

## Lore of the Corps

### Theft of Crown Jewels Led to High Profile Courts-Martial

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In the aftermath of World War II, the theft of gold, silver and jewels belonging to the German aristocratic House of Hesse triggered an intensive criminal investigation and resulted in three high profile courts-martial. When it was all over, Colonel (COL) Jack W. Durant, Major (MAJ) David Watson and Captain (CPT) Kathleen Burke Nash were all in jail.<sup>1</sup>

In February 1946, less than a year after war had ended in Germany, Princess Sophie of Greece was preparing to marry Prince George Wilhelm of Hanover. The bride was to wear the Hesse family jewels during the ceremony but, when a servant was sent to retrieve the jewels from their hiding place in the Hesse family castle, Schloss Friedrichshof at Kronberg, they were gone—and presumed stolen.

Countess Margaretha, the reigning matriarch of the Hesse family, knew that all property in Kronberg castle was personal family property and so could not be seized like the assets of defeated Nazi Germany. Consequently, she went to the provost marshal in Frankfurt, and shortly thereafter the Army's Criminal Investigation Division launched an investigation. It soon discovered that a year before, when General George S. Patton's 3rd Army had been in the area, a Women's Army Corps officer, CPT Kathleen Burke "Katie" Nash, had been assigned to manage the castle as an officers' club. In November 1945, while exploring the massive structure, Nash saw a fresh patch of concrete on the floor of the wine cellar. Apparently she also had heard a rumor that jewels, gold and silver were buried in a secret place in the castle. In any event, when Nash and two members of her staff chipped through the concrete, Nash discovered a zinc-lined box filled with small, neatly wrapped packets containing gold, silver and jewels. It was literally a discovery of buried treasure—worth more than \$ 2.5 million.

Nash retrieved some of the loot. She also shared her secret with "J.W." Durant and Watson. Together the three officers then conspired to steal the remainder of the tiaras, bracelets and other valuables. Realizing that they would likely be caught if they tried to smuggle the treasure back to the United States in its present form, the three conspirators removed the precious stones from their settings and set them aside to be sold later; they sold or pawned the gold and silver mountings. Watson travelled to Northern Ireland in

November and December 1945, where he "pawned a large quantity of gold; he also gave a few baubles to a former girlfriend in Belfast."<sup>2</sup> Durant and Nash did their part in January 1946 by journeying to Switzerland and selling gold and jewels in Bern, Basel and Zurich.

As for what they had decided to keep for themselves, the trio used the Army post office system. Watson mailed a sterling silver pitcher home to his parents in California. Nash sent a thirty-six-piece solid-gold table service—as well as a large number of jewels—to her sister in Wisconsin. Durant sent jewels and other valuables using envelopes stamped "Official" and by diplomatic pouch; most went to his brother in Falls Church, Virginia. All in all, some thirty boxes of treasure were sent to the United States.<sup>3</sup>

By May 1946, the Criminal Investigation Division agents had caught up with the three culprits. Watson was apprehended in Germany. Durant and Nash, who had married on 28 May, were arrested at the luxury La Salle hotel in Chicago on 2 June. The timing of their marriage was not a coincidence: both Durant and Nash understood that a husband and wife could refuse to testify against each other in court-martial proceedings. But Nash also hoped to escape trial because she was expecting to be honorably discharged. Unbeknownst to Nash, however, the Army had cancelled her separation orders and so she remained on active duty and subject to court-martial jurisdiction.

A few days later, nearly a million dollars in recovered Hesse family treasure—which the Army insisted was "a mere pittance" compared to the total value of the missing property—was displayed at the Pentagon. Shortly thereafter, the Durants were flown to Frankfurt, Germany, where they both faced trial by general court-martial.

