Gen. Hoir

I had a talk with President Truman who is definitely opposed to political disposition of top criminals. I think he would favor however the Lord Chancellor's proposal. It can avoid a meeting of the V departments concerned, scheduled for afternoon, April 30th. Suggest you communicate this to Mr. Clay. The President has asked me to continue in charge of these negotiations. Would appreciate any latest word. Have not yet received formal memorandum of the Lord Chancellor.

(Dictated to Maj. Davidson Semerson - April 17, 6:40)
WAR DEPARTMENT
CLASSIFIED MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

Assistant Secretary of War
48-386, Pentagon 4364
12 April 1945

Commanding General
United Kingdom Base Section
London, England

Number: WAR 87164

From the Secretary of War for Weil and Cutter, care of Military
Advisor EMO American Embassy for Mexico.

Referring to Judge Rosenman's message, I still emphasize
the great importance of the proceeding being judicial and
not political in character. Therefore I consider Judge Rosenman's
conditions important.

My time to consider Lord Simon's suggestion has been
necessarily brief, but I am impressed with some advantages which
would go with it. Simon himself stresses the importance of
including in the arraignment charges of the criminal methods used
by the arch criminals in carrying through their common enterprise.
I think this is very important so that it will be absolutely
clear that what they have done involved a crime under any legal
standards. In other words, even if the common enterprise or
conspiracy, for example conspiring to wage aggressive war, is
not under present international law a war crime, yet the
conspirators will be shown to have used admittedly criminal
actions in achieving the objective of the conspiracy.

I note Judge Rosenman's condition that the arraignment
must be adequately and reasonably documented so that there
will be no need of oral testimony to prove guilt. I do not know
what documentation is available, but I am somewhat worried for
fear that entire lack of oral testimony for the prosecution and
the effect on the public opinion of the world, particularly
if the defendants make strong assertions of the guilt of
other nations towards Germany coupled with historic precedents
of other national aggression in the world.

End.

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OSS C, May 1, 1945

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