THE WHITE HOUSE
WASHINGTON

May 16, 1945

MEMORANDUM OF CONVERSATION WITH JUDGE SAMUEL I. ROSENMAN—May 16, 1945—ON PLANS FOR TRIAL OF WAR CRIMINALS:

An Inter-Allied Commission on War Criminals is now sitting in London. Weil is a member of this. He was excused. The present member is Colonel Hodgson, who was Weil’s deputy.

This Commission was formed about two years ago with fourteen nations represented, not including Russia. Among the various nations, concerned it has been receiving the names of war criminals. When the committee is convinced it has enough evidence to convict in any given case, it puts the name on the War Criminals List. Most of those to date have been unknown little fellows. Information is now put on this list with the names of some of the top men for eventual trial.

About a year ago the Commission recommended the trial court of all the United Nations to be established by treaty, each nation to have one or more judges. We opposed the idea of a Treaty Court. It was agreed at Yalta to leave the whole matter to Eden, Stettinius and Molotov. The present idea is to have an International Tribunal with four Generals, from the United States, Great Britain, France and Russia. This Tribunal is yet to be established. There will be four prosecuting lawyers who will determine what criminals or what organizations should be tried. Justice Jackson, of the United States Supreme Court, has been named as the prosecutor to represent the United States.

A great many criminals will be reached through the various organizations, such as the S.S. and the Gestapo. If an organization is convicted of war criminality, it will be assumed that each member thereof is individually a criminal and he may be put in a concentration camp or executed.

A great majority of war criminals, under the Yalta Agreement, will be sent to the countries in which they committed their offenses. The International Tribunal will try only the top men, such as Himmler and Goering, who have no geographical locations.

This much was given out by me at the Press Conference on May 16:

"In our opinion, the determination of who are the top criminals to be tried by an International Court should
The United States has appointed Mr. J. J. Juskin as its prosecuting lawyer and hopes the other three governments - Great Britain, Russia and France - will appoint theirs as soon as possible.

NOTE: See final communication of February 12, 1945, attached.

(For amplification of the above, see Judge Rosenman)

C. S. R.
SECRET: The following statements and report MUST BE HELD IN THE
CONFIDENTIAL CONFERENCE until released.

NOTE: Release will be simultaneous in Washington, London and
Moscow and is automatic at 4:00 P.M., EST and TIB, Monday,
February 12, 1945.

The text may be moved from Washington for distribution
within the United States, but there MUST BE NO ADVANCE STORY FROM
the United States in advance of publication.

Extraordinary precautions must be taken to hold this
statement and report absolutely confidential and secret until the
hour set for magnetic release.

Radio commentators and news broadcasters are particu-
larly cautioned not to make the statement and report the subject
of speculation before the hour of release for publication.

JOHANNES DAVIES
Administrative Assistant to
the President

RETURN OF Yalta CONFERENCE

For the past eight days, Winston S. Churchill, Prime
Minister of Great Britain, Franklin D. Roosevelt, President of
the United States of America, and Iosif V. Stalin, Chairman
of the Council of People’s Commissars of the Union of Soviet
Socialist Republics, have met with the Foreign Secretaries, Chiefs
of Staff and other advisors in the Crimea.

In addition to the three heads of government, the follow-
ing took part in the Conference:

For the United States of America:

Edward R. Stettinius, Jr., Secretary of State;

Fleet Admiral William H. Dole, U.S.N., Chief of Staff
of the President;

Harry L. Hopkins, Special Assistant to the President;

Justice James F. Byrnes, Director, Office of War
Mobilization and Reconversion;

General of the Army George C. Marshall, U.S.A., Chief of
Staff, U.S. Army;

Fleet Admiral Ernest J. King, U.S.N., Chief of Naval
Operations and Commander in Chief, U.S. Navy;

Lieutenant General George C. Kenyon, Commanding
General, Army Service Forces;

Vice Admiral entrance S. Land, War Shipping Administrator;

Major General L. H. Bate, U.S.A., Chief of the Commanding
General, U.S. Army Air Forces;

K. A. V. R. Harrington, Ambassador to the U.S.S.R.);

R. Freeman Waters, Director of European Affairs,
State Department;
Alger Hiss, Deputy Director, Office of Special Political Affairs, Department of State.

Charles E. Bohlen, Assistant to the Secretary of State,
together with political, military and technical advisors.

For the United Kingdom:

Anthony Mann, Secretary of State for Foreign Affairs;

Lord Zetland, Minister of War Transport;

Sir A. Clark Kerr, K.G., Ambassador at Moscow;

Sir Alexander Cadogan, Permanent Under Secretary of State for Foreign Affairs;

Sir Edward Bridges, Secretary of the War Cabinet;

Field Marshal Sir Alan Brooke, Chief of the Imperial General Staff;

Marshal of the Royal Air Force Sir Charles Portal, Chief of the Air Staff;

Admiral of the Fleet Sir Andrew Cunningham, First Sea Lord;

General Sir Hastings Ismay, Chief of Staff to the Minister of Defense,
together with:

Field Marshal Alexander, Supreme Allied Commander, Mediterranean Theatre;

Field Marshal Wilson, Head of the British Joint Staff Mission at Washington;

Admiral Somerville, Joint Staff Mission at Washington,
together with military and diplomatic advisors.

