: The Legacy of the Black American Military Court Guards in the Nuremberg Military Tribunals* demonstrates that the assignment of Black troops to security details at the historic Nuremberg Trials was both symbolic and significant in the Long Civil Rights Movement and within the activism surrounding the desegregation of the U.S. military. Dim perceptions surrounding the performance of the U.S. Army’s Black troops (pejoratively termed “the Negro Problem”) during WWII and the continuation of Jim Crow policies in the European Theater were factors in

excluding these servicemen from earlier duty at the Trials which ran from 1945-1949. By 1946, Nuremberg had become a symbol for the strivings of American racial justice while the verdicts delivered at the International Military Tribunal precipitated calls for anti-lynching legislation. A confluence of events, including slowly staged advocacy work by the Black press and by antiracists from within the U.S. military, eventually brought Black troops into the courtroom as sentries while the service window and stakes in the Nuremberg legacy waned. America was at its finest postwar display in the Palace of Justice while simultaneously revealing a tension between its democratic ideals and actions. The Black U.S. military court guards of Nuremberg are situated in this complex and historic legacy.

In providing racial context for the service of Black troops at the Trials, this book unveils tensions in the Nuremberg Military Post and reveals that the duty of these segregated troops was a highly unlikely and very significant assignment.

This work, long overdue, identifies the specific segregated military units assigned to the Trials, and it gives biographical profiles of the individuals who served, many of whom intersected with civil rights luminaries such as Merze Tate, Ollie Stewart, and W.E.B. DuBois. The research also documents the racial barriers and other obstacles which the servicemen surmounted, including military experiments, in order to be deemed “extraordinary” and fit for assignment to the coveted post of Nuremberg, a theretofore racially monolithic venue.

Included in the survey of Black American contributions in Nuremberg is an examination of the Trial staff. There was a single exception to the all-White civilian staff of the Nuremberg Military Tribunals (NMT): Ernest D. Diggs of Baltimore, Maryland served briefly on the clerical staff of NMT 2, commonly known as the Doctors’ Trial. His remarkable service and post-

Nuremberg achievements were previously unknown. They are highlighted in the book, alongside an exploration of failed attempts to add Black attorneys to the legal staff of the Office of Chief of Counsel for War Crimes.

Once understood in full historical context as delivered in *Service in the Shadow of Justice: The Legacy of the Black American Military Court Guards in the Nuremberg Military Tribunals*, the courtroom photos become more integral to the visual record of the Long Civil Rights Movement. There are arguably two compelling visual capstones to the war years—at one end is Marian Andersen on the steps of the Lincoln Memorial in 1939 singing *My Country Tis of Thee* and on the other are the immaculate Black troops who guarded the proceedings at Nuremberg where the prosecution of racial animus was ensconced in the aspiration of racial equality.

## Chapter 5: The Disputation of America's Moral Authority in Nuremberg

At the start of the International Military Tribunal (IMT) in 1945, most contemporary observers were aware that the city of Nuremberg was, in part, selected as the site of the war crimes proceedings because it was replete with symbolism central to the vanquished Nazi Party. Allied justice would be delivered in the city that foisted the antisemitic Nuremberg Laws upon German Jews and had buttressed Nazi-sponsored hate crimes. Less known at the time, was the fact that the drafters of the 1935 Nuremberg Laws found inspiration in the Jim Crow Laws of the American South, as has been documented more recently by historians who have identified American racists and Nazis as “mirror images.”<sup>1</sup> Roland Freisler, the person who would become the Reich’s President of the People’s Court (*Volksgerichtshof*), which perverted justice and sentenced countless German resistance fighters to death, attended a 1934 meeting of Nazi lawyers who gathered to draft the Nuremberg Laws. A transcript of the meeting reveals that the participants referred favorably to American models of racist legislation.<sup>2</sup> Historian James Q. Whitman showed that the Nazi drafters of the Nuremberg Laws drew on American federal and state laws, in addition to Jim Crow laws.<sup>3</sup> These deeply conflicted roots are part of the subtext of the moral project of the Nuremberg Trials.

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<sup>1</sup> John Peter Horst Grill and Robert L. Jenkins, *The Nazis and the American South in the 1930s: A Mirror Image?* *Journal of Southern History* 58, no. 4 (November 1992): 667–94.

<sup>2</sup> Whitman, J. Q. (2017). *Hitler's American model: the United States and the making of Nazi race law* (First paperback printing.). Princeton University Press. Page 14.

<sup>3</sup> *Ibid.*



At Nuremberg, some of the Nazi defendants were keen to surface America's racial hypocrisy, even before the highly visible assignment of Black troops to the courtroom in the latter half of the subsequent Trials. America's extension of Jim Crow policies during the war and their sustained intransigence during the period of Allied occupation of Germany undermined American moral authority during the Nuremberg Trials. American antiracists and Nazis alike seized on the overt hypocrisy. In particular, at the IMT (1945-1946), the Army's policy of racial segregation was exploited by the indicted. Some of the Nazi defendants commented on it bitterly and tried to mitigate their own offenses under the banner of Nazism with a casual *tu quoque* defense in conversations outside of the courtroom transcripts. By the time of the Nuremberg Military Tribunals (NMT, 1946-1949), American civil rights advocates demanded racial inclusion at the Trials, and they identified the thrust of the judgements rendered at Nuremberg as a compelling argument for anti-lynching legislation. Across the breadth of the Trials, Black troops in the occupation zone came into focus as a symbol of America's combustible race relations. A highly select number of these troops emerged in the vaunted space of the Palace of Justice in the fleeting and final year of the Trials, constituting a hyper-symbolic moment in the Long Civil Rights Movement.

America's Black troops dwelled in the crosshairs of a subdued ideological battle between the war crimes defendants and American democratic ideals at work in Nuremberg. Even as the Trials were in session and prosecutors unveiled evidence of the dark criminality of Nazi organizations and their racial crimes, America's own segregationist policies and incidents of racially motivated mob violence assumed pronounced proportions in the occupation zone of Germany. The Nuremberg defendants, many of whom built careers as master race propagandists

and perpetrators of genocide, pointed to their limited but genial interactions with Black troops in the occupation zone as proof that they exercised greater racial tolerance than their American captors. Meanwhile, members of the Black press pointed to Nuremberg as a timely metaphor for racial justice in America and for the democratic citizenry that the Double V Campaign had promised to deliver. With limited success, they urged the War Department to adopt racial diversity and inclusion in staffing the highly visible Trials. Doing so would amplify the meaning of Nuremberg. American civil rights activists and antiracists further used America's most heinous expression of racial suppression—mounting cases of unadjudicated lynchings, to effectively confute its moral authority at Nuremberg.

## Denizens of Nuremberg Court Prison: Otto Skorzeny, Julius Streicher, and Hermann Goering

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The Austrian-born hero of the Nazi party, Otto Skorzeny (1908-1975), was in detention at the Nuremberg Court Prison in 1946 while the IMT was in session. The regular assignment of Black guards to the prison does not appear in extant military records until the fall of 1947, occurring after the departure of Prison Commandant Col. Burton C. Andrus (1892-1977).<sup>i</sup> Skorzeny, however, commented on their presence in the prison as pawns for psychological manipulation.

In his view, the experiment failed:

*"I must repeat that a real solidarity existed between us and the black [guards], the pariahs. The psychologists made a big mistake when they had us guarded by blacks, who refused to treat us like animals, and in doing so gave Col. Andrus a lesson in humanitarian behavior...We were guarded by large numbers of black soldiers...one huge young man, a black sergeant...became my friend."*<sup>4</sup>

By stating that unity existed between detainees and the Black guards, Skorzeny asserts that the Nazis were capable of racial tolerance and social integration where the Americans failed. He implies that they, the denizens of the Nuremberg Court Prison, demonstrated moral superiority in their relations with their Black guards. Skorzeny's reaction, as presented, also disproves the 1944

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<sup>4</sup> Skorzeny, Otto. 1995. *My Commando Operations : The Memoirs of Hitler's Most Daring Commando*. Atglen, Pa.: Schiffer Pub. Page 440. <http://catalog.hathitrust.org/api/volumes/oclc/32451056.html>. Accessed on January 3, 2025.

assertion by Asst. Provost Marshall Brig. Gen. B.M. Bryan who believed that the use of Black guards would breed resentment amongst Germans steeped in theories of Aryan supremacy.<sup>5</sup>

The specific allegation that Col. Andrus treated the inmates inhumanely has been countered by Nuremberg observers and detainees. Most are in consonance over Col. Andrus's rigidly uniform rule enforcement across the prison population. While the proceedings of the IMT were in session and after their conclusion, Col. Andrus received letters of commendation from high-level Trial affiliates. Both Justice Jackson (1892-1954), Chief of Counsel for Prosecution of Axis Criminality, and Lord Justice Geoffrey Lawrence (1880-1971), lead British judge at the IMT, lauded the conduct of Col. Andrus in performing the unique duties of securing the courtroom and the defendants.<sup>6</sup> Lord Justice Lawrence had a particular interest in the dignified presence and esteem of the "Court Guard."<sup>7</sup> He sent several congratulatory letters to superior U.S. military officers, conveying to Nuremberg Military Post Commander Gen. Watson (1893-1975) and to Col. Andrus his admiration for "the discipline, the smartness, and the bearing of the Court Guard."<sup>8</sup> In a letter to Gen. McNarney, then Military Governor of Occupied Germany,

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<sup>5</sup> U.S. National Archives and Records Administration, College Park, MD. Secret memo: Use of Negro Enlisted Personnel in Military Police Organizations. From Brig. Gen. B.M. Bryan, Asst. Provost Marshall General to Director, Plans and Operations, ASF. January 17, 1944. Series: Index to WWII Operations Reports, 1940-1948. Colored Troops. RG 407, Entry NM-1427a. Box 27. NAID 7430654. Declassification authority NND7720125.

<sup>6</sup> The Burton C. Andrus Collection, the U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania. Series 2: Official Papers. Box Number 3, Folder 30. Letter to Gen. McNarney from Lord Justice Lawrence. October 1, 1946.

