The Nürnberg Krupp Trial Papers of Judge Hu C. Anderson (1890-1953)

Vanderbilt University
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Biographical Sketch

Hu Carmack Anderson was born on May 19, 1890, in Jackson, Tennessee, to Hugh Crump Anderson (1851-1915) and Emma Burdette Anderson (1863-1892). His father had an illustrious career as lawyer, bank president, Tennessee Representative, Tennessee Senator, Speaker of the Senate, and, for many years, Jackson’s mayor. Anderson grew up with four siblings in Jackson, where he enjoyed playing catcher for impromptu baseball games with friends. He later studied law at Cumberland University, graduating in 1915.

In 1918 Anderson married Virginia Ione Ray. The couple had two daughters, Theresa and Mary Jane, and a son who did not survive infancy. Anderson served in World War I as a private in the 324th Field Signal Battalion. Before and after the war he worked in Jackson as assistant attorney general, attorney general, and prosecuting attorney. During the first term of the 67th Tennessee General Assembly in 1931, Anderson also served as a state senator and chairman of the Senate Finance, Ways and Means Committee. In 1933 the governor appointed him a judge for the Madison County Court of Appeals, a position Anderson held for the rest of his life. He became its presiding judge in 1942.

During and after World War II, Anderson actively mentored junior lawyers, participated in civic clubs, and made speeches in Madison County. Though respected by colleagues for his impartiality inside the courtroom, outside Anderson expressed strong opinions about political issues. He served as a delegate in three Democratic National Conventions. In his free time, Anderson enjoyed playing golf, fishing, and spending time with family and friends. He attended St. Luke’s Episcopal Church in Jackson with his family.

In November 1947, General Lucius Clay, U.S. Military Governor for Germany, designated Anderson presiding judge of Nürnberg Military Tribunal III, an appointment President Truman affirmed by executive order the following month. In the final of three Nürnberg “industrialist” cases, the U.S.A., through its Counsel for War Crimes, indicted Alfried Krupp von Bohlen und Halbach and eleven other key officials of the Krupp firm on four counts: 1.) crimes against peace; 2.) plunder and spoliation; 3.) deportation, exploitation, and abuse of slave labor; and 4.) common plan or conspiracy to commit crimes against peace. The U.S. prosecution team filed the indictment on August 16, 1947; Anderson, with fellow judges Edward James Daly and William John Wilkins, delivered the judgment and sentencing on July 31, 1948.

The Krupp trial presented Anderson with professional and personal challenges. He expressed frustration about inadequate library facilities and came to depend on colleagues and publishers in the U.S. to supply his legal research materials. Anderson was equally frustrated by bureaucratic legal procedures adopted by the U.S. Military Government in Germany that obligated the court to follow Continental practices. He complained about an inordinate amount of paperwork. Moreover, the trial was physically and mentally taxing, as his personal letters attest. After daily sessions he was exhausted. He had a stomach ulcer that flared up during the trial. Anderson longed to come home to Tennessee; he told one friend back home that he had seen his balance of the world. He wanted to serve the rest of his career as a judge in Tennessee, which he did. At his Jackson-Madison County Bar Association Memorial service less than five years later,
Anderson’s colleague and close friend Bill Moss shared his wife’s comment: “You know, we lost Hu Anderson at Nurenberg. He has never been the same since.”

The Vanderbilt chapter of the Order of the Coif inducted Anderson as an honorary member in 1952 in recognition of his outstanding service in Tennessee and Germany. He died the following year, on May 7, 1953, two days after a tragic fall down an elevator shaft at the Madison County Courthouse.

**Scope and Content Note**

Judge Hu C. Anderson’s Krupp Trial papers date from November 1947 to April 1949. Stored in fifty archival boxes, they comprise 16.7 linear feet. The collection represents Judge Anderson’s experience as Presiding Judge of subsequent Nürnberg Trial 10, formally known as Military Tribunal III: the United States of America vs. Alfried Felix Alwyn Krupp von Bohlen und Halbach, et al. Comprehensive in nature, the Krupp Trial materials include the daily transcript of proceedings in the courtroom and before the Commissioner, prosecution and defense documents and briefs, judgment and sentencing, and Judge Anderson’s legal research. Additional materials include the judge’s notes about the trial, his personal correspondence, and legal documents from other Nürnberg trials.

Most legal materials in the collection are textual; they contain, for example, over one thousand six hundred affidavits. Prosecution and defense exhibits also include charts, maps, several photographs, and other graphic images. Although stored in acid-free folders, the documents have begun to deteriorate. The 1940s’ pages are soft and yellowing. They are prone to tears and many show crumbling around the edges. The fading ink occasionally makes reading difficult. Duplicate pages, incorrect, and penciled-in page numbers sometimes appear. And while the collection is thorough, certain materials are missing, notably prosecution document books 17-26 and defense document books Eberhardt I, Krupp II-III, Mueller II and Pfirsch II. Prosecution Document Books 28-30 and 45-50 do not appear in the collection because they were never assembled, and Krupp Document Book IV and Pfirsch Document Books III-V were cancelled by defense counsel while they were being processed.

