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The Final Judgment? Pearl Harbor to Nuremberg, by Robert G Storey

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THE FINAL JUDGMENT? PEARL HARBOR TO NUREMBERG.
BY ROBERT G. STOREY. THE NAYLOR CO., 1968. Pages 208.
\$8.50.

The *Final Judgment* by Robert G. Storey is the personal account of a distinguished member of the Bar concerning his involvement during World War II and his subsequent participation in the Nuremberg trials of Nazi war criminals. It also presents his considered view of the applicability of the Rule of Law to the relations between nations.

The author has a long history of public service blended with his legal career. A brief recitation of this personal history reflects that he is a man of distinction and considerable competence, a practicing lawyer, a former Dean of Southern Methodist University Law School, a past President of the Dallas Bar Association, a past President of the American Bar Association, and a member of other legal organizations, both national and international. It is clear that Dr. Storey has a deep and abiding interest in the law both as a scholarly exercise and as a pragmatic rule. His ultimate concern is the applicability of the Rule of Law to the affairs of men and nations.

In light of this background, therefore, the current volume is a substantial disappointment in style as well as in content. Dr. Storey's writing technique may well be an object lesson to lawyers who are accustomed to drafting briefs. The style of one document is not necessarily compatible with the style of another, and it does not appear to this reviewer that Dr. Storey has made too successful a transition. This failure is all the more regrettable since the importance of the subject matter deserves a style that sustains interest.

The list of contents on World War II includes Pearl Harbor 1939, the campaign for the liberation of Europe, a mission to Bulgaria, and the end of the Hitler era. The second major portion of the book concerns the prosecution of war criminals, the preparation for trial and the trial itself, with some reference to the differences that arose between the Russians and the other powers. The book concludes with a chapter entitled "Europe Revisited."

Throughout this entire period under discussion Dr. Storey occupied positions of considerable responsibility, and these positions brought him into intimate contact with leading personalities of the time, such as General Eisenhower, General Ira Eaker, Associate Justice Robert H. Jackson, Maj. General Wm. J. Donovan, General Lauris Norstad, and Prime Minister Winston Churchill.

From the recitation of events and Dr. Storey's personal involvement therein, it would appear that he kept notes concerning the events of which he found himself a part. Under these circumstances it would be reasonable

to anticipate that more detailed insights could well have been incorporated in this volume and a warmer, more perceptive comment made concerning many of the matters with which he had a close acquaintance. Unfortunately he has limited himself to cursory review of events as he saw them. The volume adds nothing new to the history of that period and merely establishes that Dr. Storey was there.

The book does serve the purpose, however, of reciting once again the massive horror that Nazi Germany inflicted upon the world. It details the deliberate and careful approach that the allied powers took in connection with the prosecution of the war criminals that the Nazi nightmare made necessary. Here, as elsewhere in the book, Dr. Storey emphasizes his continuing distrust of the Russians and indicts their collective lack of integrity as well as their obstructionist tactics.

The volume serves its most important purpose in reciting, once again, that while the trial of major war criminals appeared to be a relatively new concept, there was in fact a valid basis under law for such trials. The international military tribunal acted under the authority of the London Agreement, which reflected the international law in existence at the time of the trials and prior thereto. In important part, this Agreement proscribed:

Crimes against peace; namely, planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

Crimes against humanity; namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious ground in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.¹

Procedural due process regarding the recognition and protection of substantive individual rights of those charged had not theretofore been established. Under the leadership of the United States, the allied powers, with the exception of the Russians, devised a system which guaranteed to each accused the basic protections which we matter-of-factly accept as our constitutional right. As Dr. Storey points out, the Russian delegation was in favor of totally disregarding such rights and, in essence, believed that the trials should consist only of (1) framing the indictment and reading it to those charged, (2) a ten to twenty minute response by the defendants, and (3) a finding of guilty by the tribunal of all of the defendants without further procedure.

However, as a result of the trials and the safeguards adopted, Dr. Storey emphasizes that not only were a number of convictions obtained, but perhaps even more important, there were several acquittals. And the principle of

¹ R. STOREY, *THE FINAL JUDGMENT? PEARL HARBOR TO NUREMBERG 173-74* (1968).

individual and personal accountability for crimes against humanity committed under the banner of war was enforced and vindicated.

It is Dr. Storey's thesis that the Nuremberg trials constitute a landmark in legal history and international law and, as such, constitute a salutary warning to those who hereafter might contemplate the perpetration of conduct proscribed by the Rule of Law.

*Laughlin E. Waters**

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