<sup>7</sup> U.S. National Archives. RG 238 Entry NM 66 52E. Box 12. Security Classified General Correspondence. Folder: Miscellaneous & Administrative. Letter to Col. Andrus from Lord Geoffrey Lawrence. March 21, 1946. Declassified Authority 35955.

<sup>8</sup> Ibid.

Lord Justice Lawrence noted that the work of Col. Andrus and his guards was viewed favorably by many distinguished visitors and by the Tribunal itself.<sup>9</sup>

Justice Jackson also sent his personal observations to Gen. Watson and to Secretary of War Patterson in praise of Col. Andrus.<sup>10</sup> The courtroom guards were in the public eye and under constant scrutiny from the uppermost echelons. The gravity of the proceedings demanded superior execution of guard duties. In a letter to Gen. Watson dated October 1, 1946, Justice Jackson emphasized that "the most difficult characters alive in Germany" were under the care and protection of Col. Andrus and his contingent of guards:<sup>11</sup>

*"The members of the Tribunal have been unanimous in their frequent favorable comments upon the work of Colonel Andrus with regard to the care of the accused and with regard to the appearance and functioning of his guards within the Tribunal."*<sup>12</sup>

Two weeks after Justice Jackson penned this commendation, the highest-ranking former Nazi in Col. Andrus's care, Hermann Goering, deftly evaded his sentence of death by hanging and committed suicide in his cell at the Nuremberg Court Prison. It contributed to an inglorious conclusion of Col. Andrus's Nuremberg service.

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<sup>9</sup> The Burton C. Andrus Collection, the U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania. Series 2: Official Papers. Box Number 3, Folder 30. Letter to Gen. McNarney from Lord Justice Lawrence. October 1, 1946.

<sup>10</sup> The Burton C. Andrus Collection, the U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania. Series 2: Official Papers - Memorandums, 27 Nov 1942-24 Feb 1948, n.d. Box Number 33, Folder 95. Letter to Honorable Robert P. Patterson from Robert H. Jackson. December 19, 1946.

<sup>11</sup> The Burton C. Andrus Collection, the U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania. Series 2: Box 1A, Folder 37. Official Correspondence. Letter from Robert H. Jackson and the Quadripartite Commission Regarding Commendations for Job Well Done. October 1, 1946.

<sup>12</sup> Ibid.

Col. Andrus had a strained relationship with Gen. Watson, which only amplified scrutiny over the discharge of his duties as prison commandant. The officers were frequently at odds over functions in the prison as is evident from correspondence and from the Daily Logbook maintained by Col. Andrus's staff.<sup>13</sup> A series of microaggressions and squabbles between the two men further escalated the intrinsic tension of being in Nuremberg, a stage of international focus. In one such instance, Gen. Watson called Col. Andrus on January 22, 1946 to inform him that Secretary of War Robert L. Patterson would be visiting the Nuremberg Court Prison and the Trials the very next day, "and also that General Truscott would be here at the same time."<sup>14</sup> Deliberately tardy or poor communications by the general increased the likelihood of Col. Andrus's failure in the presence of dignitaries. By most accounts and as evidenced in letters of commendation, Col. Andrus weathered his treatment at the hands of the mercurial Gen. Watson. His well-executed duties won the attention of administrators, military superiors, and even some Nuremberg detainees. The weight of the security responsibilities also proved that duty at the Palace of Justice was reserved for exemplars of military training and immaculate bearing. Those called to duty may have met these criteria, but Nazi defendants pointed to moral criteria as essential to America's pursuits in Nuremberg.

Julius Streicher (1885-1946), the notorious Nazi propagandist and publisher of *Der Stuermer*, also exploited American race relations to cast doubt on America's moral authority in

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<sup>13</sup> The Burton C. Andrus Collection, the U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania. Series 2: Box 39, Folder 32. Official Papers, 18 July 1943-21 November 1949, n.d. *Log of Visitors and Events at Nuremberg Prison*, 14 September 1945-12 February 1946.

<sup>14</sup> The Burton C. Andrus Collection, the U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania. Series 2: Box 39, Folder 32. Official Papers, 18 July 1943-21 November 1949, n.d. *Log of Visitors and Events at Nuremberg Prison*, 14 September 1945-12 February 1946. Entry for January 22, 1946.

Nuremberg. It was not a new tactic, but rather, a familiar refrain which he had carried since the prewar period. While international criticism of Nazi racial policies burgeoned in the mid 1930's, Streicher nimbly redirected critics toward America's own scourge of anti-Black mob violence and lynchings which occupied newspaper headlines as a blight on American democracy. As early as 1935, Streicher referred to "lynch justice in America" as damning evidence of American hypocrisy.<sup>15</sup> Simultaneously, the Nazi regime engaged in the study of race laws and models of racial division across a host of countries. The regime's efforts show that they didn't originate many of the approaches to racial subjugation. Rather, Nazi Germany brought racial supremacy to a mechanized and brutal crescendo via forced labor and mass killings as quantified in the voluminous documentary evidence emanating from Nuremberg.

The proceedings of the IMT produced the first comprehensive and public postwar measure of Nazi rabidity and destruction at its zenith. Streicher was indicted by the IMT and while in detention at the Nuremberg Court Prison he continued his decade-old campaign to point to American racial hypocrisy and blunt the shock surrounding Nazi atrocities. In the spring of 1946, Streicher specifically claimed that he had been "forced to kiss the feet of Negro troops" while in U.S. custody at the close of the war.<sup>16</sup> American newspapers at the time perceived his statement as an attempt to stoke anti-Black racism amongst the American trial staff in Nuremberg.<sup>17</sup> If Skorzeny interpreted America's treatment of its Black citizens as pariahs, then Streicher's allegation portrays his captors as having placed him in a servile role beneath

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<sup>15</sup> Wiesen, S. Jonathan. American Lynching in the Nazi Imagination: Race and Extra-Legal Violence in 1930s Germany. *German History*, Volume 36, Issue 1, March 2018, Pages 38–59.

<sup>16</sup> *Streicher Whines of Abuse by GI's; German Witness Was U.S. Aide. New York Times (1923-)*. April 27, 1946. Page 4.

<sup>17</sup> *Nazi Baiter Seeks Mercy at Troops' Expense. Atlanta Daily World (1932-)*. May 5, 1946. Page 1.

America's underclass. Like Skorzeny, Streicher used America's highly visible racism to bolster the claim that he, too, was treated inhumanely by those who wore the mantle of moral leadership at Nuremberg.

Gunther Sadel (1926-2010), a German-born immigrant to America, entered the U.S. Army during the war and became a Counter Intelligence Corps (CIC) agent. He joined the Nuremberg staff of Brig. Gen. Leroy H. Watson in November 1945. He had a prior acquaintanceship with the general's personal aid, Thomas K. Hodges. Through Hodges, Sadel requested a transfer to Nuremberg from his duty at the Third Army interrogation center in Freising. In a 1997 oral history interview, Sadel recounted that he first met Julius Streicher at the interrogation center, which had a contingent of Black military guards.<sup>18</sup> An unknown person with an aim to roil the Black troops placed issues of Streicher's inflammatory *Der Stuermer* in the guard office. The *Der Stuermer* issues depicted caricatures of Black Americans with subhuman traits, immediately inciting a reprisal. The guards sought out Streicher, who was in custody at the interrogation center, and began beating him. Sadel stated that he intervened, saving Streicher's life.<sup>19</sup> The cycle of racism was sustained by Streicher's tropes and re-purposed by American soldiers to subject Black troops to synergistic, transatlantic oppression.

As with the Freising incident, the best-known defendant at Nuremberg also stirred racial tensions at the Palace of Justice. Hermann Goering (1893-1946), the arch Nazi indicted at the

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<sup>18</sup> Sadel, Gunther, and USC Shoah Foundation. 1997. *Gunther Sadel Oral History (Interview Code: 35760)*. November 21, 1997. Interview by Esther Finder. *USC Shoah Foundation Collection in USC Shoah Foundation Visual History Archive, 1994-2017*. Los Angeles, CA: USC Shoah Foundation. <http://vha.usc.edu/viewingPage?testimonyID=38689>. Tape 4, 20:00.

<sup>19</sup> *Ibid.*



IMT, used his knowledge of military and civilian racial hierarchy to highlight American hypocrisy at Nuremberg. The Nuremberg Court Prison psychiatrist, Dr. Gustave Gilbert (1911-1977), documented Goering's sardonic queries:

*"Downstairs Goering continued his cynical campaign by jibing at American social customs. He commented on the Negro officers he had seen in the balcony and speculated on whether Negro officers could command white troops, and wanted to know whether Negro officers were allowed to ride in trolley cars with white civilians."*<sup>20</sup>

Goering exploited America's conspicuous hypocrisy—the severely limited authority of Black officers resulting from the military's normalization of Jim Crow policies. It's notable that Dr. Gilbert referred to racial segregation as a "social custom," using a euphemism, thereby complacently discounting the impact of American race laws. Goering went further and referenced America's "Negro problem" and his hope that it wouldn't be so easily solved.<sup>21</sup> In revealing this, he looked to legitimize Nazi claims of racial supremacy. The longer the "Negro problem" embroiled America, the face of moral authority, the longer that racial hatred would be shared between Nazis and their adjudicators.

Goering's remarks place Black officers in the Palace of Justice during the IMT where they were present as observers in the visitor's balcony and not yet on official security assignments. Black officers are visible in photographs of the observer's gallery in the courtroom during the I.G. Farben Trial (NMT 6) and the Einsatzgruppen Trial (NMT 9), though not in

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<sup>20</sup> Gilbert, G. M. (1961). *Nuremberg Diary*. New York: New American Library. Page 57.

<sup>21</sup> *Ibid.*, 194.

extant IMT photographs.<sup>22</sup> The official assignment of Black troops to the Palace of Justice would not be ordered until the fall of 1947, one year after Goering's death.

