The President on May 2, 1945, announced the appointment of Associate Justice Robert H. Jackson of the United States Supreme Court as Representative of the United States and its Chief of Counsel in the preparation and prosecution of charges against the European Axis war criminals. (1) By this action, the President acted to implement the policy of punishing war criminals to which this government had been committed from the earliest days of the war. In August, 1942, President Roosevelt in a statement following a communication from the governments of occupied European countries calling attention to Axis crimes against civilian populations in those countries, sounded a warning to the Axis that "the time will come when they shall have to stand in courts of law in the very countries which they are now oppressing and answer for their acts." (2) He followed this on October 7, 1943, with a statement declaring it to be "the intention of this Government that the successful close of the war shall include provision for the surrender to the United Nations of war criminals" and said that with a view to establishing the responsibility of the guilty individuals through the collection and assessment of all available evidence, this government was prepared to cooperate with the British and other governments in establishing a United Nations Commission for the Investigation of War Crimes. (3)

As a result such a Commission was organized and on October 20, 1943, it held its first meeting in London. At the same time the Foreign Ministers of the United States, Great Britain and Russia were meeting at Moscow and the subject of war crimes and punishment of war criminals was discussed there. A declaration, signed and issued on November 3, by
Prestler Stalin, Prime Minister Churchill and President Roosevelt at the
close of that conference, asserted that at the time of the granting of
any amnesty to any government set up in Germany, the German officers
and men and members of the Nazi party responsible for atrocities would
be returned to the countries in which the crimes were committed in order
that they might be punished "according to the laws of these liberated
countries and of the free governments which would be created therein."
The statement said however, that the declaration was "without prejudice
to the case of major criminals, whose offenses have no particular geo-
graphical localization and who would be punished by joint decisions of
the governments of the Allies."
The President, in his statement announcing
the appointment of Justice Jackson (1) cited this joint statement and
pointed out that it was primarily for the trial and prosecution of the
major criminals that Jackson was being appointed.

Immediately after the announcement, Judge Samuel I. Rosenman went to
San Francisco as the personal representative of the President, to present
to representatives of Great Britain, Russia and France, gathered there for
the United Nations Conference, proposals of the United States concerning
the prosecution and trial of the Axis war criminals. His purpose was to
arrange for the organization of an international military tribunal and for
the adoption of a procedure for the trials. It was not contemplated that
this tribunal would be concerned with those criminals guilty of specific
atrocities in any of the occupied countries but rather with those major
criminals referred to in the Roosevelt-Churchill-Stalin declaration of
November 1, 1943, whose offenses had no particular "geographical locali-
ization".

Justice Jackson began the organization of his staff and on May 16th
announced the appointment of Major General William J. Donovan, Director
of the Office of Strategic Services, Sidney Adelman, Assistant Attorney General of the United States, and Merle Bankhead, to assist him. Material compiled by various government units, including the War Crimes Office, established by the State, War, and Navy Departments; the Office of the Judge Advocate General of the Army, Department of Justice units including the Federal Bureau of Investigation, the legal staff of the State Department and others was made available to him and his staff.

He went to Europe and conferred with General Eisenhower and others and on June 15th submitted a preliminary report to the President on the progress of his work.

The international military tribunal was formally established on August 8, 1945, under an agreement signed at London by representatives of the United States, Great Britain, Russia, and France. A charter was adopted, setting up the court, establishing jurisdiction and procedures for trying and punishing the war criminals and authorizing the Commission to prepare an indictment and present evidence. The Governments of nineteen (19) other United Nations later expressed their adherence to the agreement.

The tribunal consisted of four members, each with an alternate, representing the four major powers, the United States, Great Britain, Russia and France, who sat as judges during the trial. The President, by executive order (5) on September 30, 1945, appointed Joseph Biddle as the United States member and John J. Parker as alternate.