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4. Eberhardt Document Book VII – index with documents p. 1-105 (missing p. 69) concerning Eberhardt’s attitude toward National Socialism, activities of various Krupp departments, Eberhardt’s position with respect to financing Bertha Works, supplementary documents concerning Elmag
9. Houdremont Document Book IV – index with documents p. 1-84 concerning Houdremont’s professional expertise as a scientist
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3. Carroll – correspondence, U.S. and German newspaper articles, opinions and ruling of the tribunal regarding representation of Krupp by Carroll and the dismissal of Kranzbuehler
4. Ruling on Motion for Representation by Carroll – 6 copies of ruling
5. Documents concerning the Commissioner – Commissioner’s reports, notice of hearing, tribunal’s order to appoint Deitz as commissioner and designation of witnesses, Commissioner’s oath
7. Contempt of Court – newspaper clippings; letters by defense attorneys; trial proceedings on 16, 19, and 20 Jan. 1948; ruling of tribunal on Contempt of Court p. 1-10; draft and corrected copies of ruling; telegram of defense to President Truman; Washington Post editorial
8. Data on Defendants’ Careers with Krupp – background material on defendants Korschan, Pfirsch, Janssen, Houdremont, Loeser, Eberhardt, Krupp with copies, responsibilities of Directorate after Lex Krupp
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5. Law Notes and Memos – Answer to Motion of Defense to Dismiss Count IV, Anderson’s notes, U.S. court rulings, correspondence between Anderson and Fried, memorandums, extracts from legal journal articles, decision of motions in Flick case
7. Opinions of Daly – Daly’s discussion on admissibility of confessions, Daly’s Opinion regarding the Finding on Counts I and IV
8. Miscellaneous – property issue slips for library materials, memorandums, letter by Anderson about damage to a car, transcript of a recording about the Nuremberg Trials
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10. Anderson’s Notes on Berthaworks – notes on construction of Berthaworks, personal notes, notes on Krupp initiative in procuring forced labor, notes on concentration camp inmates, listings of prosecution exhibits
1. Fried’s Enclosures with Notes on the Law of Aggression and Crimes against Peace – Enclosure 1, article on legality of Nuremberg Trials p. 1-18; Enclosure 2, Jackson’s Report to the President as Chief Counsel p. 1-9; Enclosure 3, Jackson’s letter to the Chairman of the UN War Crimes Commission; Enclosure 4, Fyfe’s Socratic Analysis of the British Approach to NMT; Enclosure 5, Fyfe’s notes for a speech; Enclosure 6, UN War Crimes Commission Trial against Takashi Sakai; Enclosure 7, League of Nations Convention for the Prevention and Punishment of Terrorism; Enclosure 8, League of Nations Convention for the Creation of an ICC; Enclosure 9, excerpts from American Journal of International Law; Enclosure 10, two legal journal articles


3. Notes – Anderson’s draft documents, advance copy of an article on highlights of Nuremberg Trials by Judge Richman of NMT IV


5. Official Correspondence – of Anderson, Kranzbuehler, Wilkins, U.S. War Department, Office of Chief Counsel for War Crimes, Robinson, U.S. Army Department, Fried, Presiding Judge Shake of Tribunal VI, Office of Military Government for Germany U.S. Legal Division, Briegerand, Pohle


7. Orders in Krupp Case – memorandums, orders, motions by prosecution and defense

8. Anderson’s Personal Correspondence A-L – personal and professional letters to and from Anderson, receipts

1. Anderson’s Personal Correspondence M-Z – personal and professional letters to and from Anderson, receipts


4. Binder of Prosecution Documents 1-700 – listing of prosecution documents according to exhibit number, with summaries

5. Prosecution Documents 701-1013, 1018-1356, 1361-1378, 1381-1400 – listing of prosecution documents according to exhibit number, with summaries

6. Binder of Prosecution Documents 1401-1468, 1474, 1477-1478, 1481-1482 – listing of prosecution documents according to exhibit number, with summaries

the Prosecution with index p. 1-34 of 103; 2 January 1948 supplement to memorandum to Military Tribunal III
2. Tribunal III – order constituting Military Tribunal IIIA, Executive Orders 9679 and 9547
3. Dautricourt’s “Definition of the Crime Against Humanity” – title page, index, p. 1-25, approved definition of the crime against humanity with signatories and message to the General Secretariat of the UN
8. Fortune Magazine Article “The Nürnberg Novelty” – December 1945 article critiquing the trials, February 1946 letters to the editor about article
12. U.S. Supreme Court cases – 12 U.S. Supreme Court cases

Box 48
2. Judgment in Military Tribunal III Case No. 3 Cont.– judgment in “The Justice Case” p. 179-275
3. Opinion of Blair in Military Tribunal III Case No. 3 – 4 copies of Blair’s opinion p. 1-29
4. Prosecution’s Closing Brief with Respect to Count I in Military Tribunal IV Case No. 5 – title page, index, closing brief with respect to count I in “The Flick Case” p. 1-83
5. Prosecution’s Closing Brief with Respect to Count I in Military Tribunal IV Case No. 5, Part II – title page, index, closing brief with respect to count I in “The Flick Case” p. 84-125
7. Prosecution’s Answer and Memorandum in Opposition to Defendants’ Motions to Dismiss Nos. II and III and Motion for Finding of Not Guilty No. V in Flick Case – 2 copies p. 1-10
8. Prosecution’s Answer and Memorandum in Opposition to Defendants’ Motions to Dismiss Nos. IV and Motion to Strike No. I in Flick Case – p. 1-32
11. Sentence in Military Tribunal V Case No. 12, Part II – p. 193-330
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Box 50
12. Unidentified Documents – miscellaneous trial documents including correspondence, exhibits, and transcripts