The visual record does prove that a single Black U.S. Navy soldier of unknown identity attended a session of the IMT and was seated in the main gallery of the courtroom with Hermann Goering *et al* in the defendant's dock. Of the extant Nuremberg Trial photographs in the Still Pictures Branch of the U.S. National Archives and Records Administration at College Park, Maryland, this is the sole Black soldier visible in the main gallery during the IMT, evidence that the Trial of the leading Nazis was verily a racially monolithic event.

While America's own racial hierarchy, and particularly its' segregated military, became an obvious target of the indicted Nazis, it would be nearly two more years before Pres. Truman took action in the form of Executive Order 9981, to desegregate the military and provide equal opportunity to all service members. Even then, it was not until the Korean War that military desegregation was more fully realized, and with a final step being the dissolution of the 24<sup>th</sup> Infantry Regiment (Buffalo Soldiers), a unit in which some of the Nuremberg guards were members.

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<sup>22</sup> U.S. National Archives and Records Administration, Still Pictures Branch. RG 111 Office of the Chief Signal Officer. Entry 111-SCA: Albums/Prints: Photographs of Military Activities, 1941-1954. Germany - Nuernberg War Crimes Trials. Box 6, Folder B. Local Identifier: 238-OMT-VI-GV-21 NAID 169157008. Einsatzgruppen Trial. Local Identifier: 238-OMT-IX-GV-8

### “Talk of Justice and Take Your Stand”

-excerpt from *And They Lynched Him on a Tree*, a poem by Katherine Garrison Chapin

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Around the same time as Goering’s acerbic remarks, America’s moral authority in Nuremberg was also scrutinized by antiracist activists stateside. John Robert Badger (1909-1961), international correspondent with the *Chicago Defender* argued in September of 1946 for legal equivalency between criminals at Nuremberg and perpetrators of racial violence in America. Badger quoted Justice Jackson’s opinion of Nazi racial persecution and concluded that:

*“prejudice against Negroes under the direction of these men [American leaders] became an official state policy.”*<sup>23</sup>

In Badger’s view, if the Nuremberg principle were applied in America, its’ leaders would be found guilty of crimes against humanity. One of the legal questions raised at Nuremberg was how to assess personal culpability for crimes committed by individuals who were acting in concert with government policy.<sup>24</sup> If a local sheriff in Mississippi (or another Southern state with high lynching rates in 1945), released a Black suspect from custody for coordinated interception by members of the Ku Klux Klan, does this constitute local government policy in support of racial crime? Veterans and their advocates took up this question vigorously.

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<sup>23</sup> Badger, J. R. (September 7, 1946). *World view: The Nuremberg Trials*. The Chicago Defender (National Edition) (1921-1967). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/world-view/docview/492810454/se-2>. Accessed on January 3, 2025.

<sup>24</sup> Taylor, Telford. *Nuremberg Trials, Synthesis and Projection*. (1949). Information Bulletin: Magazine of U.S. Military Government in Germany. No. 162: 1949 May 31.

Veterans spoke publicly and via the Black press about the meaning of Nuremberg, and they urged for adopting the force of the IMT verdicts to end the bestial crime of lynching. In 1945, while the IMT proceedings were only in their second month, the *Chicago Defender* reprinted excerpts of a letter sent to U.S. Attorney General Tom Clark (1899-1977), by Black WWII veteran and Silver Star recipient, John Gilman of Pennsylvania. Gilman appealed to Clark for immediate action following 3 lynchings in Florida and South Carolina. The *Chicago Defender* emphasized “Nazi sadists are being tried at Nuremberg, Germany for the same crimes that Dixie sadists commit against Negroes almost at will.”<sup>25</sup> Gilman equated lynching with fascist tactics, yet he still echoed the untrammelled hope of the Double V Campaign:

*“I was told before I left the army to be a good citizen, participate in community and national affairs. That is what I am doing. This is what I intend to do to preserve the democracy that I fought for.”*<sup>26</sup>

For WWII veterans like Gilman, the crime of lynching forged the direct transition from soldiering to activism. To “preserve” democracy didn’t constitute personal exertion exclusively; it meant demanding the same of others.

In October of 1946, the month in which the sentences were carried out for those convicted and condemned by the IMT, the flow of increasingly strident voices like John Gilman’s rose feverishly to question the meaning of justice at Nuremberg and the broader

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<sup>25</sup> *Put Lynchers on Trial with Nazis, Asks DSC Hero*. (December 8, 1945). *Chicago Defender* (National Edition). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/put-lynchers-on-trial-with-nazis-asks-dsc-hero/docview/492770971/se-2>. Accessed on January 5, 2025.

<sup>26</sup> *Ibid*.

application of its' principles in America. The federal government's unwillingness to deliver anti-lynching legislation was seen by activists as the greatest and darkest failure of its democracy.

An editorial in *Unity* magazine in October 1946 stated:

*"the stench of lynching has floated into Nuremberg...and embarrassed Justice Jackson, James Byrnes, and General MacArthur, and all who represent American democracy abroad."*<sup>27</sup>

In July of 1946, the murder of Maceo Snipes, a WWII veteran, and the mass lynching of two Black couples in rural Georgia at Moore's Ford a few days later precipitated cries for decisive legislation and inspired a 17-year-old Martin Luther King, Jr. to write a letter to the *Atlanta Constitution*, signaling the nascent stage of his civil rights activism. The murderers of Roger and Dorothy Malcom, George Dorsey who was a WWII veteran, and Mae Murray Dorsey, who was seven-months pregnant, evaded justice.<sup>28</sup> Indictments were never filed, and grand jury evidence has remained sealed and restricted at the U.S. National Archives and Records Administration despite litigation to unveil them in recent years.

The lynchings in Georgia and other incidents of violence directed at veterans further galvanized antiracists in the summer of 1946. From V-J Day to September of 1946, there were approximately 41 lynchings in Southern states; the majority of the victims were WWII

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<sup>27</sup> Reese, Curtis W. *Lynching*. Published in: *Unity*. Chicago, Ill.: Abraham Lincoln Center, 1946. Vol. 132, no. 7/8 (September/October 1946). Unnumbered page.

<sup>28</sup> Seay-Howard, A. (2023). *Remembering a Violent Memory: A Material Critique* (Order No. 30312435). ProQuest Dissertations & Theses Global. (2822631148). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/dissertations-theses/remembering-violent-memory-material-critique/docview/2822631148/se-2>. Accessed on January 3, 2025.

veterans.<sup>29</sup> Lynching and mob violence were used to deter returning veterans from demanding or claiming their full democratic rights, the promise of the Double V Campaign.

In response to this precipitous rise in violence, Paul Robeson (1898-1976), the artist and civil rights activist, founded the organization, “American Crusade to End Lynching.” Dr. W.E.B. DuBois, numerous celebrities, and distinguished editors and publishers from the Black press were amongst its members. Robeson led an interracial delegation of the “American Crusade to End Lynching” in Washington, D.C. and invoked the Nuremberg Trials in a meeting with Pres. Truman on September 23, 1946.<sup>30</sup> He emphasized that America’s moral exertions were vapid in contrast with its failure to ensure full rights and protection of Black citizens from the horror of mob violence and lynchings. He described the increasing discontent of returning Black combat veterans who were a burgeoning force for civil rights agitation. The delegation demanded that Pres. Truman issue a public statement denouncing lynching and that he sternly implore Congress to act on federal legislation.

Harper Sibley (1887-1980), President of the National Council of Church Women and a member of Robeson’s delegation, confronted Pres. Truman with the significance of Nuremberg by stating that there was no difference between mob violence and Nazi-sponsored crimes as

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<sup>29</sup> American Crusade to End Lynching. (1946). *NAACP Papers, Part 07: The Anti-Lynching Campaign, 1912-1955; Lynching Series B: Group II-A: General office file* (p.79) <http://search.proquest.com.ezp-prod1.hul.harvard.edu/archival-materials/american-crusade-end-lynching/docview/2623888353/se-2>. Accessed on January 5, 2025.

<sup>30</sup> American crusade to end lynching. (1946). *NAACP papers, part 07: The Anti-Lynching Campaign, 1912-1955; Lynching series B: Group II-A: General office file* (p.21) <http://search.proquest.com.ezp-prod1.hul.harvard.edu/archival-materials/american-crusade-end-lynching/docview/2623888353/se-2>. Accessed on January 5, 2025.

copiously documented by the prosecutors at the IMT. Despite the Nuremberg mandate they presented, the President responded that domestic affairs did not necessitate international influence. The parallels were not so easily overlooked by others.

Dr. Albert Einstein, perhaps the best-known German to have emigrated to America as a refugee from the terror perpetrated by the Nazi regime, also aided the delegation. He penned a letter which the group hand-carried to Pres. Truman. In it, he expressed his belief in protection against lynching as being "one of the most urgent tasks of our generation."<sup>31</sup>

The group's moral persuasion did not result in an immediate verbal commitment from Pres. Truman who cited timing and political pressures as impediments to his commitment.<sup>32</sup> Less than two months later however, on December 5, 1946, he established the President's Committee on Civil Rights with Executive Order 9808. The committee's final report cites the Georgia lynching cases and the murder of WWII veterans which the Robeson delegation invoked in their meeting with the President. It also addressed the damaging international perceptions and protestations of America's ill treatment of minority groups, quoting a 1946 statement by Acting Secretary of State, the Honorable Dean Acheson:

*"We are reminded over and over by some foreign newspapers and spokesmen, that our treatment of various minorities leaves much to be desired. While sometimes these pronouncements are*

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<sup>31</sup> Lautier, L. (1946, Oct 05). *Truman, Crusade Comm. Differ on Lynchings*. Michigan Chronicle (1939-2010). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/truman-crusade-comm-differ-on-lynchings/docview/2486163922/se-2>. Accessed on January 3, 2025.

<sup>32</sup> Ibid.

*exaggerated and unjustified, they all too frequently point with accuracy to some form of discrimination because of race, creed, color, or national origin.*<sup>33</sup>

America's racial injustices were becoming a widely acknowledged tool for the undermining of their moral authority as the lead in war crimes adjudication and democratization in the Cold War era. As the Honorable Dean Acheson had emphasized in 1946, America's racial tensions became an increasingly "formidable obstacle" in international relations and in democratic principles when measured against practice.

