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

An Inter-Allied Commission on War Criminals is now sitting in London. Fell is a member of this. He was named off. The present member is Col. MacGregor, who was Fell's deputy.

This Commission was formed about two years ago with fourteen nations represented, not including Russia. From 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 Criminal List. Most of these 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 Koen, Stettinius and Hurley. 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 crimes. The International Tribunal will only take 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
be left to the prosecuting lawyer. The United States has appointed Mr. Justice Jackson as its prosecuting lawyer and hopes the other three governments — Great Britain, Russia and France — will appoint theirs as soon as possible.

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

(For amplification of the above, see Judge Roseman)

C. S. R.
CONFIDENTIAL

HOLD FOR RELEASE

FEBRUARY 12, 1945

SECRET: The following statement and report MUST NOT BE RELEASED until the
SECRETARY OF STATE is notified by the President. Release will be simultaneous
in Washington, London and Moscow. Date of release is 12 noon, February 12, 1945.

The text of this statement may be released to the press in Washington upon the
President’s agreement.

Radio commentators are specifically cautioned not to make the statement and report
the subject of speculation before the hour of release for publication.

JOHN H. JUDD
Administrative Assistant to
the President

REVIEW OF CECNA 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 Marshal J. V. Stalin, Chairman
of the Council of Peoples Commissars of the Union of Soviet
Socialist Republics, have met with the Foreign Secretaries, Chiefs
of Staff and other advisors at the Cercna.

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. Leahy, U.S.N., Chief of Staff
Chief of Staff to 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.A.;
Fleet Admiral Ernest J. King, U.S.N., Chief of Naval
Operations and Commander in Chief, U.S. Navy;
Lieutenant General George C. Kenner, Commanding
General, Army Service Forces;
Vice Admiral Ernest G. King, War Shipping Administrator;
Major General L. H. Beter, U.S.A., Staff of Commanding
General, U.S. Army Air Forces;
N. Averell Harriman, Ambassador to the U.S.S.R.)
H. Freeman Matthews, Director of European Affairs,
State Department;
Alger Bliss, 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 Eden, Secretary of State for Foreign Affairs;

Lord Bevin, Minister of Transport;

Sir A. Clark Kerr, H.M. 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 Stark, Joint Staff Mission at Washington,

together with military and diplomatic advisors.

For the Soviet Union:

V. M. Molotov, People's Commissar for Foreign Affairs of the U.S.S.R.;

Admiral Kurasty, People's Commissar for the Navy;

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

A. T. Yeremin, Deputy People's Commissar for Foreign Affairs of the U.S.S.R.;

I. M. M要在, Deputy People's Commissar for Foreign Affairs of the U.S.S.R.;

Marshal of Aviation Khrushchev;

V. T. Guesov, 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 Potsdam 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 interchanged. The timing, scope and coordination of new and even more powerful blows 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 obtained 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 deemed. 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 under the plan through a central control commission consisting of the Supreme Commanders of the three powers with headquarters in Berlin. It has been agreed that France should be invited by the three powers, if she should so desire, to take over a zone of occupation, and to participate as a fourth member of the control commission. The limits of the French 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 autarchy and to ensure that Germany will never again be able to disturb the peace of the world. We are determined to disarm and demobilize all German armed forces; break up for all time the German military state that has repeatedly endangered the peace of the world; destroy all German military equipment; eliminate or control all German industrial and economic enterprises; make all German industries and resources available for peaceful production; and to, in general, bring about the abolition of autocratic institutions and practices in Germany, and to substitute democratic institutions, laws and practices. This will be done in accordance with the principles of the United Nations. The United Nations will assume full responsibility for the supervision of the implementation of the decisions of the Conference.
SEPARATION BY ORDERS

We have considered the question of the damage caused by Germany to the Allied nations in this war and recognize 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 this 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 foundation were laid at Dumbarton Oaks. On the
important question of voting procedure, 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 to the United States on April 18,
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 invitations
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 OF LIBERATED EUROPE

The President 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
concur in the temporary period of instability in liberated
Europe the policies of their three governments in aiding the
people's desire for the reconstruction of their homelands and to
liberate the peoples of the former Axis satellite states of Europe to
enjoy self-determination and to solve by democratic means their pressing political and economic problems.

The establishment of order in Europe and the rebuilding
of normal 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 further the conditions in which the liberated peoples
may exercise their 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 pledged to the
earliest possible establishment through free elections of govern-
ments responsive to the will of the people; and (2) to facilitate
measures necessary to achieve that end.

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.

Hop, in the opinion of the three governments, conditions
in any European liberated state or any former Axis satellite state
in Europe will be such as to make such action necessary; they will immediately discuss
together on 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 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, M. 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 within Poland and 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 unobstructed elections as
soon as possible on the basis of universal suffrage and secret ballot.
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 those 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 depressions
from it in some regions of five to eight kilometres in favour of
Poland. They recognized that Poland must receive substantial
accessions of territory to the north and west. They felt that the
opinion of the new Polish Provisional Government of National Unity
should be sought in due course on the extent of these accessions
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. Subashevic 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 that:

1. The anti-fascist assembly of National Liberation (Assembly) should be extended to include members of the last Yugoslav Parliament (Zemstvo) who have not compromised themselves by collaboration with the enemy, 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. They will, therefore, meet 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 sitting being held in London, after the United Nations Conference on World Organization.

UNITY FOR PEACE AS FOR WAR

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

Only with the continuing and growing cooperation and understanding among our three countries and among all the peace-loving nations can the highest aspirations of humanity be realized — a secure and lasting peace which will, in the words of the Atlantic Charter, "afford 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 the years to come the essential conditions of such a peace.

Signed: WINSTON S. CHURCHILL

FRANKLIN D. ROOSEVELT

J. STAHL

February 11, 1945.