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 court 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 1 by
Prestor Stalin, Prime Minister Churchill and President Roosevelt at the close of that conference, asserted that at the time of the granting of any assistance 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 "accoriding 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 geographical localization and who would be punished by joint decision 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 localization.

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 Price Administration, Sidney Alderman, General Solicitor
for the Southern Railway and Assistant Attorney General Francis E. Hans
was also on duty. 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 Justi-
tice 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 7th submitted a preliminary report to the President on the progress
of his work. (1)

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 try-
ing 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, repre-
senting 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) of September 10, 1945, appointed James F. Byrnes 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.iddle 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 Telford 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 11, 1942, and executive order #9481. 89 of the same date, copies of which are in this record.


(3) See Roosevelt statement, October 17, 1942, Item 100, Page 440, 1942 Vol. Roosevelt papers.


(5) See copy in this record.

(6) See copy in this record of executive order #9520 concerning these appointments.

(7) See copy of letter and President's 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.

(8) See copy of executive order #9619, January 17, 1946, in this record.
STATEMENT BY THE PRESIDENT

May 8, 1945

As my request, the Justice Robert H. Jackson, in addition to his duties as Justice of the Supreme Court, has accepted designation as Chief Justice of 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, to the United Nations. I am pleased to advise the Senate of this assignment.

Pursuant to the Moscow Declaration of November 1, 1945, 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 a 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 crimes and other agencies; he will arrange for assembling the necessary additional evidence; and he will begin preparation 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 so that we will permit no evasion or delay—so that we will be 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 8th. 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 case in history, ever was attempted.

For my own part I have no hesitancy in declaring that the historic precedent set at Nuremberg abundantly justifies the expenditure of effort, grotesque though it was. This precedent becomes a basis 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 accolade 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 malefactors played their meager roles at lower levels. I note with you your concern 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 can but tender you my heartfelt 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 Kalven, 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 past three weeks, since my last report, as Chief of Counsel for the United States in the prosecution of Nazi War Criminals. In so far as I, and my colleagues, have taken steps to implement Mr. Justice Jackson's plan of prosecution and trial of war criminals, we have worked closely with the United States War Crimes Commission, with whose assistance we have determined the cases for prosecution. The commission has provided us with the necessary information for prosecution in the cases we have selected. We have also been in close contact with the United States War Crimes Commission throughout our operations.

I am confident that we are making good progress in the prosecution of Nazi War Criminals. Our efforts are yielding results, and we are hopeful that we will be able to bring to justice many of those responsible for the atrocities committed during World War II.

Yours truly,

[Signature]

Chief of Counsel for the United States in the prosecution of Nazi War Criminals

The responsibilities you have assumed are not only to try those men who are directly responsible for the crimes committed during the war, but also to ensure that justice is done. To this end, we have been working closely with the United States War Crimes Commission to ensure that all evidence is properly gathered and that all legal procedures are followed. We are determined to see that justice is done, and that those who are found guilty are punished appropriately.

I am confident that we will succeed in our efforts, and that justice will be done. I am confident that we will bring to justice all those who are responsible for the atrocities committed during the war.

Yours truly,

[Signature]

Chief of Counsel for the United States in the prosecution of Nazi War Criminals

The success of our efforts depends on the cooperation of all nations and all peoples. We must work together to ensure that justice is done, and that those who are responsible for the atrocities committed during the war are punished appropriately.
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 as a body with which the members of all the United Nations have consulted their accusations and evidence. Lord Wright, representing Australia, is the Chairman of this Commission, and Lieutenanit Colonel Joseph T. Budge is the United States Representative.

In London, I conferred with Lord Wright and Colonel Budge 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 argue that we want him as a defendant or as a witness in the major case.

I. In a third class of cases, each country, of course, is free to prosecute those charged in its own tribunals and conduct its own trials against those convicted under the United Nations Commission—Guilty or not, behind the lines.

The consequence of these arrangements is that preparations for the prosecution of major war criminals will not impede prosecution of other offenders. In the latter case, however, the number of these offenders is likely to exceed greatly the number of persons involved in war crimes, because witnesses are rarely 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.

II.

Over a month ago the United States proposed to the United Kingdom, Soviet Russia, China, 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, and the categories of acts defined to be crimes, and describing the individuals and organizations to be placed on trial. Negotiation of such an agreement between the four powers is not yet 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 antifascist case. Accordingly, I went to Paris to American Headquarters at Frankfurt and Liebchent, and to London, for the purpose of assembling, organizing, and instructing personnel, from the existing services and agencies and getting the different organizations coordinated and set on the evidence. I uniformly set with eager cooperation.

