

May 14, 1945

Dear Mr. Eden:

Just a reminder about our conversation today.

I would appreciate it if you could expedite action with reference to our memorandum which you sent back to London on war criminals.

Also, you will shortly receive a note through our State Department with respect to appointing a prosecutor similar to Justice Jackson, who has been designated by the President.

With many thanks for your courtesy,

Very sincerely,



Samuel I. Rosenman

The Right Honorable  
Anthony Eden, M.C., M.P.  
Secretary of State for Foreign Affairs  
British Embassy  
3100 Massachusetts Avenue  
Washington, D. C.

FOR JUDGE ROSENMAN

(Original to Sir William 5/15/45 at the  
Mark Hopkins Hotel, S.F.)

May 14, 1945.

Memorandum for Sir William Malkin

Judge Rosenman has referred to me a communication from your Acting Secretary of State to Lord Halifax, dated May 4, 1945, regarding the War Crimes situation.

The communication refers to a recommendation by the War Crimes Commission that there be established an inter-Allied Treaty Court and mixed Military tribunals before which war criminals would be brought. It is stated that the establishment of the Treaty Court would be impracticable but that mixed Military tribunals might serve a useful purpose in certain cases. It is also stated that in the course of discussions with Judge Rosenman he indicated that the United States Government was in agreement with the views just expressed but that he did not give formal assurance that the views of this Government coincided with those of the British Government. The Foreign Office states that it is under the necessity of giving a final answer to the War Crimes Commission, and it desires to have confirmation that the view of this Government is as indicated by Judge Rosenman.

(1) The present policy of the United States does not favor the United Nations War Crimes Commission proposal for a treaty court for the trial of war criminals, but the United States is not prepared to announce rejection of this proposal finally until a satisfactory substitute is arranged. The United States does favor one or more international military tribunals, to be established by executive agreement, to conduct the trials of the major European Axis war criminals including the principal organizations which have participated in the commission of crimes and in the execution of criminal plans. Such an international military tribunal would not in any way prejudice the creation of other military tribunals by any one or more of the United Nations for the trial of European Axis criminals who are not tried before one of the international military tribunals mentioned above. Similarly trials of persons charged with war crimes before national courts or tribunals of the several United Nations would not be prejudiced. As the representatives of the United Kingdom are aware, these proposals have been

earnestly



earnestly advanced by representatives of the United States on various recent occasions for the consideration of the four governments involved in the occupation of Germany. The representatives of the United States regard agreement upon these proposals as a matter of urgent importance and trust that agreement may be reached with dispatch.

(2) In the paragraph numbered (3) of the communication from the Acting Secretary of State for Foreign Affairs, a military tribunal of the kind that the British Government has in mind for its zone of occupation is described, that is to say, it would be a mixed Allied military tribunal that would be authorized to try particular war criminals at the request of a United Nation.

The policy of the Government of the United States concerning the nature and character of tribunals to be established in the zone of occupation has not been determined and no final comment on these questions can now be made. Nothing in the proposals heretofore advanced by the United States, outlined in paragraph (1) above, would in anywise prejudice or affect the creation of such special tribunals if in particular instances they are considered to be appropriate.



Green H. Hackworth

GHH:AD