Inclusive of the period of the Nuremberg Trials and more deeply into the Cold War, the Soviet government also used America's racial tensions and the odious crime of lynching in propaganda to discredit democracy and insinuate their own moral superiority. During the war, Nazi propaganda had been air dropped in combat zones in attempt to subvert Black troops. Postwar, Soviet propaganda took similar aim to undermine democratization work and American moral leadership. Domestic and international pressure reached a crescendo as racial issues and knowledge of Nazi atrocities became commonly known, due in considerable measure to the presentation of documentary evidence and witnesses in the Nuremberg Trials. Exhaustive international press coverage of the Trials fueled the knowledge of racial injustices and pressure

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<sup>33</sup> *The report of the committee on civil rights and President Truman's message to congress of February 2, 1948. To secure these rights, the report of the president's committee on civil rights: Text of the final report. (1947).* Documentary history of the Harry S. Truman presidency; Vol. 11: The Truman Administration's Civil Rights Program. <http://search.proquest.com.ezp-prod1.hul.harvard.edu/archival-materials/report-committee-on-civil-rights-president/docview/3037648259/se-2>. Accessed on January 3, 2025.



for redress. On December 10, 1948, the United Nations General Assembly adopted its *Universal Declaration of Human Rights* (UDHR). Article 2 of the Declaration states:

*“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”*<sup>34</sup>

Editors in the Black press expressed appreciation for the progress signified by the UDHR but were quick to point out that absent any enforcement provision, it did not provide real protections against the crimes of White supremacists. After all, as the Rev. William C. Kernan (b. 1900) opined, the *Declaration of Independence* carried similar language, and still, generations of Black Americans endured racial injustice.<sup>35</sup> Writing in the *Atlanta Daily World*, he noted that the involvement of Communist representatives on the drafting committee of the Declaration belied their government’s opposition to individual human rights.<sup>36</sup> Just as the weight of American race relations was seized upon by Nazi defendants at the Palace of Justice, so too was it a powerful instrument of Communist propaganda.

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<sup>34</sup> *Universal Declaration of Human Rights, Article 2.*

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>. Accessed on December 28, 2024.

<sup>35</sup> Kernan, R. W. C. (December 21, 1948). *The Common Defense*. Atlanta Daily World (1932-2003).

<http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/common-defense/docview/490873020/se-2>. Accessed on January 3, 2025.

<sup>36</sup> *Ibid.*

Like the delegation of the “American Crusade to End Lynching,” Black journalists leveraged the symbol of Nuremberg for its legal and moral force to advance protection and justice for victims of racial violence. The *Pittsburgh Courier* war correspondent and activist, Roi Ottley (1906-1960), seized on the IMT verdict as a model for racial redress in America:

*“To put this in American terms- the Nuremberg Trials mean that today the North is responsible for the lynchings in the South. Moreover, it means that no white person can reject responsibility for Tennessee or Georgia.”*<sup>37</sup>

Mississippi, Georgia, Texas, Louisiana, and Alabama led the U.S. in lynching rates during the Trials.<sup>38</sup> These places were among the home states of the Black troops who would eventually serve as guards on the grounds of the Palace of Justice.

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<sup>37</sup> Huddle, Mark A. *Roi Ottley’s WWII: The Lost Diary of an African American Journalist*. Lawrence, KS: University of Kansas, 2011. Page 182.

<sup>38</sup> Gibson, Robert A. (n.d.) *The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950*. <https://teachersinstitute.yale.edu/curriculum/units/1979/2/79.02.04/2>. Accessed on January 3, 2025.

## **“This Thing Called Democracy” Calls for Racial Diversity and Inclusion at the Palace of Justice**

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Tenacious antiracism voices in the Black press carried the meaning of Nuremberg further to demand justice for abhorrent racial crimes in America, and secondly, to demand a place for Black troops in the Nuremberg legacy. Nuremberg, by force of the international attention it garnered, was the perfect backdrop from which to expound the moral imperative of redress for America’s racial injustices. The National Negro Publishers Association (NNPA) suggested the Palace of Justice as a stage for the most compelling display of American democratic principles in action—a stage to be shared in concert by America’s Black soldiers and White civilians.

The NNPA’s ability to agitate vigorously found more secure footing during the war. One of the most impactful protectors of the Black press and of the Double V Campaign as an instrument of advocacy during WWII was a man who was already ensconced in Nuremberg’s Palace of Justice during the IMT: Judge Francis Biddle (1886-1968). Both he and his wife Katherine Garrison Chapin (1890-1977) were forceful civil rights advocates. Chapin, a poet, used her art to protest the abhorrent crime of lynching. She wrote *And They Lynched Him on a Tree* which was set to choral composition by William Grant Still (1895-1978) in a creative collaboration which debuted in New York in 1940.

In 1942, then Attorney Gen. Biddle intervened in the case of the racially motivated homicide of Thomas P. Foster, a Black U.S. Army sergeant. Sgt. Foster objected to police officer

Abner J. Hay's aggressive treatment of an intoxicated, Black arrestee in Little Rock, Arkansas. Hay retaliated for the perceived insubordination by striking Sgt. Foster over the head until he became unconscious. While lying unconscious on the ground, Abner shot Sgt. Foster four times at point blank range.<sup>39</sup> Attorney Gen. Biddle convened a federal grand jury which refused to indict Hays. Hays subsequently entered the Army and Attorney Gen. Biddle again sought a measure of justice and asked Secretary of War Stimson to discharge Hays.<sup>40</sup> Stimson declined.

Judge Biddle was appointed by Pres. Truman to serve as one of the American judges presiding over the IMT. Preceding his service in Nuremberg, Biddle was appointed U.S. Attorney General by Pres. Roosevelt in 1941 and served in this position until May of 1945. His progressive tenure was characterized by a staunch protection of war-time civil liberties, especially of the Black press which had encountered heavy obstacles including sedition threats during WWI. The offices of Black publishers were raided during WWI, publishers were investigated, and some were jailed—actions not so unlike those seen under the Nazi regime where criticism of the Fuehrer was an act of treason.<sup>41</sup> Biddle's position as U.S. Attorney General during WWII aligned with the widely supported *Pittsburgh Courier* Double V Campaign, and the period of more vociferous criticism by the Black press toward the government as it agitated for civil rights and military desegregation. Biddle took measure of the moment and recognized that the infringement would be detrimental to America's

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<sup>39</sup> International Labor Defense. (1938). *Equal justice*. Vol. 16, no. 3 (summer 1942), page 3.

<sup>40</sup> Northeastern University School of Law. *Thomas P. Foster*. Civil Rights & Restorative Justice Burnham-Nobles Archive. <https://crrj.org/efforts/thomas-p-foster/>. Accessed on January 3, 2025.

<sup>41</sup> Washburn, Patrick Scott. 1986. *A Question of Sedition : The Federal Government's Investigation of the Black press during World War II*. New York: Oxford University Press.

“conscience,” and viewed dimly by the international community, particularly by the Allies.<sup>42</sup>

Biddle resisted pressure from J. Edgar Hoover and Pres. Roosevelt to limit voices in the Black press.<sup>43</sup> Prior to becoming U.S. Attorney General, Biddle was secretary to Oliver Wendell Holmes. Quoting Holmes while serving as U.S. Attorney General, he reiterated and upheld:

*“We do not lose our right to condemn either measures or men because the country is at war...In so far as I can...I intend to see that civil liberties in this country are protected...and minority persecutions which were such a dark chapter in our record of the last World War.”*<sup>44</sup>

In the inter-war period, the Black press was acknowledged as the “greatest single force in the Negro race.”<sup>45</sup> This force became an influential factor in opening the Nuremberg legacy to Black troops.

Two months after a group of Black newspaper publishers attended a luncheon hosted by Secretary of War Patterson and previewed War Department Circular No. 124 (the Gillem Board Report) on March 1, 1946, the group traveled to military installations overseas to gain first-hand knowledge of Black soldiers in the occupation zone. From May 10-June 5, 1946, the NNPA observed Black troop installations.<sup>46</sup> They made observations regarding troop underutilization

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<sup>42</sup> *The Black press: Soldiers Without Swords*. Directed by Stanley Nelson, Jr. Interview with Frank E. Bolden, 1999. Transcript at <https://www.pbs.org/blackpress/film/transcripts/bolden.html>. Accessed on January 3, 2025.

<sup>43</sup> Ibid.

<sup>44</sup> Washburn, P. S. (1986). *A Question of Sedition: The Federal Government's Investigation of the Black press during World War II*. Oxford University Press. Page 51.

<sup>45</sup> Ibid.

<sup>46</sup> Royall, Kenneth C., and United States Department of the Army Public Information Division Press Section. 1948. *Army Secretary Royall Makes Public Report of Negro Newspaper Publishers*. [Washington, D.C.?]: Department of the Army, Public Information Division, Press Section.

and its effect on morale. At the time of their tour, an increased rate of Black enlistees led to what the Army termed a problem of “negro overstrength.” The approved Black troop basis was 10% of Army strength, reflecting the proportion of Black Americans to the total U.S. population, as recommended by the Gillem Board. High enlistment drove the percentage of Black troops to 24%, contributing to the underutilization problem cited by the visiting publishers. In an internal memo dated July 1946, Brig. Gen. William E. Bergin, Acting Director of Personnel & Administration (G-1 Section), described the challenge:

*“The mounting negro overstrength is causing problems of assignment and morale, which combined with a lack of sufficient officers for negro units, are having an extremely detrimental effect on the Army as a whole.”<sup>47</sup>*

Internally and in the view of Brig. Gen. Bergin, the “Negro Problem” took on monumental proportions which threatened to demoralize the entire U.S. Army organization. It reached a critical point at the time of the Black publisher’s tour and featured prominently in their observations. They identified opportunities across installations, including at Nuremberg, to mitigate the problem of idle troops.

