January 11, 1947

My dear Mr. Attorney General:

The President on January tenth
signed an Executive Order entitled "Appointment
of the Members and the Alternate Member
of a Military Tribunal established for the
Trial and Punishment of Major War Criminals
in Germany," a copy of which is enclosed.

Very sincerely yours,

M. C. LATTA
Executive Clerk

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

Enclosure x198-78
January 11, 1947

My dear Mr. Attorney General:

The President on January tenth
signed an Executive Order entitled "Appointment of the Members and the Alternate Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany," a copy of which is enclosed.

Very sincerely yours,

M. C. LATTA
Executive Clerk

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

Enclosure.
January 10, 1947.

The White House,
Washington, D.C.

Attention: Mr. M. C. Latte

My dear Mr. Latte:

Transmitted herewith is a proposed Executive Order
(which was received in this Division this morning) entitled,
"Appointment of the Members and the Alternate Member of a
Military Tribunal established for the Trial and Punishment
of Major War Criminals in Germany."

The proposed Executive order has been reviewed in this
Division, and after the insertion of month and year following
the closing paragraph, approved by the Director for conformity
with the provisions of Executive Order 7296.

Very truly yours,

[Signature]

E. C. Eberhart, Jr.
Chief Editor
January 19, 1947.

The White House, Washington, D. C.

Attention: Mr. H. C. Latke

My dear Mr. Latke:

Transmitted herewith is a proposed Executive Order (which was received in this Division this morning) entitled, "Appointment of the Members and the Alternate Member of a Military Tribunal established for the Trial and Punishment of Major War Criminals in Germany."

The proposed Executive order has been reviewed in this Division, and after the insertion of month and year following the closing paragraph, approved by the Director for conformity with the provisions of Executive Order 7208.

Very truly yours,

[Signature]  
Cc: Eberhart, Jr.

Chief Editor
Office of the Attorney General
Washington, D.C.
January 3, 1947

Through the Division of the Federal Register

The President,
The White House,

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled
"Appointment of the Members and the Alternate Member of a Military
Tribunal Established for the Trial and Punishment of Major War Criminals in Germany." Accompanying the order are two letters of the
Secretary of War to you and to the Director of the Bureau of the Budget,
respectively, which contain a discussion of the various provisions of the
order and a statement as to the qualifications of each of the persons
designated as Members of a military tribunal.

The proposed order was prepared in the War Department in collabor-
oration with this Department. It was forwarded for my consideration
by the Director of the Bureau of the Budget with his approval after revi-
sion in his office. The revised draft of the order is agreeable to both
War and Navy Departments.

I approve the proposed order as to form and legality.

Respectfully yours,

[Signature]
Attorney General
Office of the Attorney General  
Washington, D.C.  
January 3, 1947

Through the Division of the Federal Register

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled
"Appointment of the Members and the Alternate Member of a Military
Tribunal Established for the Trial and Punishment of Major War Criminals in Germany." Accompanying the order are two letters of the
Secretary of War to you and to the Director of the Bureau of the Budget,
respectively, which contain a discussion of the various provisions of the
order and a statement as to the qualifications of each of the persons
designated as Members of a military tribunal.

The proposed order was prepared in the War Department in collabor-
oration with this Department. It was forwarded for my consideration
by the Director of the Bureau of the Budget with his approval after revi-
sion in his office. The revised draft of the order is agreeable to both
War and Navy Departments.

I approve the proposed order as to form and legality.

Respectfully yours,

[Signature]
Attorney General
My Dear Mr. Attorney General:

Hereewith is the draft, as revised in this office, of a proposed Executive Order, presented by the Secretary of War, entitled "Appointment of the Members and the Alternate Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany".

The proposed order designates Fitzroy Donald Phillipps, Judge of a Superior Court in the State of North Carolina, Robert Horrell Sears, Judge of the Third Judicial Circuit Court, Detroit, Michigan, and Captain Michael A. Neuman, 806th RG, as the members, and John Jashick, Esquire, as alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which Tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis.

The first section of the proposed order, as revised in this office, follows the form of Executive Order 9813 of December 20, 1946, of the same title, which designated the members of the first of several Special Courts. The Secretary of War states that it is estimated that no
My Dear Mr. Attorney General:

Hereewith is the draft, as revised in this office, of a proposed Executive Order, presented by the Secretary of War, entitled "Appointment of the Members and the Alternate Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany".

The proposed order designates Fitxroy Donald Phillips, Judge of a Superior Court in the State of North Carolina, Robert Harrell Toms, Judge of the Third Judicial Circuit Court, Detroit, Michigan, and Captain Michael A. Nebenzia, U.S.N.R., 0866522, as the members, and John F. Smith as alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which Tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis.