The custody and treatment of war criminals and suspects proposed to require immediate attention. I asked the War Department to deny these prisoners who are suspected war criminals the privileges which would appertain to their rank if they were merely prisoners of war, to assemble them at convenient and secure locations for interrogation by our staff. In many cases access to the press and to hold them in close confinement ordinarily given suspected criminals. The War Department has been requested to express criticism from the press for these measures, for which it is fair that I should acknowledge responsibility. The most elementary considerations for having a fair trial and for the safety of our men suggest the importance of permitting these prisoners to be interviewed individually so we can use the facilities of the press to convey information to each other and to criminals yet unacquainted. Our choice is between treating them 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. I have assurance from the War Department that these likely to be accused as war criminals will be kept in close confinement and strict control.
Since a considerable part of our evidence has been assembled in London, I went there on May 26 with General Barron 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 27, Prime Minister Churchill announced in the House of Commons that Attorney General Sir David Maxwell Fry 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 aim of these conferences is that the British are taking steps parallel with our own to clear the military and localised cases for immediate trial, and to effect a complete interchange of evidence and a coordination of planning and preparation of the cases by the British and American representatives. Despite the fact that the prosecution of the major war criminals involves problems of so many dimensions, 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 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 Union of Soviet Socialist Republics, while not yet committed, has been kept informed of our steps and there is no reason to doubt that it will unite 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 on 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 inexorable responsibility rests upon this 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 atrocities 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 cost uncounted thousands of American lives to bring out that these men, to free them without a trial would send the dead and maimed spirits of the living. On the other hand, we could execute or otherwise punish them without a hearing. But underhanging executions or punishments without detailed findings of guilt, fairly arrived at, would violate the pledges repeatedly given, and would not set easily in the American conscience or be considered by our children with pride. The only other course is to determine the innocence or guilt of the accused after a hearing as dispassionate as the times and horrors 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, where defense is a matter of constitutional right. Real hearings for the accused are, of course, required to make sure that we punish only the right men 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 hold of state is immune from legal liability, there is more than a suspicion that this idea is a rule of the doctrine of the divine right of kings. It is, in any event, antithetical 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 trampled. We do not accept the notion that legal responsibility should be the least where power is the greatest. We stand in the principle of responsible government as declared some three centuries ago by King James by Lord Chief Justice Coke, who proclaimed that even a King is still 'under God and the law.'

With the doctrine of immunity of a hold of state usually coupled another, that states from an official's power control one who stands thus. It will be noticed that the continuation of these two doctrines seems that nobody is responsible. Society as seriously organized cannot tolerate as broad an area of official irresponsibility. There is durability a sphere in which the defense of obedience in superior.
1. What will we accuse and put to their defense? We will accuse 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 volunteer organizations which have played a central 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 America support political parties. The organizations which we will accuse 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 accusing the accused organizations in the trial, it is our proposal to demonstrate their declared and covert objectives, methods of committing, structure, lines of responsibility, and methods of effectuating 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 stood accused and that any member is unrepresented to oppose and join in their defense. If in the main trial, as an organization is found to be criminal, the second stage will be to identify and try before regular military tribunals individual members not already previously convicted in the principal cases. Findings in the main trial, that an organization is criminal in nature will be conclusive in any subsequent proceedings against individual members. The individual member will thereafter be allowed to plead only personal defense or extenuating circumstances, such as that he joined under duress, and as to these defenses he should have the burden of proof. There is nothing novel in the idea that one may lose a part of or all his defense if he fails to assert it in an appropriated forum at an earlier time. In United States war-time legislation, this principle has been utilized and evaluated as consistent with our concept of due process of law.

2. Our case against the major defendants is concerned with the Gestapo matter, not with individual barbarities not perpetrated which occurred independently of any central plan. The prosecution of our case must be factually authentic, and we shall have the opportunity to place on record the actions and activities which have struck the world. We must not forget that when the Gestapo were being prosecuted there were no extenuating considerations that the world refused to take them seriously. Unless we write the party we become a threat. In the Gestapo it finds all the necessary elements untold during the war. We must establish incredible events to saveRelative evidence.

3. What specifically are the crimes with which these individuals and organizations should be charged, and what were their conduct as criminal?

There is, of course, real danger that trials of this character will become summed up in crimes committed by individuals. Because throughout the course of the war, not in the multitude of discredited dictators which are left to the world's historiography, we can save ourselves from these pitfalls by our best that legally we might give recognition to those things which fundamentally transformed the conscience of the German people and brought him finally to the conviction that their own liberty and civilization could not exist in the same world with the Nazi power.