The trials were conducted at Nuremberg, Germany, beginning November 20, 1945. On September 30th and October 1st, 1946, the Tribunal handed down its verdict. Nineteen of the twenty-four defendants were found guilty on one or more of the counts and three were acquitted. Twelve were sentenced to be hanged, three to imprisonment for life, and four others to long terms of imprisonment.
Justice Jackson submitted his report to the President on October 7, 1945, and at that time resigned his commission as the United States Representative and Chief of Counsel, for the United States. (6)

Mr. Middle submitted a report to the President on November 9, and at the same time tendered his resignation as the United States member of the International Tribunal. (7)

Provision previously had been made, through an executive order of the President, (8) for the prosecution before United States military or occupational tribunals of other war criminals than those tried at Nuremberg and for transferring the duties of the Chief Counsel, upon his retirement from the office, to a Chief of Counsel for War Crimes to be appointed by the United States Military Governor for Germany. With the resignation of Justice Jackson, Brigadier General Radford Taylor was appointed.

Subsequently various military tribunals were set up in the United States occupation zone in Germany and from time to time the President, by executive order, designated various American lawyers and judges as members of these tribunals.
NOTES:

(1) See text of statement by the President, May 2, 1942, and executive order 9061 of the same date, copies of which are in this record.

(2) See statement of President Roosevelt, August 21, 1942, Item D1, Page 327 of 1943 Vol. Public Papers and Addresses of Franklin D. Roosevelt.

(3) See Roosevelt statement, October 7, 1942, Item 100, Page 312, 1943 Vol. Roosevelt papers.

(3a) See Item 122, Page 39, 1943 Vol. Roosevelt papers.

(4) See copy in this record.

(5) See copy in this record of executive order 9026 concerning these appointments.

(6) See copies of letter and reply in this record. Original letter is in the White House central files. The records of Justice Jackson as U.S. Chief of Counsel in the prosecution of the Axis criminals are in the National Archives.

(7) See copy of letter and President’s reply in this record. Original letter is in the White House central files.

(8) See copy of executive order 9067, January 17, 1946, in this record.
As my request, Dr. Justice Robert H. Jackson, in addition to his duties as Justice of the Supreme Court, has accepted designation as Chief of Counsel for the United States in preparing and presenting the charges of atrocities and war crimes against such of the leaders of the European Axis powers, and their principal agents and accessories, as the United Nations may agree with any of the United Nations to bring to trial before an International military tribunal.

Pursuant to the Moscow Declaration of November 1, 1943, all war criminals, against whom there is sufficient proof of personal participation in specific atrocities, are to be returned to the countries where their crimes were committed, to be judged and punished by those countries themselves. These cases are not involved in this assignment.

There are left, however, the cases of other war criminals — particularly the major war criminals and their principal agents and accessories, whose offenses have no particular geographical localization.

I hope and expect that an International military tribunal will soon be organized to try this second category of war criminals. It will be Justice Jackson's responsibility to represent the United States in preparing and presenting the case against these criminals before such military tribunal.

Justice Jackson has assembled a staff from within the War, Navy, and other Departments concerned, which has already begun work, so that there will be no delay on the part of the United States. It is desirable that preparation begin at once, even though the details of the military court are not yet determined.

I have just signed an Executive Order designating Justice Jackson to this post. He and his staff will examine the evidence already gathered and being gathered by the United Nations War Crimes Commission in London and by the various allied countries and other agencies; he will arrange for assembling the necessary additional evidence; and he will begin preparations for the trial.

It is our objective to establish as soon as possible an international military tribunal and to provide a trial procedure which will be expeditious in nature of which will permit no evasion or delay — but one which is in keeping with our tradition of justice towards those accused of crime. Steps to carry this out are actively under way.

Arguments in the Supreme Court for the current term will conclude this week, and the Court has ordered adjournment on May 29th. It is hoped that the trial of these war crimes cases will have been completed next October when the Court reconvenes.
The President today sent the following letter to Supreme Court Justice Robert H. Jackson, accepting his resignation as Representative of the United States and Chief of Counsel, International Military Tribunal:

"Dear Mr. Justice Jackson:

I have read and studied deeply the report which you submitted under date of October seventh last concerning the prosecution of major Nazi war criminals at Nuremberg. No litigation approaching this, the first international criminal session in history, ever was attempted.

For my part I have no hesitation in declaring that the historic precedent set at Nuremberg abundantly justifies the expenditure of effort, prestige though it was. This precedent becomes basic in the International law of the future. The principles established and the results achieved place International law on the side of peace as against aggressive warfare.

