November 20, 1945

My dear Mr. Attorney General:

The President today signed an Executive Order entitled "Conferring Certain Authority upon the Chief of Counsel in the Preparation and Prosecution of Charges of War Crimes against the Major Leaders of Japan and Their Principal Aides and Accessaries," a copy of which is enclosed.

Very sincerely yours,

M. G. Latta
Executive Clerk

The Honorable
The Attorney General, X:\10
Washington, D. C.

Enclosure.
MEMORANDUM FOR THE PRESIDENT

Attached hereto is a proposed Executive Order, recommended by the Acting Attorney General, authorizing Joseph P. Kennan as Chief of Counsel in the preparation and prosecution of war crime charges against the principal Japanese leaders, to obtain necessary personnel to assist him in the performance of his duties.

The order authorizes Mr. Kennan to recommend to you, or to the head of any executive agency, necessary personnel to assist him in the performance of his duties, and authorizes the head of any agency to employ such personnel and make expenditures, within the limits of appropriations now or hereafter available for the purpose, as the Chief of Counsel may deem necessary, and to make available, assign, or detail for duty with the Chief of Counsel such members of the armed forces as the Chief of Counsel may request. The order also authorizes the Chief of Counsel to cooperate with, and receive the assistance of, any foreign government to the extent deemed necessary by him for the accomplishment of his duties.

The proposed order is similar in purpose to Executive Order 9347 of May 24, 1945 designating Associate Justice Robert H. Jackson as Chief of Counsel of the United States in prosecution of charges against the European Axis powers, and authorizing the employment of necessary personnel to assist him in his duties.

The proposed order is satisfactory to the Secretary of State and the Secretary of War as indicated by letters attached hereto.

I recommend that the proposed order be approved.

Enclosures.
WAR DEPARTMENT
WASHINGTON

November 3, 1945

Honorable Harold E. Smith
Director, Bureau of the Budget
Washington 25, D. C.

Dear Mr. Smith:

This will acknowledge receipt of your letter of November 23, 1945 inclosing a proposed Executive Order entitled, "Conferring certain authority upon the Chief of Counsel in the preparation and prosecution of charges of war crimes against the major leaders of Japan and their principal agents and accessories."

The War Department has no objection to the issuance of the proposed Executive Order.

Sincerely yours,

[Signature]

Robert P. Patterson
Secretary of War

1 Enclosure
Proposed EO
My dear Mr. Smith:

The receipt is acknowledged of your letter of November 23, 1945 with which was enclosed a draft of an executive order “Conferring Certain Authority upon the Chief of Counsel in the Preparation and Prosecution of Charges of War Crimes against the Major Leaders of Japan and their Principal Agents and Accessories”.

The Department perceives no objection to the proposed executive order.

Sincerely yours,

For the Secretary of State,

[Signature]

Donald Russell
Assistant Secretary

Enclosure:

Copy of letter from the Acting Attorney General, November 23, 1945, with draft of executive order.

The Honorable
Harold D. Smith,
Director, Bureau of the Budget.
Office of the Attorney General
Washington D.C.

November 29, 1945

Through Director of the Bureau of the Budget.

The President,
The White House.

My dear Mr. President:

I am herewith submitting through the Director of the Bureau of the Budget for your consideration a proposed Executive order entitled "Confering Certain Authority upon the Chief of Counsel in the Preparation and Prosecution of Charges of War Crimes against the Major Leaders of Japan and Their Principal Agents and Accessories."

The purpose of the proposed order is to confer upon Joseph R. Keenan certain authority which will enable him to perform effectively his functions and duties as Chief of Counsel in the preparation and prosecution of charges of war crimes against the major leaders of Japan and their principal agents and accessories. The Chief of Counsel is authorized to select and recommend to the President or to the head of any executive agency necessary personnel to assist him in the performance of his duties. He is also authorized to cooperate with, and to receive the assistance of, any foreign Government to the extent deemed necessary by him for the accomplishment of his
duties. The order also provides that the heads of executive agencies may assist the Chief of Counsel in the performance of his duties and employ such personnel and make such expenditures of the appropriations now or hereafter available for the purpose, as the Chief of Counsel may deem necessary for the accomplishment of his duties, and to make available, assign, or detail for duty with the Chief of Counsel such members of the armed forces and other personnel as may be requested by the Chief of Counsel.

The general purpose of the proposed order is the same as that of Executive Order No. 9467, dated May 2, 1943, which designated Associate Justice Robert H. Jackson as Representative of the United States and as its Chief of Counsel in preparing and presenting charges of atrocities and war crimes against the leaders of the Axis powers and their principal agents and accessories.

I approve the proposed order as to form and legality and recommend that you issue it.

Respectfully yours,

[Signature]

Acting Attorney General
EXECUTIVE ORDER

NOVEMBER 29, 1945

EXECUTIVE ORDER

CONFERRING CERTAIN AUTHORITY UPON THE CHIEF OF COUNSEL IN THE PREPARATION AND PRESENTATION OF CHARGES OF WAR CRIMES AGAINST THE MAJOR LEADERS OF JAPAN AND OTHER PRINCIPAL AGENTS AND ACCESSORIES.

By virtue of the authority vested in me by the Constitution and the statutes as President of the United States and as Commander-in-Chief of the Army and the Navy, and to enable Joseph S. Koo, as Chief of Counsel, in the preparation and presentation of charges of war crimes against the major leaders of Japan and their principal agents and accessories (hereinafter referred to as Chief of Counsel), to perform effectively his functions and duties, it is hereby ordered as follows:

1. The Chief of Counsel is authorized to select and appoint to the President or to the head of any executive department, independent establishment, or other federal agency, necessary personnel to assist him in the performance of his duties. The head of such executive department, independent establishment, or other federal agency is authorized to assign the Chief of Counsel in the performance of his duties and to employ such personnel and make such expenditures, within the limits of the appropriations now or hereafter available for the purpose, as the Chief of Counsel may deem necessary for the accomplishment of his duties, and to make available, assign, or detail for duty with the Chief of Counsel such members of the armed forces and other personnel as may be requested by the Chief of Counsel.

2. The Chief of Counsel shall receive such compensation and allowances for expenses as may be authorized by the Secretary of War.

3. The Chief of Counsel is authorized to cooperate with, and to receive the assistance of, any foreign government to the extent deemed necessary by him for the accomplishment of his duties.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 29, 1945.