Katie Nash Durant was the first to stand trial. Charged with being absent without leave, larceny, fraud against the government, conduct unbecoming an officer and gentleman, and bringing discredit upon the military service, she appeared before the court panel in a uniform without any insignia, and refused to enter a plea. Her defense counsel, CPT Glenn Brumbaugh, insisted that the court lacked *in personam* jurisdiction because the Army had rescinded her

<sup>1</sup> United States v. Kathleen Nash Durant, CM 317327; United States v. David F. Watson, CM 319747; United States v. Jack W. Durant, CM 324235 (on file with Records of the Office of the Judge Advocate General, Record Group (RG) 153, M1899).

<sup>2</sup> Stephen Harding, *Soldiers of Fortune: The Hesse Jewel Heist*, WORLD WAR II (March 2009), <http://www.historynet.com/soldiers-of-fortune.htm> (last visited July 19, 2011).

<sup>3</sup> JUDGE ADVOCATE GENERAL'S CORPS, THE ARMY LAWYER 172 (1975).

separation orders solely to maintain jurisdiction over her. He also argued that, even if the court-martial had jurisdiction over her person, Nash was not guilty of any offenses involving the Hesse crown jewels because the Hesse family had abandoned the treasures or, alternatively, that the jewels were legitimate spoils of war. Major Joseph S. Robinson, the trial counsel, countered:

It is our obligation to see to it that private property in enemy territory we occupy be respected, and that any interference with such private property for personal gains be justly punished.<sup>4</sup>

The court agreed. It found Nash guilty and sentenced her to five years in jail and a dismissal.

Watson was next. His defense was that looting was common in Germany and that, as the treasure belonged either to dead Nazis or S.S. members, the property could not be returned to them. In any event, argued Watson, he lacked the criminal intent to steal anything. In his summary to the panel, CPT Abraham Hyman, the trial counsel, reminded the court that it could not blind itself to the fact there were people who took advantage of abnormal conditions in occupied Germany. However, there is also the precedent of millions of Soldiers who went through the war without yielding to the temptation to take things which did not belong to them.<sup>5</sup>

The court of ten colonels agreed with Watson, at least in part. But, while they found him not guilty of larceny, the panel members convicted him of the remaining offenses, including receiving stolen property. He was sentenced to three years in jail and a dismissal.

“J.W.” Durant was the last to go to trial. In a court-martial convened in Frankfurt but concluded in Washington, D.C., COL Durant was found guilty of all charges. He was sentenced to fifteen years confinement at hard labor and a dismissal.

On 1 August 1951, Headquarters, European Command Army, announced that:

The Department of the Army, in cooperation with the Department of the Treasury, today returned to their owners the Hesse jewels, which have been in the custody of the United States since 1946 . . . Involved in the turnover were jewels filling 22 cubic foot Army safes and consisting of more than 270 items. Among the jewels were: a platinum bracelet encrusted with 405 diamonds, a platinum watch and bracelet with 606 diamonds, a sapphire weighing 116.20 carats, a group of diamonds weighing 282.77 carats, a gold bracelet with 27 diamonds, 54 rubies and 67 emeralds. . . .<sup>6</sup>

Despite this press release, more than half the Hesse crown jewels, and most of the gold and silver that had been hidden in the wine cellar, were never recovered. To this day, no one knows what happened to this missing treasure.

As for Nash, Watson and Durant, they served their sentences at the Disciplinary Barracks, Fort Leavenworth, Kansas, and were then released. Watson was the first to be freed; he was paroled in 1947. When he died in 1984, he was “still petitioning for a presidential pardon.”<sup>7</sup> Nash and Durant were both released in 1952; they spent their remaining days together before dying in the mid-1980s.

*More historical information can be found at  
The Judge Advocate General's Corps  
Regimental History Website  
Dedicated to the brave men and women who have served our Corps with honor, dedication, and  
distinction.  
<https://www.jagcnet.army.mil/8525736A005BE1BE>*

<sup>4</sup> *Id.* at 173.

<sup>5</sup> *Id.*

<sup>6</sup> Court-Martial Case Files Relating to the “Hesse Crown Jewels Case,” 1944–1952 (on file with Records of the Office of the Judge Advocate General (Army), Record Group 153, Pub. No. M1899, Nat’l Archives, Washington, D.C.).

<sup>7</sup> Harding, *supra* note 2.