I am convinced that the verdict for which you worked will receive the acclaim of civilized people everywhere and will stand in history as a beacon to warn international brigands of the fate that awaits them.

Although your own part in the dispensing of international justice is at an end there remains, as you emphasize, the task of meting out justice to the German militarists, industrialists, politicians, diplomats and police officials whose guilt does not differ from the guilt of the criminals who have already been dealt with except that these remaining villains played their inexcusable roles at lower levels. I note with you any concern that the method through which these remaining criminals are to be brought to justice. The recommendations which you make in this regard, coming as they do out of your experience at Nuremberg, will be given careful consideration.

In accepting, effective as of this day, your resignation as representative of the President, and Chief of Counsel, for the United States, I cannot tender you my heart-felt thanks and the thanks of the Nation for the great service which you have rendered.

Very sincerely yours,

Harry S. Truman"
June 7, 1945

IMMEDIATE
RELEASE

The President has received the following report from Mr. Justice Robert H.
Hunter, Chief of Counsel for the United States in the prosecution of Nazi
War Criminals:

My Dear Mr. President:

I have the honor to report accomplishments during the month since you named
me as Chief of Counsel for the United States in prosecuting the principal Nazi
War Criminals. In brief, I have selected staffs from the several service depart-
ments and agencies concerned; worked out a plan for prosecution, briefing, and trial of
the cases; and maintained the staff among the several agencies: instructed those engaged
in collecting the necessary evidence; visited the European Theater to enable the
Department of Justice to familiarize itself with the entire prosecution; and met with
representatives of the United Nations War Crimes Commission and with several appoin-
tees to represent the United Kingdom in the joint prosecution.

1. The responsibilities you have conferred on me extend only to "the class of major
offenses committed against the laws of war by members of the armed forces of the
United States." For example, as the killing of American airmen by cabals of German
troops; the murder of American airmen by cabals of German troops; and other
offenses committed in the course of military operations. The field forces have dealt
with such offenses in the past. In this connection, I am informed that there are
several cases in which the Germans have been convicted in the present war, but the
offenses were committed in the past. The Germans have been convicted in the
present war, but the offenses were committed in Germany on German soil. The
Germans have been convicted in the present war, but the offenses were committed in
Germany on German soil. The

2. In the case of the Allied forces, I was present at the Chatham Conference and
represented Japan. I was present at the Chatham Conference and represented Japan.
I was present at the Chatham Conference and represented Japan.

3. The Chatham Conference and represented Japan.

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17. The Chatham Conference and represented Japan.

18. The Chatham Conference and represented Japan.
The United Nations War Crimes Commission is especially concerned with cases of this kind. It represents many of the United Nations, with the exception of Russia. It has been usefully engaged in a body with which the majority of all the United Nations have ceased their investigations and proceedings. Lord Wright, representing Australia, is the Chairman of this Commission, and Lieutenant Colonel Joseph F. Hodges is the United States representative.

In London, I conferred with Lord Wright and Colonel Hodges in an effort to coordinate our work with that of the Commission wherever there might be danger of conflict or duplication. There was no difficulty in arriving at an understanding for mutual exchange of information. We undertook to respond to requests for any evidence in our possession against those listed with the Commission as criminals and to cooperate with each of the United Nations in efforts to bring this class of offenders to justice.

Requests for the surrender of persons held by American forces may present diplomatic or political problems which are not my responsibility. But so far as my work is concerned, I advised the Commission, as well as the appropriate American authorities, that there is no objection to the surrender of any person except to persons that we wish him as a defendant or as a witness in the major cases.

In a third class of cases, each country, of course, is free to prosecute those alleged to have committed crimes under its own tribunals and under its own jurisdiction. Several "Jock Bow-Hines," and the like.

The consequences of these arrangements are that preparations for the prosecution of major war criminals will not impede prosecution of other offenders. In these latter cases, however, the number of these offenders is likely to exceed greatly the number of prosecutions, because witnesses are usually able satisfactorily to identify particular offenders in uniform whose acts they have witnessed. This difficulty of adequately identifying individual perpetrators of atrocities and crimes makes it the more important that we proceed against the top officials and organizations responsible for originating the criminal policies, for only by so doing can there be just retribution for many of the most brutal acts.

