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14 April, 1945

Honorable Samuel Rosenman,
The White House,
Washington, D. C.

SECRET
FO. 1422 Sec. 303 and 304 or 305
OSD 1200; May 2, 1972
REF: SAC, WASH Date 2/12/73

Dear Judge Rosenman:

1. Conference with Treasury Solicitor, etc. 12 April. In the rush of your departure we did not have a chance to report to you on our talk with Sir Thomas Barnes (Treasury Solicitor) and Mr. Dean (Foreign Office) on Thursday afternoon, 12 April. They urged in substance that both the U.S. and U.K. start digging out the documentary proof of the two principal cases which they contemplated:-

- a The case against the Nazi leaders
- b The case against the principal Nazi organizations (common enterprise theory)

They also urged that draft messages, one from the U. S. and one from the U.K., to the Russians be prepared and tentatively concerted prior to dispatch. We are not sure that too much prior consultation is wise but are prepared to carry it out if you wish.

2. Draft message to Russians. To meet the last suggestion, we have worked out a very rough draft of message for your consideration and possible discussion with the State Department. Whether it should be presented in Washington or in Moscow may be a question. You will observe it does not advert to the British arraignment proposal. That seems to us a matter for them to advance. Our draft of note tries to avoid being too explicit in this first approach to the Russians.

3. Mr. Stimson's message. This morning a cable arrived from the Secretary of War. It confirmed his previous preference for a judicial (not a political) disposition of the Axis criminals and indicated that your suggested conditions to Lord Simon's original plan should be insisted upon—and possibly some others. The proposed note (see par. 3 above) was drafted with his views in mind.

4. Conversation with Mr. Coldstream - 13 April. In a telephone conversation (outter) with Mr. Coldstream yesterday, we were informed that the Lord Chancellor's formal memorandum of the War Cabinet decision would not be delivered until Monday the 16th. We shall forward it to you by Colonel Davis if it arrives seasonably.

5. Mr. McCloy's arrival. Mr. McCloy is still expected here tomorrow evening (Sunday) the 15th. I think it will be helpful to have by cable any informal views you may have, in case further development of the situation turns out to be desirable before Mr. McCloy's departure. With his permission

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we shall obtain as much information as we can on detailed U.K. plans for developing their program and for approaching the Russians - and shall have at least one further talk each with Sir Thomas Barnes, Mr. Dean and Mr. Goldstream, with a view to finding out what further steps may be profitable, when you receive your instructions from the State Department.

We both wish to express to you our very warm appreciation of your kindness during our work with you and the pleasure which it has given us both.

We enclose an extra copy of this letter which you may wish to send to Mr. Backworth.

Sincerely yours,

JOHN M. WEIR
Brig. Gen., U.S.A.

R. A. Cutter
Col. GSC.

DECLASSIFIED
E.O. 11652, Sec. 202 and 203 or (D)
GSC J. Sec. May 3, 1972
BY: [unclear] DATE: 10-7-78

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