These means which offended the conscience of our people were created by students generally accepted in all civilized countries, and I believe that we may propose to punish those 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
process of revolution by law results those who are the future sinners. They are the civilization. Before using these offenses in legal terms and concepts, let us recall what it was that brought the sense of justice to our people.

Early in the Nazi regime, people of this country came to grasp the Nazi government as not constituting a legitimate state pursuing the legitimate objectives of a member of the international community. They came to view the Nazis as a set of jugglers, not an enacting viable Germany every vestige of a role of war which would entail an aggregation of people to be led upon collectively as a member of the civilized state. Our people were changed by the aggressions, the repressive forms of torture, the large-scale murder, and the widespread confiscation of property which characterized the Nazi regime within Germany. They witnessed persecution of the greatest secrecy on religious, political, and racial grounds, the breakdown of trade unions, and the elimination of all religious and moral influences. This was not the legitimate activity of a state within its own boundaries, but was preparatory to the launching of an international course of aggression and war with the evil intentions, openly expressed, by the Nazis, of capturing the core of the German state and its instrumentalities for spreading their rule in other countries. Our people felt that there were the deepest offenses against international law described in the North Hague Convention of 1917 as including the "laws of humanity and the duties of the public conscience."

Once these international brigades, the top leaders of the Nazi party, the G.S., and the Gestapo, had firmly established themselves within Germany by terrorism and crime, they immediately set out on a course of intercontinental pillaging. They tried to destroy, defeat, and justify to the citizens and subjects of other nations for the purpose of establishing their fifth column of corruption and subjugation within those nations. They ignored the customary obligations of one state respecting the internal affairs of another. They lightly made and unceasingly broke international agreements as a part of their entitled policy to deceive, corrupt, and overwhelm. They made, not only to violate, pledges respecting the demilitarized Rhineland, the demilitarized Danzig, and the demilitarized Saarland, but Poland, and Russia. They did not hesitate to instigate the Japanese to treacherous attack on the United States. Our people are in this succession of events the destruction of the ultimate element of trust which can bind the community of nations together in peace and progress. They, in circumvention of their pledges, the Nazis出来 now own, the nations they had damithev and publicly conquered them. They ignobly violated the obligations which states, including their own, have undertaken by conventions or treaties as a part of the peace of world order, out of the law of the sea. They wantonly destroyed cities like Rotterdam for no military purposes. They wiped out whole populations, as at Katthausen, where no military purposes were to be served. They confiscated property of the French and gave it to party members. They inaugurated in later battles great sectors of the civilian population of the conquered countries. They refused the necessary protection of law to the population which they destroyed. The feeling of wrongs being done in this country, and it becomes more and more felt that these were events committed against us and against the whole army of civilized nations by a kind of brigades who had seized the insurrection of a state.

I believe that these instincts of our people were right not that they should guide me in the fulfillment of my obligations. We propose to follow acts which have been regarded as criminal since the time of Dula and have been written in every civilized code.

In surveying these trials we must also keep in mind the revolution with which our people have faced the machinations of war. After we entered the war, and as we entered the war, and as we entered the war, and as we entered the war, and as w
(a) Atrocities and offenses against persons or property constituting violations of international law. The rules of war are well established and generally accepted by the nations. The rules of war are well established and generally accepted by the nations. They make offenses of such conduct as killing of the wounded, refusal of quarter, ill treatment of prisoners of war, firing on undefended habitations, burning of wells and stores, pillaging and wanton destruction, and ill treatment of inhabitants in occupied territory.

(b) Atrocities and offenses. Including atrocities and offenses against persons or property constituting violations of international law, including the laws, rules, and customs of land and sea war, the rules of war are well established and generally accepted by the nations. The rules of war are well established and generally accepted by the nations. They make offenses of such conduct as killing of the wounded, refusal of quarter, ill treatment of prisoners of war, firing on undefended habitations, burning of wells and stores, pillaging and wanton destruction, and ill treatment of inhabitants in occupied territory.

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The establishment of the principle of unjustified war is inscrutable in many states. One of the most significant is the Brindesi-Gallipoli Pact of 1922, by which Germany, Italy, and Japan, in common with certain and practically all the nations of the world, renounced war as an instrument of national policy, renounced war as such for the relations of international undertakings. Unless this Pact altered the legal status of war of aggression, it had no meaning at all and ceased to be an act of aggression. In 1932, Mr. Stimson, as Secretary of State, gave voice in the American concept of international law, and the principle that war was no longer to be the source of international law, and is no longer to be the source of international law and not the stem of rights. It is no longer to be the principle around which the states, the conduct, and the rights of nations revolve. It is no longer to be the principal around which the states, the conduct, and the rights of nations revolve. It is an illegal thing, very often, that very far, we have made obsolete many legal conceptions and have given the legal profession the task of reconstruing many of its conceptions and treating.