For the Soviet Union:

V. M. Molotov, Peoples Commissar for Foreign Affairs of the U.S.S.R.;

Admiral Kurpuch, Peoples Commissar for the Navy;

Army General Antsov, Deputy Chief of the General Staff of the Red Army;

A. T. Yemeljanov, Deputy Peoples Commissar for Foreign Affairs of the U.S.S.R.;

I. N. Matiakh, Deputy Peoples Commissar of Foreign Affairs of the U.S.S.R.;

Marshal of Aviation Khodoyarov;

P. T. Gusev, Ambassador in Great Britain;

A. A. Gromyko, Ambassador in U.S.A.
The following statement is made by the Prime Minister of Great Britain, the President of the United States of America, and the Chairman of the Council of People's Commissars of the Union of Soviet Socialist Republics on the results of the Crimean Conference:

THE DEFEAT OF GERMANY

We have considered and determined the military plans of the three allied powers for the final defeat of the common enemy. The military staffs of the three allied nations have met in daily meetings throughout the Conference. These meetings have been most satisfactory from every point of view and have resulted in closer coordination of the military effort of the three allies than ever before. The fullest information has been shared and the planning, scope and coordination of work and even more powerful means to be launched by our armies and air forces into the heart of Germany from the East, West, North and South have been fully agreed and planned in detail.

Our combined military plans will be made known only as we execute them, but we believe that the very close working partnership among the three staffs attained at this Conference will result in shortening the war. Meetings of the three staffs will be continued in the future whenever the need arises.

Next Germany is doomed. The German people will only make the cost of their defeat heavier to themselves by attempting to continue a hopeless resistance.

THE OCCUPATION AND CONTROL OF GERMANY

We have agreed on common policies and plans for enforcing the unconditional surrender terms which we shall impose together on Nazi Germany after German armed resistance has been finally crushed. These terms will not be made known until the final defeat of Germany has been accomplished. Under the agreed plan, the forces of the three powers will each occupy a separate zone of Germany. Coordinated administration and control has been provided for in the plan through a central control commission consisting of the three Commissioners of the three powers with headquarters in Berlin. In addition to the Supreme Commander, the three powers will participate equally in the control commission. The Four-Power zone will be agreed by the Four Governments concerned through their representatives on the European Advisory Commission.

It is our intention to destroy German militarism and National Socialism and to ensure that Germany will never again be able to disturb the peace of the world. We are determined to disarm and destroy all German armed forces, to break up for all time the German General Staff that has repeatedly threatened the resurgence of German militarism; to destroy all German military equipment, installations or control all German industry that could be used for military production; to reorganize the economy of Germany on a democratic basis; to reintroduce representative and democratic government; to ensure the safety and welfare of the nations and their peoples and to establish a world in which the people of Germany and the peoples of all nations may live together in peace and security. This purpose can be achieved only by the destruction in the interest of the nations of Europe and the world. The Four-Powers zone will be agreed by the Four Governments concerned through their representatives on the European Advisory Commission.
SEPARATION BY ORDER

We have considered the question of the damage caused by Germany to the Allied nations in this war and recognized it as
just that Germany be obliged to make compensation for this damage
in kind to the greatest extent possible. A commission for the
compensation of damage will be established. The commission will
be instructed to consider the question of the extent and methods
for compensating damage caused by Germany to the Allied countries.
The commission will work in Moscow.

UNITED NATIONS CONFERENCE

We are resolved upon the earliest possible establishment
with our allies of a general international organization to maintain
peace and security. We believe that it is essential, both to
prevent aggression and to remove the political, economic and social
causes of war through the close and continuing collaboration of all
peace-loving peoples.

The foundations were laid at Dumbarton Oaks. On the
important question of voting procedures, however, agreement was not
there reached. The present Conference has been able to resolve
this difficulty.

We have agreed that a conference of United Nations should
be called to meet at San Francisco in the United States on April 25,
1945, to prepare the charter of such an organization, along the
lines proposed in the informal conversations at Dumbarton Oaks.

The Government of China and the Provisional Government of
France will be immediately consulted and invited to sponsor invita-
tions to the conference jointly with the Governments of the United
States, Great Britain and the Union of Soviet Socialist Republics.
As soon as the consultation with China and France has been com-
pleted, the text of the proposals on voting procedure will be made
public.

DECLARATION ON LIBERATED EUROPE

The Premier of the Union of Soviet Socialist Republics,
the Prime Minister of the United Kingdom, and the President of the
United States of America have consulted with each other in the
common interest of the peoples of their countries and those of
liberated Europe. They jointly declare their mutual agreement to
concert during the temporary period of instability in liberated
Europe the policies of their three governments in assuring the
peoples liberated from the domination of Nazi Germany and the
peoples of the former Axis satellite states of Europe to live by
democratic means their pressing political and economic problems.