Over a month ago the United States proposed to the United Kingdom, Soviet Russia and France a specific plan, in writing, that these four powers join in a protocol establishing an International Military Tribunal, defining the jurisdiction and powers of the tribunal, naming the categories of acts destined to be crimes, and describing these individuals and organizations to be placed on trial. Negotiation of such an agreement between the four powers is yet to be completed.

In view of the importance of our task, it did not seem wise to await consummation of international arrangements before proceeding with preparation of the names. Accordingly, I went to Paris, to American Army headquarters at Frankfort and Rheinsfeld, and to London, for the purpose of assembling, organizing, and instructing personnel from the various services and agencies and getting the different organizations coordinated and at work on the evidence. I uniformly set with eager cooperation.

The urgency and breakdown of war criminals and suspects opposed to require immediate attention. I asked the War Department to deny those prisoners who are suspected war criminals the privileges which would otherwise be accorded them and, in their rank if they were merely prisoners of war, to assemble them at convenient and secure locations for interrogation by our staffs. In long cases of access to the press, and to hold them in the class confinement ordinarily given suspected criminals. The War Department has been subjected to some criticism from the press for these measures, for which it is fair that I should acknowledge responsibility. The most elementary considerations for insuring fair trial and for the safety of our own men suggest the imprudence of permitting these prisoners to be interrogated indiscriminately or to use the facilities of the press to convey information to others and to criminals yet unacquainted. Our choice is between treating these as honorable prisoners of war with the privileges of their rank, or to classify them as war criminals. In which case they should be treated as such. From the War Department that likely to be accused as war criminals will be kept to close confinement and strict control.
censure of our evidence has been established in London. I went there on May 29 with General Russell to arrange for its examination, and to confer with the United Nations War Crimes Commission and with officials of the British Government responsible for the prosecution of war criminals. We had extended conferences with the newly appointed Attorney General, the Lord Chancellor, the Foreign Secretary, the Treasury Solicitor, and others. On May 29, Prime Minister Churchill announced in the House of Commons that Attorney General Sir David Maxwell Fyfe had been appointed to represent the United Kingdom in the prosecution. Following this announcement, members of my staff and I held extended conferences with the Attorney General and his staff. The sum of these conferences is that the British are taking steps parallel to ours to clear the military and localized cases for immediate trial, and to effect a complete interchange of evidence and a coordination of planning and preparation of the case by the British and American representatives. Despite the fact that the prosecution of the major war criminals involves problems of an immense dimension, I am able to report that no substantial differences exist between the United Kingdom representatives and ourselves, and that minor differences have adjusted mostly as one or the other of us advanced the better reasons for his view.

The Provisional Government of the French Republic has advised us that it accepts in principle the American proposals for trials before an International Military Tribunal. It is expected to designate its representative shortly. The government of the Ukrainian Soviet Socialist Republic, while not yet committed, has been kept informed of our steps and there is no reason to doubt that it will enter in the prosecution. We propose to make provision for others of the United Nations to become adherents to the agreement.

III.

The time, I think, has come when it is appropriate to outline the basic features of the plan of prosecution upon which we are tentatively proceeding in preparing the case of the United States.

1. The American case is being prepared on the assumption that an inescapable responsibility rests upon the country to conduct an inquiry, preferably in association with others, but alone if necessary, into the culpability of those whom there is probable cause to accuse of atrocity and other crimes. We have many such men in our possession. That shall we do with them? We could, of course, set them at large without a hearing. But it has not unseemly thousands of American lives to be lost at the hands of the living. On the other hand, we could execute or otherwise punish them without a hearing. But understanding executions or punishments without deliberate findings of guilt, fairly arrived at, would violate our own conscience and be considered by our children with pride. The only other course is to determine the innocence or guilt of the accused after a hearing so dispassionate as the times and because we deal with will permit, and upon a record that will leave our reasons and motives clear.

2. These hearings, however, must not be regarded in the same light as a trial under our system, since defense is a matter of constitutional right. Only hearings for the accused are, of course, required to make sure that we punish only the right man and for the right reasons. But the procedure of these hearings may properly be obstructive and military tactics resorted to by defendants in our ordinary criminal trials.