In the Nuremberg Military Post, the publishers specifically decried the absence of Black personnel at the International Military Tribunal, in civilian positions such as lawyers, and as

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<sup>47</sup> U.S. National Archives. RG 165. Entry 43. Box 798. G-1 Personnel. Decimal File 1946-1948. Folder: 1 July 1946-11 July 1946. *Enlistment of Negroes in the Regular Army*. July 9, 1946. Declassified Authority 785033.

military guards. They suggested using integrated military police (MP) units drawn from distinguished outfits such as the 761<sup>st</sup> Tank Battalion.<sup>48</sup>

William O. Walker (1896-1981), editor of the Cleveland newspaper, *Call and Post*, was part of the NNPA delegation which toured the occupation zone. Shortly after, he also became a member of the "American Crusade to End Lynching."<sup>49</sup> In his weekly editorial, *Down the Big Road*, he briefly described visiting the International Military Tribunal, as well as a segregated outpost of Black servicemen and Red Cross workers in Bavaria.<sup>50</sup> The visit was coordinated by the commander of the Nuremberg Military Post, Brig. Gen. Watson. It was notable as the only completely segregated affair on the publisher's entire European itinerary. Their tour included a visit to Black soldiers who were stationed in segregated facilities on the site of a "former German camp."<sup>51</sup>

The all-Black 3434th Quartermaster Truck Company was one of the units stationed in the Nuremberg area during the NNPA's visit. The 3434th provided logistical support and ensured a smooth flow of essential supplies to the Palace of Justice for Trial operations.<sup>52</sup> During hostilities, the 3434<sup>th</sup> was a part of the Red Ball Express which equipped American combat units

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<sup>48</sup> Ibid.

<sup>49</sup> Call-post editor called in drive to end lynching. (1946, Sep 07). *Cleveland Call and Post (1934-1962)* Retrieved from <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/call-post-editor-called-drive-end-lynching/docview/184141845/se-2>

<sup>50</sup> Walker, W.O. *Down the Big Road: Second Installment of Publishers' Tour of Europe*. (1946, Jul 06). *Cleveland Call and Post (1934-1962)* <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/other-27-no-title/docview/184143175/se-2>. Accessed on January 3, 2025.

<sup>51</sup> Ibid.

<sup>52</sup> *In Germany*. (1945, Aug 18). *New York Amsterdam News (1943-1961)*. <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/germany/docview/225995222/se-2>. Accessed on January 3, 2025.

with critical supplies as the Western Front was liberated. The unit extended their role in the dismantling of Nazism straight to the Palace of Justice, a fact which received minimal contemporaneous recognition and also has not been acknowledged in Trial histories.

The recommendations resulting from the NNPA's tour were submitted to Secretary of War Patterson on July 18, 1946. In the report, President of the NNPA, Frank L. Stanley (1906-1974) commented:

*"Similarly in Nuremberg at the trials, not a black face was in evidence. It appears that we could at least have integrated MP units guarding these war criminals if this thing called Democracy is to take real root over there."*<sup>53</sup>

In 1947, the Military Governor of Occupied Germany, Gen. Lucius Clay (1898-1978), addressed the ongoing concerns expressed by the Black press. He explained that the NMT staff wanted to comply with War Department policy of integration (per the Gillem Board Report) but had declined over concerns that Black attorneys might face "a relatively solitary existence" in the absence of a "substantial Negro population."<sup>54</sup> The Trial staff argued to Gen. Clay that the anticipated "solitary" experience of Black attorneys would lead to "dissatisfaction," possibly harming their professional performance.<sup>55</sup> They ultimately advised against hiring Black attorneys and the general deferred to their judgement. In sealing off the opportunity for Black attorneys to serve, the Office of Chief Counsel for War Crimes (OCCWC) deprived prospective Black

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<sup>53</sup> Stanley, Frank L. *Report of the Negro Newspaper Publishers Association to the Honorable Secretary of War Robert L. Patterson. Troops and Conditions in Europe.* July 18, 1946. Page 8.

<sup>54</sup> Smith, Jean Edward. *The Papers of Gen. Lucius D. Clay: Germany, 1945-1949.* Bloomington: Indiana University Press. Page 310.

<sup>55</sup> *Ibid.*



attorneys of their agency and the social and professional currency which service in Nuremberg constituted. Furthermore, and as is clear from a present-day vantage point, the OCCWC limited their organizational diversity and the fruitful byproducts it bears. In so doing, the OCCWC also curtailed their own opportunity to model racial tolerance, the salient theme which underpinned their prosecutorial work across the 12 subsequent Trials in Nuremberg.

Gen. Clay's public reasoning for racial exclusion was disingenuous, but in citing the Trial staff, he specifically deferred to Brig. Gen. Taylor's authority as head of the OCCWC. The authority to recruit attorneys for the NMT was primarily vested in Brig. Gen. Taylor, with the War Department supporting his efforts. Brig. Gen. Taylor initiated attorney recruitment efforts several months prior to the start of the NMT. In addition, staff turnover and therefore opportunities were ongoing as subject expertise and other needs dictated during the administration of the 12 subsequent Trials. Names of qualified legal professionals were passed to Brig. Gen. Taylor from an array of sources, including elite law firms and U.S. senators.<sup>56</sup> At the start of the NMT in December of 1946, 600 lawyers for the prosecution and defense had joined the OCCWC.<sup>57</sup> According to an oral history interview given by Brig. Gen. Taylor in 1972:

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<sup>56</sup> Letter from U.S. Senator Wayne Morse to Telford Taylor. December 23, 1946; Telford Taylor Papers; Series 5, Box 26. Folder: NMT - Correspondence - re: Letters of U.S. Senator Wayne Morse to Taylor (Nov. 25, 1946 to Mar. 12, 1947), 1946-1947; Rare Book and Manuscript Library, Columbia University Library.

<sup>57</sup> *Improved Support of the Office of Chief Counsel for War Crimes, the Military Tribunals, etc.* Letter from Brig. Gen. Leroy H. Watson to Commanding General, U.S. Forces European Theater. December 28, 1946. Telford Taylor Papers; Box 27 and Folder: NMT - OCCWC: Administrative Division - Administrative Diagrams and Histories, 1945-1948. Rare Book and Manuscript Library, Columbia University Library.

*“I reported to Clay fairly often, and he kept himself informed as to what was going on. He came down several times and was a spectator at the Trials. I would usually have a social function when he came, at which he would meet judges and talk to them...Gen. Clay left me very much my own master in Nuremberg. My experience was that so long as things continued to go well, and he kept informed [sic].”<sup>58</sup>*

Brig. Gen. Taylor had the administrative authority to shape and extend the Nuremberg legacy as a model for racial inclusion and democratic principles—both elemental in the indoctrination of denazified Germany.

While the Black publishers pointed to Nuremberg as an opportune stage for the demonstration of these principles, the topic of American race relations remained in focus in the Nuremberg Military Post. A leader from the local German American Youth Club invited Brig. Gen. Taylor to speak to the group in late June 1947. Brig. Gen. Taylor assented and among the topics on the proposed program was “The Relationship Between the Races in America.”<sup>59</sup> Brig. Gen. Taylor personally navigated away from “the relationship between the races” in Nuremberg by restricting Black civilian employment at the Trials and using Gen. Clay, one of the most popular American military figures of the period, to succinctly justify their exclusion.

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<sup>58</sup> Taylor, Telford., 03/14/1972-03/14/1972, Box: 7, Folder: 34. Jean Edward Smith Papers, GTM-GAMMS234. Georgetown University Manuscripts, Booth Family Center for Special Collections.

<sup>59</sup> Letter to Miss Elfriede Vattes from Telford Taylor. June 30, 1947. Telford Taylor Papers; Series 5, Box 26. Folder: NMT - Correspondence - 1946-1947; Rare Book and Manuscript Library, Columbia University Library.

Brig. Gen. Taylor wielded abundant authority at the Trials: He created service opportunities and crowned individual success with valuable professional references in the post-Nuremberg years. By furnishing references for staff members upon conclusion of their service, he parceled their historic experience with his imprimatur and enhanced their career trajectories. These were lost opportunities for Black civil servants who aspired to serve in Nuremberg, as will be shown. When Brig. Gen. Taylor's Executive Officer, Lt. Col. Autrey J. Maroun (b. 1913) ended his service as an administrator with the OCCWC in the fall of 1948, the former wrote to Gen. Clay to recommend him for placement with the OMGUS Legal Division in Berlin. He praised his talents as well as his credentials as a West Point graduate.<sup>60</sup> West Point was well-represented at the officer level in the Nuremberg Military Post and its reach was extensive. West Point officers were also well represented in the OCCWC.

Lt. Maroun led the 7737<sup>th</sup> Military Special Detachment at the Palace of Justice. Under his period of leadership, it comprised 29 officers and 97 enlisted men and women.<sup>61</sup> The detachment performed various duties integral to the administrative operation of the OCCWC—demonstrating that there was a spectrum of duties to fill at a time when Black troops and officers were underutilized. On December 20, 1946, the head of the OCCWC Administrative Division, Howard H. Russell, issued a memo to Lt. Maroun in which he detailed exhaustive efforts to recruit staff from several sources—including surplus personnel in the ETO and War Department

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<sup>60</sup> U.S. National Archives. RG 260 Series: OMGUS Security Classified General Correspondence. Entry A1 22. Box 23. Folder: USFET Correspondence. Letter to Gen. Lucius D. Clay from Brig. Gen. Telford Taylor. September 18, 1948. Declassified Authority NND 775042.

<sup>61</sup> U.S. National Archives. RG 260 Series: OMGUS Security Classified General Correspondence. Entry A1 22. Box 23. Folder: USFET Correspondence. *Background Information for Correspondents (Public Information Office OCCWC)*. February 1, 1949. Declassified Authority NND 775042.

employees.<sup>62</sup> Recruitment cables were dispatched to the Adjutant General of the War Department for the requisition of lawyers, translators, and research analysts. All candidates were required to meet Civil Service Standards.