The first section of the proposed order, as revised in this office, follows the form of Executive Order 9813 of December 20, 1946, of the same title, which designated the members of the first of several Trial Courts. The Secretary of War states that it is estimated that no
more than 24 civilian judges will be required to staff these Courts and that recommendations for additional members will be submitted at a later date.

In order to clarify the status of Captain Nassano, (6), U.S.N.R., as a member of the Court, section 2 of the instant draft of order provides that "The functions of these Tribunals being essentially military, Captain Nassano will, during the tenure of this assignment, be subject to War Department orders, through the Commanding General of the European Theater, and will retain his status as an officer on the active list of the United States Naval Reserve."

Section 3 of the proposed order provides that the members and the alternate member therein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that Captain Nassano shall receive the compensation and allowances for expenses to which he may be entitled by reason of his military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes. The exception in this section relating to Captain Nassano has been added in this office in order that there might be no misunderstanding of the intention that he receive his pay and allowances from the Navy Department, and it has the informal concurrence of both the War and Navy Departments.

Section 4 of the proposed order authorizes the Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy to provide appropriate assistance to the members and alternate member therein designated in the performance of their duties and to assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as
more than 24 civilian judges will be required to staff these Courts and that recommendations for additional members will be submitted at a later date.

In order to clarify the status of Captain Ruzmano, (R), U.S.N.R., as a member of the Court, section 2 of the instant draft of order provides that "The functions of these Tribunals being essentially military, Captain Ruzmano will, during the tenure of this assignment, be subject to War Department orders, through the Commanding General of the European Theater, and will retain his status as an officer on the active list of the United States Naval Reserve."

Section 3 of the proposed order provides that the members and the alternate member therein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that Captain Ruzmano shall receive the compensation and allowances for expenses to which he may be entitled by reason of his military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes. The exception in this section relating to Captain Ruzmano has been added in this office in order that there might be no misunderstanding of the intention that he receive his pay and allowances from the Navy Department, and it has the informal concurrence of both the War and Navy Departments.

Section 4 of the proposed order authorizes the Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy to provide appropriate assistance to the members and alternate member therein designated in the performance of their duties and to assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as
may be requested for the purpose. The said section provides, further, that personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive the compensation and allowances for expenses to which they may be entitled by reason of their military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes. The exception in this section relating to the detail of naval personnel was also added in this office and cleared, informally, with the War and Navy Departments.

The Secretary of War, by separate letter attached hereto, sets out certain information concerning the qualifications of the members and alternate member of the Court who are designated by the instant draft of order.

The proposed Executive Order has the approval of the Director of the Bureau of the Budget.

Very truly yours,

[Signature]

W.H. Wallis

Assistant Director
Legislative Reference

The Honorable
The Attorney General

Enclosures
may be requested for the purpose. The said section provides, further, that personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive the compensation and allowances for expenses to which they may be entitled by reason of their military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes. The exception in this section relating to the detail of naval personnel was also added in this office and cleared, informally, with the War and Navy Departments.

The Secretary of War, by separate letter attached hereto, sets out certain information concerning the qualifications of the members and alternate member of the Court who are designated by the instant draft of order.

The proposed Executive Order has the approval of the Director of the Bureau of the Budget.

Very truly yours,

[Signature]

W.J. Walker
Assistant Director
Legislative Reference

The Honorable
The Attorney General

Enclosures
WAR DEPARTMENT
WASHINGTON, D.C.

23 December 1946

The President
The White House

Dear Mr. President:

I have the honor to furnish you the following information in connection with the proposed appointment of Mr. Fitzroy Donald Phillips, Mr. Robert Morrell Toms, Captain Michael A. Musmanno, as members, and Mr. John Spaight as alternate member of one of the several Military Tribunals in Germany for the trial of major war criminals.

Mr. Phillips was born 23 May 1893 in Lenoir, North Carolina. He attended Georgia University, Florida University, and North Carolina University. From 15 August 1914 to 1 January 1923 he practiced law in North Carolina. From 1 January 1923 to 1 January 1935 he was Solicitor for the 13th Judicial District of North Carolina. From 1 January 1935 to the present time, he has been Judge of a Superior Court in North Carolina. Mr. Phillips is highly regarded as to his legal and judicial ability.

Mr. Toms was born 14 October 1886 in LaCrosse, Wisconsin. He received his A.B. degree at the University of Chicago 1907 and LL.B. degree at the University of Michigan, 1910. From 1910 to 1912 he practiced law in Michigan. From July 1912 to December 1914 he was Assistant Prosecuting Attorney in Wayne County, Michigan. From January 1921 to January 1923 he was Prosecuting Attorney of Wayne County, Michigan. From September 1929 to the present time he has served as Judge of the Third Judicial Circuit Court of Detroit, Michigan. Mr. Toms is highly regarded as to his legal and judicial ability.