This Pact constituted only one in a series of acts which have reversed the viewpoint that all law is legal and have brought international law into harmony with the common sense of mankind, that aggression war is a crime.

Without attempting an exhaustive analysis, we may note the Buenos Aires Protocol of 1924 for the Pacific Settlement of International Disputes, signed by the representatives of forty-eight governments, which declared that "war of aggression constitutes a crime, that aggression constitutes an international crime." The Hague Assembly of the League of Nations in 1929, an Assembly of the League of Nations, 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 nothing is more than an act of war, nor as a political act. We set upon the Brindesi-Gallipoli Pact and made it the corporation of our national policy. We neglected our commerce and our war medals in vain. In the resolutions of it, wherever we stood, our presence as we now have been means to move. We stand on the foundations of international relations must be regarded as a crime against the international community, with proper methods of conducting the integrity of the fundamental interests of peaceful aggression. We therefore propose to always that a war of aggression is a crime, that refers international law has established the defense that those who initiate it are engaged in legitimate business. This may the future of the law for utilization 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 this world's progress toward an effective rule of law in the international community is slow in its evolution, and may be measured by the activity of nations upon the other side. For 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 continuous nations. Such consciousness of the failure of our activity in this critical period will affect the world's thought toward a firmer enforcement of the laws of international conduct, as our own war is an attractive to those who have governments and the destinies of peoples in their power.

I have left until last the first question which you and the American 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 date which depend upon the action of other governement which is only agencies. Inability to fix definite dates, however, would not excuse failure to show my attitude toward the time and duration of such a case.

I know that the public has a deep sense of urgency about these trials. Because I am, too, a sense of urgency, I have presented the suggestions of the American people to the Secretary of State and the Secretary of Commerce to the President to undertake aggression under which we are to work. We must, however, recognize that the existence of serious difficulties to be overcome in preparation of the case. It is an enormous task to put until the surrender of Germany the primary objective of the military intelligence service was to gather all available information to establish the nature of the trial we must now shift and complete within
A variable scope 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 prosecution must cover military, naval, diplomatic, political, and commercial aggressions. The evidence is scattered among various agencies and in the hands of several nations. The captured documentary evidence—literally tons of records, reports, and records—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. Some sacrifice of perfection to speed was wisely made and, of course, argum any overdoes every personal convenience and comfort for all of us who are engaged in this work.

Beyond this I will not go in prophecy. 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 one 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 undertaken in duration by anything that is obstructive or dilatory, but we must see that it is fair and deliberative and not discredited in time to come by any sort spirit. These who have regard for the good name of the United States as a symbol of justice under law would not have us proceed 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 as immense that it can never be done completely or perfectly, but which we hope to do acceptably.

Respectfully yours,

Robert R. Jackson,
ROBERT R. 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, show his work not only as chief of counsel but also as the chief of the office of the military government of the United States, which was headed by 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 authorize 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 Nuremburg before a court of four, one each of the fourEstablishing powers. The proceedings lasted until October 1, 1946 when sentence was pronounced.
EXECUTIVE ORDER
9704

EXECUTIVE ORDER No. 9067 of May 2, 1945,
ENTITLED "PROVISION FOR REPRESENTATION OF THE UNITED
STATES IN PREPARING AND PROSECUTING CHARGES OF
ATROCITIES AND WAR CRIMES AGAINST THE LEADERS OF
THE EUROPEAN AXIS POWERS AND THEIR PRINCIPAL AIDES
AND ASSISTANTS."

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. 9067 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 be directed by the Chief of Counsel, for
conducting the prosecution of such charges of atrocities and war
crimes.

3. Upon vacation 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 this Executive Order No. 9067 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. 9067 of May 2, 1945, is
amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 16, 1946.
EXECUTIVE ORDER

1047

PROVIDING FOR REPRESENTATION OF THE UNITED STATES IN PREPARING AND PROSECUTING CHARGES OF CRIMES COMMITTED IN EUROPEAN WARS

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. Associate Justice Robert H. Jackson is hereby designated to act as the Representative of the United States as the Chief of Counsel in preparing and prosecuting charges of crimes committed in European wars, and such crimes against the laws of war committed by the leaders of the Axis powers and their principal agents and associates 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 purposes, as the Representative named herein may deem necessary to accomplish the purposes of this order, and may make available, assign, 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 to the extent deemed necessary by him to accomplish the purposes of this order.

HARRY S. TRUMAN

SEE NOTE 1.

THE WHITE HOUSE,

May 3, 1945.