Some OCCWC duties overlapped with Brig. Gen. Watson who held the authority to select and request troops to be assigned to security details at the Palace of Justice. The military needs of the NMT were analyzed in early January of 1947 and justification for their proposed Table of Organization was submitted to Third Army a few weeks later.<sup>63</sup>

At the start of the NMT and the Doctor's Trial, Brig. Gen. Watson clarified the interdependencies between his military post and the OCCWC and defined lines of authority in a 3-page memo to the Commanding General, Third U.S. Army on December 28, 1946.<sup>64</sup> The Secretary General (the administrative body for the Trial judges), the OCCWC, and Brig. Gen. Watson's command had joint responsibility for the recruiting, hiring, promotion, and assignment of Trial staff.<sup>65</sup> In a clearly coordinated effort and as an expression of their allyship, Brig. Gen. Taylor supplemented Brig. Gen. Watson's memo with his own which was dispatched on January 4, 1947 to Major Gen. Frank A. Keating, Deputy Military Governor under Gen. Clay. Both

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<sup>62</sup> *Work Status Report of the Administrative Division for the period 13-20 December 1946*. 20 December 1946. Telford Taylor Papers; Series 5, Box 30. Folder: OCCWC Weekly Work Status Reports of the Administrative Division: (20 Dec. 1946-22 May 1947), 1946-1947; Rare Book and Manuscript Library, Columbia University Library.

<sup>63</sup> *Improved Support of the Office of Chief Counsel for War Crimes, the Military Tribunals, etc.* Letter from Brig. Gen. Leroy H. Watson to Commanding General, U.S. Forces European Theater. December 28, 1946. Telford Taylor Papers; Box 27 and Folder: NMT - OCCWC: Administrative Division - Administrative Diagrams and Histories, 1945-1948. Rare Book and Manuscript Library, Columbia University Library.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

generals sought to define and consolidate their authority in Nuremberg and thereby reduce interference in their operations. Brig. Gen. Taylor delineated the areas in which Brig. Gen. Watson, as Commanding General of the Nuremberg Military Post, would broadly support the war crimes body: Troop assignment, billeting, messing, transportation, supply, and building maintenance.<sup>66</sup> He then acknowledged that administrative functions such as the acquisition and management of personnel were part of Office of Military Government for Germany, U.S. (OMGUS) but recommended that they be performed under his direct authority as Chief of Counsel for War Crimes.<sup>67</sup>

Three months after Brig. Gen. Watson issued his memo, Major Gen. Frank A. Keating also dispatched a 3-page memo to Brig. Gen. Taylor, strictly and sternly defining the administrative relationship between the OMGUS and the war crimes bodies at Nuremberg. Major Gen. Keating stressed the administrative interdependencies and foremost emphasized that Brig. Gen. Taylor was a direct report to the Deputy Military Governor.<sup>68</sup> Matters of personnel, administration, budget, policies and programs were not so sharply defined. Therefore, Major Gen. Keating cited the Theater Organization Plan of 15 March 1947 which placed ultimate responsibility with the Military Post Commander, Brig. Gen. Watson. According to him, personnel, budget, supplies and equipment emanated from the command capacity of Brig. Gen.

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<sup>66</sup> *Supplement to Staff Study Covering Nurnberg War Crimes Organizations*. Memo from Brig. Gen. Telford Taylor to the Deputy Military Governor. December 30, 1946. Telford Taylor Papers; Box 27 and Folder: NMT - OCCWC: Administrative Division - Administrative Diagrams and Histories, 1945-1948. Rare Book and Manuscript Library, Columbia University Library.

<sup>67</sup> *Ibid.*

<sup>68</sup> U.S. National Archives. RG 260 Series: OMGUS Security Classified General Correspondence. Entry A1 22. Box 23. Folder: USFET Correspondence. Letter to Brig. Gen. Telford Taylor from Frank A. Keating. March 25, 1947. Declassified Authority NND 775042.

Watson. The consumption or abuse of supplies within the Palace of Justice was also monitored by Brig. Gen. Taylor and his staff.<sup>ii</sup> Major Gen. Keating advised Brig. Gen. Taylor that the war crimes bodies were already in the position of “a most favored nation” and that heavier demands would adversely affect the Theater Organization Plan.<sup>69</sup> In an exasperated tone, Maj. Gen. Keating sent a copy of the 3-page memo to Gen. Clay with a cover letter stating that “General Taylor was getting a bit out of hand so I had to dispatch this memo to him.”<sup>70</sup> His exasperation likely stemmed from the flurry of personnel requisitions by the OCCWC. Gen. Clay apparently agreed with Major Gen. Keating. In December 1946, OCCWC staff (American, Allied, officers, enlisted men and indigenous workers) totaled 993 individuals; by March 1947 the total climbed to 1,439 individuals.<sup>71</sup> During the planning phase of the NMT in the early summer of 1946, Brig. Gen. Taylor informed the G-4 Division of U.S. Forces, European Theater (USFET) that he projected an OCCWC staff of 500, with possible expansion of up to 800 members.<sup>72</sup> Brig. Gen. Taylor’s enterprise far surpassed original budgetary and administrative expectations.

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<sup>69</sup> Ibid.

<sup>70</sup> U.S. National Archives. RG 260 Series: OMGUS Security Classified General Correspondence. Entry A1 22. Box 23. Folder: USFET Correspondence. Memo to Gen. Lucius D. Clay from Frank A. Keating. March 30, 1947. Declassified Authority NND 775042.

<sup>71</sup> Strength Report (OCCWC). Telford Taylor Papers; Series 5, Box 31. Folder: NMT - OCCWC Weekly Work Status Reports of the Administrative Division: (1 June 1947-19 Dec. 1947), 1947; Rare Book and Manuscript Library, Columbia University Library.

<sup>72</sup> U.S. National Archives & Records Administration. RG 238 WWII War Crimes Records. Office of the Chief Counsel for War Crimes, 1933-1949. Box 1. NM-70, Entry 159. Folder: Correspondence (Incoming and Outgoing), October 13, 1945-December 30, 1946. Memo to Maj. Gen. C.B. Magruder from Brig. Gen. Taylor. July 19, 1946.

## Nepotism Over Inclusion

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From the outlined administrative channels, Brig. Gen. Taylor, with the support of Brig. Gen. Watson, a close friend and ally, had the authority to staff the Trials according to his design, within budgetary limitations, and in keeping with federal Civil Service Standards. Occasionally, hiring standards were even manipulated as in the case of Brig. Gen. Watson's Czechoslovakian girlfriend, Liba Jerabkova. In the decades after the Trials, Alfred Steer, the Administrative Head of the Language Division during the IMT, described how he was pressured into hiring "the General's girlfriend."<sup>73</sup>

*"This was a Czech girl whom we had tested, one of those people who claimed that she could speak Polish, Czech, Hungarian, English and Russian. We'd checked her out and found that she could say 'Yes, no, it's a nice day' in each language, and that was about all, so she was practically useless as far as we were concerned."*<sup>74</sup>

Though "useless" to the war crimes body, Steer was compelled by higher authorities to write a job description to align with Liba Jerabkova's limited abilities. He initially resisted, telling a personnel officer: "Look, the General can support his own damn girlfriend."<sup>75</sup> Steer ultimately found a place for her in the file room where language proficiency was not a strict or severely

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<sup>73</sup> Gaskin, Hilary. (1990). *Eyewitness at Nuremberg*. London: Arms & Armor. Page 107

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

consequential requirement. Liba Jerabkova became Liba Watson when she married Gen. Watson after joining the OCCWC.<sup>76</sup> Her Nuremberg personnel pass which is preserved in the U.S. National Archives and Records Administration, shows that she was hired on a 6-month contract.<sup>77</sup> Steer saw this as a misappropriation of budgetary funds and aimed to “nick the U.S. taxpayer” as nominally as possible.<sup>78</sup>

The 53-year-old Gen. Watson wielded power selectively, using it to influence staffing at the Trials even when it subverted War Department protocol. His 23-year-old consort continued to profit under the general’s protection and was given the position of clearance officer in Nuremberg after their marriage.<sup>79</sup> She also became part of the coveted Nuremberg legacy.

The general was unabashed in his practice of nepotism. He exerted his official authority at the highest levels of government for the advancement of those in his circle. In 1935, Gen. Watson, who was then a major with the 22nd Infantry, wrote directly to Pres. Roosevelt to gain a Presidential Nomination to the U.S. Military Academy (West Point) for his son, Leroy Watson, Jr. Between June 1935 and July 1936, a flurry of correspondence ensued between military officers, the President’s secretaries, including his close confidant Louis Howe, and Sen. William

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<sup>76</sup> *Brig. Gen. Watson Married in Prague on Christmas Night*. (December 27, 1946). *The Washington Post* (1923-1954). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/brig-gen-watson-married-prague-christmas-night/docview/151835397/se-2>. Accessed on January 3, 2025.

<sup>77</sup> RG 238: National Archives Collection of World War II War Crimes Records. Entry NM-70 201. Series: *Court House Passes of Civilian and Military Personnel, 1946-1948*. Box 9. Court House Pass: Watson, Liba.

<sup>78</sup> Gaskin, Hilary. (1990). *Eyewitness at Nuremberg*. London: Arms & Armor. Page 107.

<sup>79</sup> *Brig. Gen. Watson Married in Prague Christmas Night*. (December 27, 1946). *The Washington Post* (1923-1954). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/brig-gen-watson-married-prague-christmas-night/docview/151835397/se-2>. Accessed on January 3, 2025.



H. Dieterich of Illinois. It caused Marvin H. McIntyre, Assistant Secretary to the President, to note that “quite a file” had developed as he proceeded to categorize the nomination affair as “purely personal.”<sup>80</sup> Major Watson’s son passed West Point’s mandatory physical and mental examinations, but he failed the academic component. On behalf of Major Watson, McIntyre stuck his “neck out a mile” to lobby next for a Congressional nomination for Leroy Watson, Jr.<sup>81</sup> Sen. Dieterich assented and the nomination advanced. Gen. Watson’s privileged son became a member of the West Point Class of 1941.

