

325-A

November 29, 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 Agents and Accessories,"
a copy of which is enclosed.

x161

x197

Very sincerely yours,

K. C. LATTA
Executive Clerk

The Honorable
The Attorney General, x10
Washington, D. C.

Enclosure.

bk

x325
1325-B

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

NOV 2 1945

MEMORANDUM FOR THE PRESIDENT

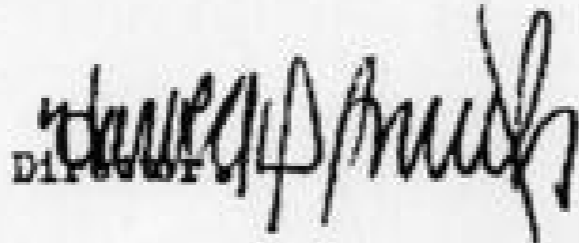
Attached hereto is a proposed Executive Order, recommended ^{xw. C,} by the Acting Attorney General, authorizing Joseph B. Keenan as Chief of Counsel in the preparation and prosecution of war crime charges against the principal Japanese leaders, to obtain necessary personnel to assist him in the performance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

The order authorizes Mr. Keenan 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 9547 of May 2, 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.


DIRECTOR

Enclosures.

WAR DEPARTMENT
WASHINGTON

NOV 27 1945

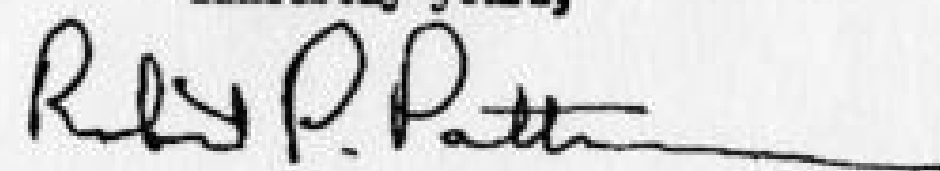
Honorable Harold E. Smith
Director, Bureau of the Budget
Washington 25, D. C.

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,



Secretary of War

1 Incl
Proposed EO



DEPARTMENT OF STATE
WASHINGTON



November 26, 1945

In reply refer to
Le

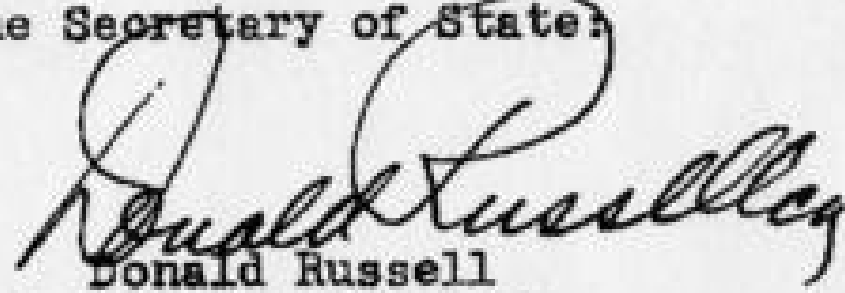
My dear Mr. Smith:

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:


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 23, 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 "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 purpose of the proposed order is to confer upon Joseph B. 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

Signed November 29, 1945

62-11111-1000

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. 9547, dated May 2, 1945, which designated Associate Justice Robert H. Jackson as Representative of the United States and as its Chief of Counsel in preparing and prosecuting charges of atrocities and war crimes against the leaders of the European 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,

J. Howard McGrath
Acting Attorney General

NOVEMBER 29, 1945

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

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 B. Keenan, 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 (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 recommend 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 each executive department, independent establishment, and other federal agency is authorized to assist 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.