For should such a defense be recognized as the absolute doctrine that a head of state is immune from legal liability. There is more than a suspicion that this idea is a relic of the doctrine of the divine right of Kings. It is, in any event, inconsistent with the position we take toward our own officials, who are frequently brought to court at the suit of citizens who allege their rights to have been violated. We do not accept the notion that legal responsibility should be the least where power is the greatest. We stand on the principle of responsive government. As Lord Justice Dicey, who proclaimed that even a King is still "under God and the law.

With the doctrine of immunity of a head of state usually is coupled another, that erases an official immunity protect one who shares that. It will be noticed that the continuation of these two doctrines means that nobody is responsible. Society as essentially organized cannot tolerate as broad an area of official irresponsibility. There is immense a sphere in which the defense of obedience to superior order,
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3. Where will we assess and put to their defense? We will assess a large number of individuals and officials who were in authority in the government, in the military establishment, including the General Staff, and in the financial, industrial, and economic life of Germany who by all civilized standards are provable to be common criminals. We also propose to establish the criminal character of several voluntary organizations which have played a crucial and controlling part in subjugating first the German people and then their neighbors. It is not, of course, suggested that a person should be judged a criminal merely because he voted for certain candidates or maintained political affiliations in the sense that we in American support political parties. The organizations which we will assess have no resemblance to our political parties. Organizations such as the Gestapo and the S.S. were direct action units, and were recruited from volunteers accepted only because of aptitude for, and fanatical devotion to, their violent purposes.

In assessing the accused organizations in the trial, it is our proposal to demonstrate their declared and secret objectives, methods of recruitment, structure, lines of responsibility, and methods of enforcing their purposes. In this trial, important representative members will be allowed to defend their organizations as well as themselves. The best practicable notice will be given, that named organizations must appear and that any member is willing to answer and join in their defense. If in the main trial an organization is found to be criminal, the accused leaders will be held to be guilty as major military criminals individual members not already personally convicted in the principa cases. Findings in the main trial that an organization is convicted in nature will be conclusive in any subsequent proceedings against individual leaders. The individual member will thereafter be allowed to plead only personal defenses or extenuating circumstances, such as that he joined under duress, and as to those defenses he should have the burden of proof. There is nothing novel in the idea that one may use a year or all his defense if he fails to persuade in an argument as an earlier time. In United States war-time legislation, this principle has been utilized and executed as consistently with our concept of due process of law.

4. Our case against the major defendants is concerned with the Nazi master plan, set with individual characteristics and features which are included independently of any central plan. The prosecution of our case must be factually authentic and consistent with our demonstrated history of what we are accused was a grand, concerted plan to force and control the victims that have shut the world against us. We must not forget that when the Nazi plan was being prepared there were as yet no instruments that the world refused to take us seriously. Unless we write the history of the war, there will be no standards by which the world will be convinced that our aims were to do what we say they were. We have no use for the future if it finds incredible the necessary possibilities uttered during the war. We must establish incredible counts and clear evidence.

5. What specifically are the crimes with which these individuals and organizations should be charged, and what were the crimes of which the world, and what were their conduct as criminals.

There is, of course, real danger that trials of this character will become mere exhibitions of vengeance directed at persons of prominent individuals. Because throughout the course of the war, in the multitude of deplorable episodes which are part of a criminal's personality, it is clear ourselves from these pitfalls if our conduct as criminals has given recognition to those things which fundamentally outraged the conscience of the American people and brought them finally to the conviction that their own liberty and civilization could not exist in the same world with the Nazi power.

These acts which offended the conscience of our people were carried out by students generally accepted in all civilized countries, and I believe that we may proceed to punish these responsible in full accord with both our own conditions of fairness and with standards of just conduct which have been internationally accepted. I think also that through these trials we should be able to establish that a
In the real regime, people of this country come to look upon the real government as not maintaining legitimate state pursuing the legitimate objective of a member of the international community. They come to view the State as a host of brigades, set up by extraneous military every vestige of a rule of law which would enable an aggregation of people to be accountable collectively as a member of the reality of nations. Our people were consumed by the aggression, the creation of forces, the large-scale murder, and the visible manifestation of property that extinguished the real regime within Germany. They witnessed persecution of the greatest economy or religious, political or social groups, the destruction of cities, and the plunder of all religious and social influences. This was not the legitimate activity of a state within its own boundaries, but was preparatory to the founding of an international crime of aggression and war with the will intent, openly approved by the State, of capturing the form of the German state as an instrumentality for spreading their rule to other countries. Our people felt that these were the deepest offenses against international law described in the Nuremberg Convention of 1947, including the "right of nations and the states of the public conscience."