The West Point Class of 1941 also had one Black graduate, James Daniel Fowler (b. 1916), only the fifth in the institution’s history.<sup>82</sup> At West Point, Cadet Fowler was subjected to a stream of systemic racism which even drew the attention of some White cadets who were “threatened with ostracism” if they defended the sole Black member of the student body.<sup>83</sup> A host of racist behaviors, both pernicious and bold, were plotted to prevent Cadet Fowler from graduating and holding a share in the West Point legacy. As a member of the same class as Fowler, Leroy H. Watson, Jr. would have been familiar with the practice of racial isolation and intimidation which enshrouded the experience of Cadet Fowler, the only Black student in

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<sup>80</sup>Internal White House memo from M.H. McIntyre [initialed MHM], Asst. Secretary to the President, undated [1936]. Franklin D. Roosevelt, Papers as President. The President’s Official File, Part 5. Series 1: Official File 2267: Watson, Jr., LeRoy, H., 1935-1936. Franklin D. Roosevelt Presidential Library & Museum.

<sup>81</sup> Confidential Memo from M.H. McIntyre to Gen. A.F. Lorenzen, July 8, 1936. Franklin D. Roosevelt, Papers as President. The President’s Official File, Part 5. Series 1: Official File 2267: Watson, Jr., LeRoy, H., 1935-1936. Franklin D. Roosevelt Presidential Library & Museum.

<sup>82</sup> Brown, W. A. (1956). *Eleven Men of West Point*. *Negro History Bulletin*, 19(7), 147. <http://search.proquest.com.ezp-prod1.hul.harvard.edu/scholarly-journals/eleven-men-west-point/docview/1296730483/se-2>. Accessed on January 3, 2025.

<sup>83</sup> Salter I., K. A. (1996). *“Sable officers”*: *African-American Military Officers, 1861-1948* (Order No. 9700192). Page 220. Available from ProQuest Dissertations & Theses Global. (304231975). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/dissertations-theses/sable-officers-african-american-military-1861/docview/304231975/se-2>. Accessed on January 3, 2025.

Watson Jr.'s class. In 1946, the year in which the subsequent Trials commenced, the Gillem Board cited the racial attitudes found at West Point as a major barrier to the development of Black military officers which was in short supply among occupation forces.<sup>84</sup>

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<sup>84</sup> Gillem Board Report (Draft). Harry S. Truman Library & Museum. Collection: Desegregation of the Armed Forces. Series: Security Classified Reports. June 25, 1945. Page 47.

## Striving for Inclusion in the Nuremberg Legacy: The Case of Sidney A. Jones, Jr.

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By January of 1947, shortly after the start of the NMT, there were advocacy efforts underway to alter the racially homogenous legal staff and bring one highly qualified Black attorney to Nuremberg. According to documents in the NAACP historical files, U.S. Rep. William L. Dawson of Illinois wrote to Marcus H. Ray, Civilian Aide to the Secretary of War for Negro Troop Affairs, and recommended Attorney Sidney A. Jones, Jr. (1909-1993) for a position as war crimes prosecutor at Nuremberg.<sup>85</sup> Rep. Dawson was a close ally of civil rights advocate, Mary McLeod Bethune (1875-1955), who served in Pres. Roosevelt's "Black Cabinet." She and Rep. Dawson shared a civil rights agenda, including support for the re-election of Pres. Truman. They effectively and routinely influenced the assignment of qualified Black candidates to various federal government positions.<sup>86</sup> Rep. Dawson learned from unidentified sources that the War Department was "contemplating" assigning Black attorneys to Nuremberg.<sup>87</sup> Brig. Gen. Telford Taylor had personally begun attorney recruitment from within the War Department in the spring

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<sup>85</sup> Miscellaneous correspondence of the civilian aide to the secretary of war, 1946-1947. (1946). *African Americans in the Military, Subject files of Judge William Hastie, Civilian Aide to the Secretary of War; Part 2: D-M. Letter to Marcus L. Ray from William L. Dawson*. January 29, 1947. <http://search.proquest.com.ezp-prod1.hul.harvard.edu/archival-materials/miscellaneous-correspondence-civilian-aide/docview/2903841800/se-2>. Accessed on January 4, 2025.

<sup>86</sup> *Congressman William L. Dawson Correspondence with Mary McLeod Bethune, (1946)*. Mary McLeod Bethune Papers: The Bethune Foundation Collection; Series 1. Alphabetical Correspondence, 1914-1955 (Page 7). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/archival-materials/congressman-william-l-dawson-correspondence-with/docview/2594831325/se-2>. Accessed on January 4, 2025.

<sup>87</sup> Ibid.

of 1946.<sup>88</sup> Upon return to his duties in Nuremberg, a War Crimes Branch was established within the Civil Affairs Division of the War Department and that staff assisted with recruitment efforts.<sup>89</sup> Recommendations for the hiring of Nuremberg prosecutors are documented across multiple sources, including Brig. Gen. Taylor's personal correspondence with law firms and bar associations, War Department communications, and specific recommendations from members of Congress. Ultimately and despite the OCCWC's urgent need for attorneys, race remained a limiting factor. The January 1947 recommendation of Attorney Sidney A. Jones, Jr. did not advance, and Black attorneys were not to serve in Nuremberg.

Until 1946, Sidney A. Jones, Jr. was a Senior Attorney in the U.S. Dept. of Labor and contributed to the development of the Federal Child Labor Law and the Federal Wage and Hour Law.<sup>90</sup> His superiors in the Dept. of Labor referred to him as an "excellent public servant," "conscientious," and a significant litigator.<sup>91</sup> The trajectory of Jones's career was to confirm these accolades. After resigning from the federal government, he moved to private practice and focused on civil rights litigation in Chicago, representing victims of racial discrimination in the housing and education spheres, before becoming a circuit court judge. He prolifically expounded his knowledge of civil rights law and advocacy in publications such as the

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<sup>88</sup> Taylor, Telford, and United States Chief of Counsel for the Prosecution of Axis Criminality. 1950. *Final Report to the Secretary of the Army on Nuernberg War Crimes Trials under Control Council Law No. 10*. Washington, D.C.: [United States Govt. Print. Off.]. Page 12.

<sup>89</sup> *Ibid.*, 13.

<sup>90</sup> *Sidney A. Jones, Labor Dept. Attorney, Resigns*. (1946, Jan 19). *The Chicago Defender* (National Edition) (1921-1967). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/sidney-jones-labor-dept-attorney-resigns/docview/492779847/se-2>. Accessed on January 4, 2025.

<sup>91</sup> *Ibid.*

*National Bar Journal*.<sup>92</sup> He viewed his legal work as one of the "chief weapons" to use in "this battle for democracy" for Black Americans.<sup>93</sup> Jones was elected President of the Cook County Bar Association in 1949, representing the interests of approximately 300 Black attorneys in the Chicago area.<sup>94</sup> He was in private practice and also serving on the National Legal Committee of the NAACP when he was referred for service at Nuremberg.

The requirements for a lawyer assigned to the NMT, as detailed in a position description form from staff of the Milch Trial (NMT 2), included:<sup>95</sup>

- A law degree;
- Good standing with the American Bar Association;
- Experience examining and analyzing legal documents;
- Experience supervising research analysts, interrogators, and associate lawyers;
- Skill with the preparation of briefs and the trial of cases.

The American Bar Association (ABA) criteria was a de facto racial barrier to all Black attorneys aspiring to serve in Nuremberg. In 1943, the ABA had resolved that membership was not

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<sup>92</sup> Jones, Sidney A. Jr. (1948). *The Participation of Negroes in Democratic Primary Elections in the South Since 1944*. *National Bar Journal*, 6(2), 144-154.

<sup>93</sup> *Ibid.*

<sup>94</sup> *Sidney Jones Heads Cook County Bar*. (December 21, 1948). *Atlanta Daily World* (1932-2003). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/sidney-jones-heads-cook-county-bar/docview/490873302/se-2> Accessed on January 4, 2025.

<sup>95</sup> U.S. National Archives and Records Administration. RG 238. Office of the Chief of Counsel for War Crimes, 1933-1949. Correspondence, Reports, and Other Records. Files of the OCCWC Officials, M-Z. Daily Trial Reports, Cases 1-3. NM-70 148. Box 5. Folder: Job Description, Mrs. Tempa Watson.

dependent on race, creed, or color but it failed to admit any Black members until 1950.<sup>96</sup> The Association had a compelling history of segregation which forced the creation of racially exclusive parallel groups such as the National Bar Association, of which Jones was a member.<sup>iii</sup> Possibly with the exception of interrogation experience, Jones possessed the professional credentials sought in Nuremberg. He earned a degree from Atlanta University (HBCU) in 1928 and graduated at the top of his class at Northwestern University Law School in 1931.<sup>97</sup> He was a canny figure who enjoyed prominence in the national legal landscape and held demonstrable credentials to join the pool of talented legal minds in Nuremberg. Some of his professional achievements also mirrored those of Nuremberg attorneys. At least two NMT attorneys had direct professional parallels with Jones, Jr. Bessie Margolin (1909-1996), who served as a consultant to Telford Taylor, also became a Dept. of Labor attorney.<sup>98</sup> Additionally, Benjamin Kaplan (1911-2010), attorney and legal consultant under Robert M.W. Kempner at the IMT, served on the National Legal Committee of the NAACP, synchronous with the NAACP service

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<sup>96</sup> White Jr., Walter Hiawatha. (July 1, 2015). *Tracing the Roots of the Civil Rights and Social Justice Section*. American Bar Association. [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/2015-vol-41/vol-41--no-3-50th-anniversary-issue/tracing-the-roots-of-the-civil-rights-and-social-justice-section/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2015-vol-41/vol-41--no-3-50th-anniversary-issue/tracing-the-roots-of-the-civil-rights-and-social-justice-section/). Accessed on January 4, 2025.

<sup>97</sup> *Sidney Jones, Jr., a Young G.O.P. Leader, is Visitor*. (October 2, 1936). *The Call* (1933-). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/sidney-jones-jr-young-g-0-p-leader-is-visitor/docview/2882884803/se-2>. Accessed on January 4, 2025.

