

~~TOP SECRET~~

Gen. Weir

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. Am calling a meeting of the 3 departments concerned, scheduled for afternoon, April 20th. Suggest you communicate this to McCloy. 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 Sommers - April 17, 5:40)

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E.O. 11652, Sec. 3(E) and 5(D) or (3)  
OSD letter, May 3, 1972  
By ALT, NARS Date 2-19-77



WAR DEPARTMENT  
CLASSIFIED MESSAGE CENTER  
OUTGOING CLASSIFIED MESSAGE

Assistant Secretary of War  
4E-886, Pentagon 4964

12 April 1945

Commanding General  
United Kingdom Base Section  
London, England

Number: WAR 67164

From the Secretary of War for Weir and Cutter <sup>care</sup> of Military  
Adviser EAC American Embassy for McCloy.



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.

ORIGINATOR : OAS/W  
INFORMATION: OPD, G-1, G-2 (State Justice), OS/W, C of S  
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*Judge Rosenman*

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