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, annulling a meeting of the 3 departments concerned, scheduled for afternoon, April 30th. 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, 0:40)
WAR DEPARTMENT
CLASSIFIED MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

Assistant Secretary of War
40-505, Pentagon 4964
12 April 1945

Commanding General
United Kingdom Base Section
London, England

Number: WAR 57164

From the Secretary of War for Weir and Cutler, Care of Military Adviser, P.O. American Embassy for Nicosia.

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 Axis 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 admitted 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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