<sup>98</sup> *Visit of winners of the 1963 Federal Woman's Award*. (May 2, 1963). Abbie Rowe. White House Photographs. John F. Kennedy Presidential Library and Museum, Boston. [https://www.jfklibrary.org/asset-viewer/archives/jfkwhp-1963-05-02-d#?image\\_identifier=JFKWHP-AR7866-A](https://www.jfklibrary.org/asset-viewer/archives/jfkwhp-1963-05-02-d#?image_identifier=JFKWHP-AR7866-A). Accessed on January 4, 2025.

of Sidney A. Jones, Jr.<sup>99</sup> As a candidate for the role of war crimes prosecutor in Nuremberg, Jones, Jr.'s. was clearly amongst professional peers.

In November of 1947, Sidney A. Jones attended the 3-day National Bar Association Convention and was a panel member in a session on interstate transportation which had a focus on the interplay of various state segregation laws.<sup>100</sup> Two other topics, however, dominated the convention and would have been at the fore for Jones: Discussion of Pres. Truman's Committee on Civil Rights and, secondly, the legal and moral principles established in Nuremberg. Justice Robert H. Jackson, Chief Counsel at the IMT, was a keynote speaker and addressed several hundred delegates on the subject of the war crimes trials. Justice Jackson used the moment to caution against the poison of racial prejudice. The full, potential impact of the Trials on racial equality was also lauded by other delegates who addressed the convention. Justice Francis E. Rivers (1893-1975), the first Black judge on the New York City Court, pronounced:

*"We would like to see the principles outlined by the Nuremberg trials become so much a part of the thinking of civilized people that persecution of human beings because of race will be thought of as a crime."*<sup>101</sup>

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<sup>99</sup> *Board Meeting Minutes, Including Political Activities of NAACP Officers. (1948)*. NAACP papers, part 01: Meetings of the board of directors, records of annual conferences, major speeches, and special reports; minutes of the meetings of the board of directors, 1909-1950 (Page 7). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/archival-materials/board-meeting-minutes-including-political/docview/2580441704/se-2>. Accessed on January 4, 2025.

<sup>100</sup> Lem Graves (December 6, 1947). *Race Prejudice Blasted at Nat'l Bar Convention*. *The Pittsburgh Courier* (1911-1950). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/race-prejudice-blasted-at-natl-bar-convention/docview/202195280/se-2>. Accessed on January 6, 2024.

<sup>101</sup> *Ibid.*

Sidney A. Jones, Jr. attended the convention alongside Justice Jackson, the best-known American figure of the IMT. This undoubtedly prompted him to contemplate the shape that his own contribution might have taken in Nuremberg, had he been given a chance to serve and to join in its legacy. He was recommended for service at Nuremberg 10 months before the convention but was never to join the ranks of attorneys assigned to the most famous trials in history. Once separated from service, former Nuremberg affiliates extolled its deep impact on their personal and professional lives. Attorney Harry T. King described the Trials as “the most meaningful part of my life,” a sentiment which pervaded the Nuremberg ranks.<sup>102</sup> Jackson’s experience at Nuremberg and his intimate observations of the perfidy of racial prejudice, personified in the defendant’s dock, stayed with him for life. Traces of Nuremberg can be found in his rejection of racial segregation based on “colored blood” in his ruling on the historic *Brown v. Board of Education* as a U.S. Supreme Court Justice.<sup>103</sup> Jackson, in his own words, expressed that Nuremberg was “the most important, enduring, and constructive work of my life.”<sup>104</sup> For Jones, Jr. and similarly aspiring Black civil servants, this monumental opportunity was denied.

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<sup>102</sup><https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1319&context=caselrev> Accessed on January 8, 2025.

<sup>103</sup> Ross, J. A. (2018). *The Nuremberg Paradox: How the Trial of the Nazis Challenged American Support of International Human Rights Law* (Order No. 10751703). Page 267. Available from ProQuest Dissertations & Theses Global. (2062994523). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/dissertations-theses/nuremberg-paradox-how-trial-nazis-challenged/docview/2062994523/se-2>. Accessed on January 5, 2025.

<sup>104</sup> Taylor, Telford. (1955). Nuremberg trials, the *Columbia Law Review*, 55(4), 488-525.



Well before the period of the Nuremberg Trials, Jones, Jr. and Paul Robeson were friends and fellow Alpha Phi Alpha fraternity members.<sup>105</sup> Their civil rights interests intersected in Chicago in the same year that Jones, Jr. was recommended for service in Nuremberg. Robeson led efforts to end Jim Crowism in the Superior Court of Chicago, a White judicial body. In a rally held on the South Side, which was attended by Jones, Jr. and was sponsored to promote Black Progressive Party candidates for the court, Robeson described his own abandonment of the law profession twenty years earlier.<sup>106</sup> He found the legal field too exclusionary and adopted advocacy work to make greater racial gains in America. The demographics of the legal staff at Nuremberg was an illustrative *prima facie* case of racial exclusion, the type which Robeson struggled against. Robeson declared at the rally that the "nomination of Negroes for judges here will give faith and hope to every Negro boy and girl."<sup>107</sup> The impactful advocacy work of Robeson and others helped elevate Jones, Jr. to a Circuit Court judgeship though not to the rarified legal circle at Nuremberg. The paradox of the OCCWC prosecuting Nazi racial injustice whilst preserving a segregated legal staff remained unassailable through the 12 Trials. However, with tremendous effort and advocacy, the eventual assignment of Black troops to the Palace of Justice would materialize. Although the importance of this moment has been lost in the decades since the Nuremberg Trials, it constitutes a symbolic and singular step in the Long Civil Rights Movement.

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<sup>105</sup> Payne, C. E. (1987). *Paul Robeson: A Psychobiographical Study of the Emotional Development Of A Controversial Protest Leader (Afro-American)*. Page 53. Available from ProQuest Dissertations & Theses Global. (303500937). <http://search.proquest.com.ezp-prod1.hul.harvard.edu/dissertations-theses/paul-roberson-psychobiographical-study-emotional/docview/303500937/se-2>. Accessed on January 5, 2025.

<sup>106</sup> 2,000 at Chicago Rally Back Negro Candidates for Judges. *The Daily Worker (1924-1958)*. October 31, 1947. Page 16. <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/october-31-1947-page-16/docview/1922240377/se-2>. Accessed on January 5, 2025.

<sup>107</sup> Ibid.



A view of the proceedings in Courtroom 600 during the I.G. Farben Trial (NMT 6), Place of Justice, Nuremberg. Photo Source: U.S. National Archives and Records Administration NAID 169156990.

The camera angle employed here is unique in the body of photos created by the U.S. Army Signal Corps during the Nuremberg Trials. It renders part of the guard's personal vantage point of Tribunal members from his position at the corner of the defendant's dock. NMT 6 was the first Trial at which Black troops were assigned the prominent role of courtroom sentries. Despite the illustriousness of their duty, Black military service in Nuremberg has largely been relegated to the shadows of history.



A session of the IMT with Asst. U.S. Prosecutor Thomas J. Dodd at the podium presenting his case on concentration camps. Photo Source: U.S. National Archives and Records Administration, Still Pictures Branch (College Park, MD). RG 238, Series NT. Prints: U.S. Counsel for Prosecution of Axis Criminality (Nuernberg Trial). Box 6, print no. 388.

Visible in the center of the visitor's gallery is a single Black U.S. Navy member. Defendant Hermann Goering, who called attention to America's segregated military during the Trial, is seated in the corner of the defendant's dock which is guarded by the 26<sup>th</sup> Infantry Regiment. In conversations with Trial staff, Goering pointed to America's segregated military in attempt to equate it with Nazi racial policies.





Black U.S. military members observing the I.G. Farben Trial (NMT 6) from the balcony of Courtroom 600 at the Palace of Justice, Nuremberg. Photo credit: U.S. National Archives and Records Administration, NAID 169157008.

Members of the segregated 370th Infantry Battalion were the first Black troops to perform courtroom guard duty in the spring of 1948. They are visible flanking the defendant's dock.



Gen. Lucius D. Clay, Military Governor of Occupied Germany, tours the Nuremberg Court Prison with Gen. Leroy H. Watson (rear right), Commander of the Nuremberg Military Post. Photo credit: U.S. Army Signal Corps SC283493. U.S. National Archives and Records Administration, Still Pictures Branch (College Park, MD). April 19, 1947.

Black troops were not assigned to duty at the Nuremberg Court Prison or to the grounds of the adjacent Palace of Justice until September of 1947. Their assignment in the main courtroom of the Palace of Justice commenced in the spring of 1948.



Private First Class Wade D. Glover of the 370<sup>th</sup> Infantry Battalion, Co. C, on security detail at the Palace of Justice motor pool, Nuremberg. February 20, 1948. Photo credit: U.S. Army Signal Corps photo SC 298483. U.S. National Archives and Records Administration, Still Pictures Branch (College Park, MD).

Prior to his enlistment in the U.S. Army, Wade D. Glover participated in the National Youth Administration (NYA), a New Deal Program which afforded vocational and educational opportunities to America's youth during the Great Depression. Mary McLeod Bethune (1875-1955) was appointed by Pres. Roosevelt to lead the NYA Office of Minority Affairs. Her advocacy efforts created employment opportunities for individuals like Wade D. Glover. He migrated from North Carolina for an employment opportunity at West Virginia Ordnance Works, a munitions factory which thrived during the war.



## Notes

<sup>i</sup> Some Black troops served with military police battalions, such as the 793<sup>rd</sup>, on temporary duty for activities such as the transfer of prisoners.

<sup>ii</sup> A stern memo regarding the misuse of brown manila envelopes by indigenous employees who used them to transport their mess utensils was issued by command of Brig. Gen. Taylor on May 16, 1947. He ordered the misappropriation of this “highly critical item” to “cease at once.” U.S. National Archives & Records Administration. RG 238 WWII War Crimes Records. Office of the Chief of Counsel for War Crimes: Correspondence, Reports and Other Records, 1945-1949. Box 1, NM-70, Entry 159. Folder: Daily Bulletins. Memo: Official Conservation of Office Supplies. Issued by Command of Brig. Gen. Taylor via Florence M. Rowand, Capt., Army Corps Adjutant. 16 May 1947.

<sup>iii</sup> One former Nuremberg attorney, Col. Storey, served as President of the American Bar Association. <https://nrs.lib.harvard.edu/urn-3:hls.lib:26498883?n=28>