

May 15, 1945

Dear Mr. Grew:

As you know, I participated with Mr. Stettinius in San Francisco in the presentation to the British, the Russians and the French of proposals with respect to the prosecution of the German war criminals. Each of the participating representatives has referred our proposals to his own capital for instructions. Though the urgency of the matter appeared to be appreciated by all, some delay must necessarily be anticipated before an agreement is reached on all the points that are involved.

One of the elements in our proposal is that each of the four nations designate a representative to act as its chief of counsel in the preparation and presentation of charges. Mr. Justice Jackson is already at work on our behalf. In many respects, the preparation of the charges is the most difficult part of the task, calling as it does for the examination of all the evidence that has been collected and the adoption of measures to obtain such further evidence as may be necessary for the purpose.

It would greatly facilitate the advancement of the enterprise if the other nations involved would follow the example of the President in designating Justice Jackson by promptly appointing a representative with responsibility comparable to Justice Jackson's for the preparation of the cases. It would thus be possible for the four chiefs of counsel to undertake immediately the consultation and organization that will be necessary if cooperative action is to be achieved, as contemplated in the Moscow Declaration and as the present proposals of the United States explicitly provide.

I therefore suggest that a note be transmitted to the British, the Russians and the French calling attention to our proposals already submitted to their representatives at San Francisco by me, and stressing the urgency of getting the preparatory work under way at the earliest possible time. The note should advert to the President's appointment of Justice Jackson to represent the United States in this endeavor and suggest the desirability of similar designations by each of the other nations involved.

This suggestion was approved by Mr. Stettinius with



whom I discussed it in San Francisco. For your information, I attach a copy of the Executive Order appointing Justice Jackson and also of the draft agreement submitted in San Francisco. The designation of representatives is provided for in Article 22 of this draft.

With kindest personal regards,

Very sincerely,

SAMUEL I. ROSENMAN



Honorable Joseph C. Grew,
The Acting Secretary of State,
State Department,
Washington 25, D. C.

May 14, 1945

Letter
MEMORANDUM FOR MR. JOSEPH C. GREW
ACTING SECRETARY OF STATE

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One of the elements in our proposal is that each of the four nations designate a representative to act as its chief of counsel in the preparation and presentation of charges. Mr. Justice Jackson is already at work on our behalf. In many respects, the preparation of the charges is the most difficult part of the task, calling as it does for the examination of all the evidence that has been collected and the adoption of measures to obtain such further evidence as may be necessary for the purpose.

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I therefore suggest that a note be transmitted to the British, the Russians and the French calling attention to our proposals ^{to the urgency} of getting the preparatory work under way at the earliest possible time, ^{to} the President's appointment of Justice Jackson to represent the United States in this endeavor and, ^{suggest} finally, to the desirability of similar designations by each of the other nations involved.

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This suggestion was approved by Mr. Stettinius with whom I discussed it in San Francisco. For your information, I attach a copy of the Executive Order appointing Justice Jackson and also of the draft agreement submitted in San Francisco. The designation of representatives is provided for in Article 22 of this draft.

with kindest personal regards



Department of Justice
Washington



May 14, 1945

Honorable Samuel I. Rosenman
The White House
Washington, D. C.

Dear Judge Rosenman:

I attach a proposed memorandum for Mr. Grew suggesting that a note be transmitted requesting the British, the Russians and the French promptly to designate representatives with functions comparable to Justice Jackson's.

I talked to Justice Jackson on the telephone and he heartily approves this course.

It occurs to me that since we have now appointed a representative to the War Crimes Commission it might be desirable to instruct our representative, if that has not already been done, to advise as many members of the Commission as he discreetly can, that negotiations are now under way on a four-party basis. This might serve to some extent to allay the existing tensions. He might also explain that our response to the Commission's communications has been delayed pending the completion of these negotiations. I should think that this would be as effective as a formal response to the Commission along such lines, but if I am wrong in that I should see no objection even to such formal response.

I also discussed this thought with Justice Jackson who is eager to have anything possible done to tone the Commission down during this crucial period of uncertainty.

Faithfully,



Herbert Wechsler
Herbert Wechsler