Once these international brigades, the political leaders of the real party, the C.S. and the Germany, had firmly established themselves within Germany by terror and crime, they immediately set out on a course of international pilings. They broke, defaced, and twisted to imprison the citizens and subjects of other nations for the purpose of establishing their fifth column of corruption and sabotage within those nations. They ignored the common obligations of our state respecting the common affairs of mankind. They skillfully and secretly broke international agreements as a part of their settled policy to deceive, corrupt, and overwhelm. They made, not only to violate, pledges respecting the demilitarized Rhineland, and Cambodia, and Poland, and Russia. They did not hesitate to instigate the Japanese to a treacherous attack on the United States. Our people saw in this course of events the destruction of the alliance elements of trust which can hold the majority of nations together in peace and progress. They, in consideration of their place, the Nazis viewed from above, the nations they had destroyed and ruthlessly conquer, they indignantly violated the obligations which states, including their own, have undertaken by conventions or treaties as a part of the rule of law, war, and the law of the sea. They violently destroyed cities like Rotterdam for no military purpose. They wiped out whole populations, as at Stalingrad, where no military purposes were to be served. They looted the property of the Allies and gave it to party centers. They instigated in later battlefields great sectors of the civilian population of the conquered countries. They refused the necessary protection of law to the populations which they conquered. The feeling of outrage grew in this country, and it became more and more felt that these were crimes committed against us, against the whole army of civilized nations by a kind of brigades who had seized the instrumentality of a state.

I believe that these instincts of our people were right not that they should join in the fundamental tasks of mankind. We propose to social acts which have been regarded as essential since the time of Plato and have been written in every civilized code.

In pursuing these trials we must also keep in mind the relation with which our people have faced the sacrifices for war. After we entered the war, and as we advanced our men and our wealth to the east, we thought, it was the universal extension of our power which must result from this war. We anticipated not only a war for the sake of the war, not a war in order to achieve our aims. But now we see the development of a new international law in the light of which it can only be a real expression of the moral order.

Against this background, we may be led to realize more profoundly the responsibility of the legal charges against the top that leaders and those military men who have preached about them and were over the prime instrumentality of force, in capturing the German state, and thus, in directing the German people to its aggression against the rest of the world.
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The legal position which the United States will maintain, being based on the
common sense of justice, is relatively simple and non-technical. We must not
permit it to be complicated or obscured by sterile legacies developed in the age
of iniquity to make war respectable.

International Law is more than a scholarly collection of abstract and
immaterial principles. It is an engender of treaties or agreements between nations
and of acceptance mutua. Every custom has its origin in some single act, and every
agreement has to be legitimated by the action of some state. Unless we are prepared
to abandon every principle of growth for international law, we cannot say that
our own law has the right to institute customs and to conclude agreements that
will themselves become sources of a new and strengthening international law.
International law is not an organ of development by legislation; for there is no
continually sitting inter-state legislature. Innovations and revisions in international
law are brought about by the action of governments designed to meet a change in
circumstances. It grows, as did the Common-law, through duties received from
time to time in dealing with principles to new situations. Some have been
disrupted by the lack of precedent for the twenty we propose to content. After the
short to civilization of the last world war, however, a new counter-current to the
warlike and unscrutable visions of international law took place. By the idea the
State to peace was thoroughly established that launching an aggressive war
on the institution of war by traversary was illegal not for the defense of legitimate
upheavals but in order to justify the war engaged in such an enterprise. It
is high time that we act on the juridical principles that aggressive was
morally not criminal.
The establishment of the principle of non-intervention is transitorily in many cases. One of the most significant is the Brindisi Protocols of 1924, by which diplomats, they and their wives, in common with customs and practically all the nations of the world, recognized war as an instrument of national policy, and themselves to such the formal or informal techniques. It is not easy to conceive of the situation of international relations. It is an unsolved problem. It is no longer to be the source of, and subject to, the conduct, and the rights of nations derive. It is an illegal thing. Very that very war. To war and peace would many legal consequences and have given the legal profession the task of deciding some of its crimes and treaties?