The establishment of order in Europe and the rebuilding
of national and economic life must be achieved by processes which will
enable the liberated peoples to destroy the last vestiges of Nazism
and Fascism and to create democratic institutions of their own
choice. This is a principle of the Atlantic Charter - the right of all
peoples to choose the form of government under which they
will live - the restoration of sovereign rights and self-government
to those peoples who have been forcibly deprived of them by the
aggressor nations.

To foster the conditions in which the liberated peoples
may exercise these rights, the three governments will jointly assist
the people in any European liberated state or former Axis
satellite state in Europe where in their judgment conditions re-
quire (a) to establish conditions of internal peace; (b) to carry
out emergency measures for the relief of distressed peoples; (c)
to form interim governmental authorities broadly representative
of all democratic elements in the population and pledges to the
earliest possible establishment through free elections of govern-
ment responsible to the will of the people; and (2) to facilitate
measures necessary the holding of such elections.

The three governments will consult the other United
Nations and provisional authorities or other governments in Europe
when matters of direct interest to them are under consideration.

Now, in the opinion of the three governments, conditions
in any European liberated state or any former Axis satellite state
in Europe make such action necessary, they will immediately discuss
together the measures necessary to discharge the joint responsi-
bilities set forth in this declaration.

By this declaration we reaffirm our faith in the principles
of the Atlantic Charter, our pledge in the declaration by the United
Nations, and our determination to build in cooperation with other
peace-loving nations a world order under law, dedicated to peace,
security, freedom and general well-being of all mankind.

In issuing this declaration, the three powers express the
hope that the Provisional Government of the French Republic may be
associated with them in the procedure suggested.

POLAND

A new situation has been created in Poland as a result of
her complete liberation by the Red Army. This calls for the estab-
lishment of a Polish provisional government which can be more broadly
based than was possible before the recent liberation of Western
Poland. The provisional government which is now functioning in
Poland should therefore be reorganized on a broader democratic basis
with the inclusion of democratic leaders from Poland itself and from
Poland abroad. This new government should then be called the Polish
Provisional Government of National Unity.

M. Molotov, Mr. Harriman and Sir A. Clark Kerr are author-
ized as a commission to consult in the first instance in Moscow
with members of the present provisional government and with other
Polish democratic leaders from within Poland and from abroad, with
a view to the reorganization of the present government along the
above lines. This Polish Provisional Government of National Unity
shall be pledged to the holding of free and unimpaired elections as
soon as possible for a constitution and new government. In these elections all democratic and anti-Nazi parties shall have
the right to take part and to put forward candidates.

When a Polish Provisional Government of National Unity has
been properly formed in conformity with the above, the government of
the U.S.S.R., which now maintains diplomatic relations with the pre-
vious provisional government of Poland, and the government of the United
Kingdom and the government of the U.S.A. will establish diplomatic
relations with the new Polish Provisional Government of National
Unity, and will exchange ambassadors by whose reports the respective
governments will be kept informed about the situation in Poland.

The three heads of government consider that the eastern
frontier of Poland should follow the Curzon line with possible
extensions of a few to eight kilometers in favor of Poland.

They recognized that Poland must receive substantial
acquisitions of territory in the North and West. They said that the
frontier should be sought in due course on the extent of these acquisitions
and that the final delimitation of the western frontier of Poland
should thereafter await the peace conference.
We have agreed to recommend to Marshal Tito and Dr. Mikadze that the agreement between them should be put into effect immediately, and that a new government should be formed on the basis of that agreement.

We also recommend that as soon as the new government has been formed it should declare:

(1) The anti-fascist assembly of National Liberation (Assembly) should be extended to include members of the last Yugoslav Parliament, and to be formed in collaboration with the Assembly, thus forming a body to be known as a temporary Parliament, and,

(2) Legislative acts passed by the anti-fascist Assembly of National Liberation will be subject to subsequent ratification by a constituent assembly.

There was also a general review of other Balkan questions.

MEETINGS OF FOREIGN SECRETARIES

Throughout the Conference, besides the daily meetings of the Heads of Governments and the Foreign Secretaries, separate meetings of the three Foreign Secretaries, and their advisers, have also been held daily.

These meetings have proved of the utmost value and the Conference agreed that permanent machinery should be set up for regular consultation between the three Foreign Secretaries. Thereafter, as often as may be necessary, probably about every three or four months, these meetings will be held in rotation in the three capitals, the first meeting being held in London, after the United Nations Conference on International Organization.

UNITY FOR PEACE AS FOR WAR

Our meeting here in the British dominion has reaffirmed our common determination to maintain and strengthen the peace to the end that unity of purpose and action which has made victory possible and certain for the United Nations in this war. We believe that this is a sacred obligation on which our Governments owe to all peoples and to all the peoples of the world.

Only with the continuing and growing cooperation of the nations can the highest aspiration of humanity—peace—be realized—a measure of which the Atlantic Charter affords assurance that all the people in all the lands may live out their lives in freedom from fear and want.

Victory in this war and establishment of the proposed international organization will provide the greatest opportunity in all history to create in ten years the essential conditions of such a peace.

Signed

WINSTON S. CHURCHILL
FRANKLIN D. ROOSEVELT
J. STALIN

February 11, 1945.