SECRET
THE ASSISTANT SECRETARY OF WAR
WASHINGTON

22 April 1940

HONORABLE FREDERICK H. ROSENFELD:

I send you herewith a copy of a letter received today from Assistant Attorney General, Herbert Ventheuer, together with a copy of enclosure.

C. R. Lute
Colonel, General Staff Corps
Assistant Secretary

Enc.
Or 1tr 20 Apr 48 Mrs. Ventheuer to Col. Lute.
SECRET

THE ASSISTANT SECRETARY OF WAR
WASHINGTON

OFFICE


22 April 1945


MEMORANDUM FOR JUDGE SAMUEL I. ROSEMAN:

I send you herewith a copy of a letter received today from Assistant Attorney General, Herbert Vehkalaar, together with a copy of enclosure.

S. H. LUTZ

R. AND COUTEAU
Colonel, General Staff Corps
Assistant Secretary

Ref.-

All 10 Apr 45 Nr. Vehkala to Col. Custer.
April 27, 1943

Colonel R. A. Ouster
Assistant Executive Officer
War Department
Room 4 E 300
Pentagon Building
Washington, D. C.

Dear Colonel Ouster:

As you requested at the White House today, I send you herewith the text of the consent that the Attorney General would have dispatched to London had not intervening events indicated that the matter could be delayed until a later time.

Sincerely,

/\ HENRY W. STEWART

Herbert Workman
Assistant Attorney General
April 20, 1945

Colonel R. A. Gutter
Assistant Resolute Officer
War Department
Room 428 CNO, Pentagon Building
Washington, D. C.

Dear Colonel Gutter:

As you requested at the White House today, I send you herewith the text of the consent that the Attorney General would have dispatched to London had not intervening events indicated that the matter could be delayed until a later time.

Sincerely,

/J/S. DANIEL WOOLSEY

Herbert W. Manier
Assistant Attorney General
SECRET

THE ASSISTANT SECRETARY OF WAR
WASHINGTON

December 23

To: Judge Samuel I. Rosenman

From: Robert W. Grove

28 April 1940

Honorable Sir:

I send you herewith a copy of a letter received today from Assistant Attorney General Robert W. Grove, together with a copy of enclosures.

R. H. Grove
Colonel, General Staff Corps
Assistant Secretary

April 27, 1940

Colonel H. A. Catter
Assistant Executive Officer
War Department
Room 4 & 6,000, Pentagon Building
Washington, D.C.

Dear Colonel Catter:

As you requested at the White House today, I send you herewith the text of the consent that the Attorney General would have dispatched to London had not intervening events indicated that the matter could be delayed until a later time.

Sincerely,

/\ HERBERT W. VANDERLEER
Herbert Vanderleer
Assistant Attorney General
1. State and Justice urge adherence to trial before military tribunal in preference to Nixon proposal. They believe that the Joint recommendation of State, War and Justice of 28 January sufficiently achieves the advantages of a broad charge without substituting political for judicial processes. They, therefore, urge the importance of the conditions stated by Judge Bumbray but believe that in addition the prosecution should prove its case before the tribunal rather than rely upon the indictment however well documented. The advantages of the judicial method would be sacrificed by dispensing with proof or placing the burden of disproof upon the defendants. No objection, however, to separate trial of top officials or to review of sentence as in court martial.

2. Nixon proposal in substance is for an investigation leading to political action. Therefore if it should prevail there is no advantage in limiting conviction to military personnel or in dispensing with evidence in support of an indictment or in placing upon defendants burden of disproof. Such a non-judicial agency to advise the heads of state should so far as practicable follow normal methods in determining whether the charge is sustained by the facts. Even if the disposition is political, a full record should be made for all time.
1. State and Justice urge adherence to trial before military tribunal in preference to Nicos proposal. They believe that the joint recommendation of State, War and Justice of 20 January sufficiently achieves the advantages of a broad charge without substituting political for judicial processes. They, therefore, urge the importance of the conditions stated by Judge Nicos but believe that in addition the prosecution should prove its case before the tribunal rather than rely upon the indictment however well documented. The advantages of the judicial method would be sacrificed by dispensing with proof or placing the burden of disproof upon the defendants. No objection, however, to separate trial of top officials or to review of sentence as in court martial.

2. Nicos proposal in substance is for an investigation leading to political action. Therefore if it should prevail there is no advantage in establishing commission to military personnel or in dispensing with evidence in support of arraignment or in placing upon defendants burden of disproof. Such a non-judicial agency to advise the heads of state should so far as practicable follow normal methods in determining whether the charge is sustained by the facts. Even though disposition is political, a full record should be made for all time.
1. State and Justice urge adherence to trial before military tribunal in preference to Nixons proposal. They believe that the joint recommendation of State, War and Justice of 21 January sufficiently achieves the advantages of a broad charge without substituting political for judicial processes. They, therefore, urge the importance of the conditions stated by Judge Doakman but believe that in addition the presentation should prove its case before the tribunal rather than rely upon the indictment however well documented. The advantages of the judicial method would be sacrificed by dispensing with proof or placing the burden of disproving upon the defendant. No objection, however, to separate trial of top officials or to review of sentence as in court martial.

2. Nixon proposal in substance is for an investigation leading to political action. Therefore if it should prevail there is an advantage in letting commission to military personnel or in dispensing with evidence in support of arrangement or in placing upon defendants burden of disproving. Such a non-judicial agency to advise the heads of state should as far as practicable follow normal methods in determining whether the charge is sustained by the facts. Even though disposition is political, a full record should be made for all time.