This Part constitutes only one in a series of acts which have reversed the viewpoint that all war is legal and have brought international law into harmony with the common sense of mankind, that aggression was illegal. Without attempting exhaustive cataloging, we may mention the Locarno Protocol of 1925 for the Pacific Settlement of International Disputes, signed by the representatives of forty-eight governments, which declared that "the war of aggression constitutes an international crime." The Bigstock Assembly of the League of Nations in 1927, on the unanswerable resolution of the representatives of forty-eight member nations, including Germany, declared that the war of aggression constitutes an international crime. At the Sixty-Fourth Conference of 1927, the twenty-one American Republics unanimously adopted a resolution stating that "war of aggression constitutes an international crime against the human spirit."

The United States is vitally interested in recognizing the principle that nation's recognition war has furnished as well as political need. We rated upon the Brindisi Protocols and make it the cornerstone of our national policy. We neglected our representative and war without its alliance in its declaration of war, whenever necessary, cease our peace as we now have good reason to move. An attack on the foundations of international relations was to regard it as being less than a crime against the international community, which properly vindicate the integrity of its fundamental respects to punishing aggressors. We therefore prepared to declare that a war of aggression is a crime, and that enters international law. We have established the defense that those who invite or urge it are engaged in legitimate business. Thus may the course of the law be stabilized on the side of peace.

Any legal position asserted on behalf of the United States will have considerable significance in the future evolution of international law. In all these respects toward effective role of law in the international community is slow improvement exists now merely upon the society of nations upon any other society. Even we stand at one of these rare moments when the thought and institutions of the world have been shaken by the impact of world war on the laws of countless nations. Such consequences deeply come and gradually pass. We are not under the responsibility to see that our behavior during this transitional period will direct the world's thought toward a firmer enforcement of the laws of international conduct, so as to make war less attractive to those who have governments and the destinies of peoples in their power.

I have left until last the first question which we and the Americans people are asking—when can this trial start and how long will it take. I should be glad to answer if the answer were within my control. But it would be foolishly to once again which depend upon the action of other governments which are agencies. Inability to fix definite dates, however, would not cause failure to show my attitude toward the time and duration of trial.

I know that the public has a deep sense of urgency about these trials. Because it is, after a sense of urgency, I have presented the preparations of the American people to accomplish whatever the people will, the Tribunal to investigate under which we are to work. We must, however, recognize the existence of various difficulties to be overcome in preparation of the case. As an illustration, I must until the surrender of Germany the primary objective of the military intelligence services was to gather military information rather time to prepare a legal case for trial. We must now shift and compress within
a veritable swamp of voluminous evidence relating to a multitude of crimes committed in several countries and participated in by thousands of actors over a decade of time. The preparation must cover military, naval, diplomatic, political, and commercial aggressions. The evidence is scattered among various agencies and in the hands of several societies. The captured documentary evidence—literally tons of orders, reports, and transcripts—is largely in foreign languages. Every document and the trial itself must be rendered into several languages. An immense amount of work is necessary to bring this evidence together physically, to select what is useful, to integrate it into a case, to overlook no relevant detail, and at the same time and at all costs to avoid becoming lost in a wilderness of single instances. One sacrifice of perfection to speed may wisely be made and, of course, any error overrides every personal inconvenience and comfort for all of us who are engaged in this work. Beyond this I will not go in detail. The task of making this record complete and accurate while memories are fresh, while witnesses are living, and while a tribunal is available, is too important to the future opinion of the world to be undertaken before the case can be sufficiently prepared to make a credible presentation. Intelligent, informed, and sober opinion will not be satisfied with less.

The trial must not be prolonged in duration by anything that is obstructive or dilatory, but we must see that it is fair and deliberate and not disregarded in time to come by any spirit. Those who have regarded the good name of the United States as a symbol of justice under law would not have proceeded otherwise.

May I add that your personal encouragement and support have been a source of strength and inspiration to every member of my staff, as well as to me, as we go forward with a task so immense that it can never be done completely or perfectly, but which we hope to do acceptably.

Respectfully yours,

Robert H. Jackson,
Robert H. Jackson.
The records of Robert H. Jackson as U.S. Chief of Counsel in the
prosecution of the Axis criminals, 1945-48, in the National Archives. When he
retired as chief of counsel the functions of his office devolved upon the Office
of Military Government of the United States, which named Brig. Gen. Telford Taylor as
the second prosecutor.

The Intl. Military Tribunal was established to try the major European
war criminals whose acts were not confined to any particular country. Established
by the London agreement of Aug. 8, 1945, signed by representatives of the U.S.,
Great Britain, Russia and France. A charter was adopted setting up the court,
establishing jurisdiction and procedures to try and punish and authorizing the commission
to prepare an indictment and present evidence. Later the governments of 19 of the
United Nations expressed their adherence.

On Oct. 18, 1945, the tribunal met at Berlin and returned indictments
against 24 German leaders and seven organizations.

The trial began Nov. 20, 1945 at Nuremberg before a court of four, one
from each of the establishing powers. The proceedings lasted until October 1, 1946
and sentence was pronounced.
EXECUTIVE ORDER

January 17, 1946

By virtue of the authority vested in me as President and Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, it is ordered as follows:

1. In addition to the authority vested in the Representative of the United States and its Chief of Counsel by Paragraph 1 of Executive Order No. 9047 of May 2, 1945, to prepare and prosecute charges of atrocities and war crimes against such of the leaders of the European Axis powers and their accessories as the United States may agree with any of the United Nations to bring to trial before an international military tribunal, such Representative and Chief of Counsel shall have the authority to proceed before United States military or occupational tribunals, in proper cases, against other Axis adherents, including but not limited to cases against members of groups and organizations declared criminal by the said international military tribunal.

2. The present Representative and Chief of Counsel is authorized to designate a Deputy Chief of Counsel, to whom he may assign responsibility for organizing and planning the prosecution of charges of atrocities and war crimes, other than those now being prosecuted as Case No. 1 in the International military tribunal, and, as he may direct by the Chief of Counsel, for conducting the prosecution of such charges of atrocities and war crimes.

3. Upon cessation of office by the present Representative and Chief of Counsel, the functions, duties, and powers of the Representative of the United States and its Chief of Counsel, as specified in the said Executive Order No. 9047 of May 2, 1945, as amended by this order, shall be vested in a Chief of Counsel for War Crimes to be appointed by the United States Military Governor for Germany or by his successor.

4. The said Executive Order No. 9047 of May 2, 1945, is amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE

January 16, 1946.
EXECUTIVE ORDER

EY547

PROVIDING FOR REPRESENTATION OF THE UNITED STATES IN PROSECUTING AND PROSECUTING CHARGES OF ATROCITIES AND WAR CRIMES AGAINST THE LEADERS OF THE EUROPEAN AXIS POWERS AND OTHER PRINCIPAL
AGENTS AND ACCESSORIES

By virtue of the authority vested in me as President and in Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, it is ordered as follows:

1. Associate Justice Robert H. Jackson is hereby designated to act as the Representative of the United States and as the Chief of Counsel in preparing and prosecuting charges of atrocities and war crimes against such of the leaders of the European Axis powers and their principal agents and accessories as the United States may agree with any of the United Nations to bring to trial before an international military tribunal. He shall serve without additional compensation but shall receive such allowances for expenses as may be authorized by the President.

2. The Representative named herein is authorized to select and recommend to the President, or to the head of any executive department, independent establishment, or other federal agency necessary personnel to assist in the performance of his duties hereunder. The head of each executive department, independent establishment, and other federal agency is hereby authorized to assist the Representative named herein in the performance of his duties hereunder and to employ such personnel and make such expenditures, within the limits of appropriations now or hereafter available for the purpose, as the representative named herein may deem necessary to accomplish the purpose of this order, and may make available, nodded, or detail for duty with the Representative named herein such members of the armed forces and other personnel as may be requested for such purposes.

3. The Representative named herein is authorized to cooperate with, and receive the assistance of, any foreign Government or the courts thereof necessary by him to accomplish the purposes of this order.

HARRY S. TRUMAN

See Note 1.

THE WHITE HOUSE,

May 2, 1945.