Captain Musmanno was born 7 April 1897, in Stone Township, Pennsylvania. He received the following degrees: A.B., George Washington University; M.A., and LL.B., Georgetown University; M.A., and LL.B., National University, and S.J.D., American University. He practiced law from July 1924 to 1932. He became Judge of the Allegheny County Court, Pittsburgh, Pennsylvania in 1932, and Judge of the Court of Common Pleas, Allegheny County, Pennsylvania, in 1934, where he served until entering the Navy in 1941. Captain Musmanno is highly regarded as to his legal and judicial ability.

Mr. Spaight was born 26 July 1885, in Enfola, Alabama. He attended Washington and Lee University; Lexington, Virginia from 1907 to 1909, and Georgetown University from 1909 to 1911 and received his LL.B. degree in 1911. Since that time he has been practicing law in Alabama and also for approximately four years was Special Assistant to the United States Attorney General. Mr. Spaight is highly regarded as to his legal background and ability.

Respectfully yours,

Secretary of War
WAR DEPARTMENT
WASHINGTON, D.C.

23 December 1946

The President

The White House

Dear Mr. President:

I have the honor to furnish you the following information in connection with the proposed appointment of Mr. Fitzroy Donald Phillips, Mr. Robert Morrell Toms, Captain Michael A. Musmanno, as members, and Mr. John Spelch as alternate member of one of the several Military Tribunals in Germany for the trial of major war criminals.

Mr. Phillips was born 23 May 1893 in Lumberton, North Carolina. He attended Georgia University, Florida University, and North Carolina University. From 15 August 1914 to 1 January 1923 he practiced law in North Carolina. From 1 January 1923 to 1 January 1932 he was Solicitor for the 13th Judicial District of North Carolina; from 1 January 1932 to the present time, he has been judge of a Superior Court in North Carolina. Mr. Phillips is highly regarded as to his legal and judicial ability.

Mr. Toms was born 14 October 1886 in LaCrosse, Wisconsin. He received his A.B. Degree at the University of Chicago 1907 and LL.B. Degree at the University of Michigan, 1910. From 1910 to 1912 he practiced law in Michigan. From July 1912 to December 1914 he was Assistant Prosecuting Attorney in Wayne County, Michigan. From January 1921 to January 1923 he was Prosecuting Attorney of Wayne County, Michigan. From September 1923 to the present time he has served as Judge of the Third Judicial Circuit Court of Detroit, Michigan. Mr. Toms is highly regarded as to his legal and judicial ability.

Captain Musmanno was born 7 April 1891, in Stone Township, Pennsylvania. He received the following degrees: A.B., George Washington University; M.A. and LL.B., Georgetown University; M.A. and LL.B., National University, and J.D., American University. He practiced law from July 1924 to 1932. He became judge of the Allegheny County Court, (Pittsburgh, Pennsylvania) in 1932, and judge of the Court of Common Pleas, Allegheny County, Pennsylvania, in 1934, where he served until entering the Navy in 1941. Captain Musmanno is highly regarded as to his legal and judicial ability.

Mr. Spelch was born 26 July 1885, in Enfalsa, Alabama. He attended Washington and Lee University; Lexington, Virginia from 1907 to 1909, and Georgetown University from 1909 to 1911 and received his LL.B. Degree in 1911. Since that time he has been practicing law in Alabama and also for approximately four years was Special Assistant to the United States Attorney General. Mr. Spelch is highly regarded as to his legal background and ability.

Respectfully yours,

[Signature]

Secretary of War
Honorable James E. Webb  
Director, Bureau of the Budget  
Washington, D.C.

Dear Mr. Webb:

There is inclosed a draft of the proposed Executive Order entitled "Appointment of the Members and the Alternate Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany" which is requested be submitted to the President for his approval and signature.

The War Department (War Crimes Branch, Civil Affairs Division) is charged with responsibility of procuring qualified judges for the staffing of the Zonal Courts in Germany for the trial of major war criminals subsequent to the proceedings of the International Military Tribunal at Nuremberg.

By letter dated 28 November 1946, a similar request was submitted for the appointment of members and an alternate member for the staffing of the first Zonal Court in Germany.

In order to staff the second such Court it is recommended that the following members be appointed by the President: As judges: Mr. Fitzroy Donald Phillips, Judge of a Superior Court of the State of North Carolina, Mr. Robert Horrell Davis, Judge of the Third Judicial Circuit Court, Detroit, Michigan, and Captain Michael A. Musmanno, (R) U.S.N., D.C. and as the alternate member: Mr. John Joshua Speight, an attorney of the State of Alabama and formerly Special Assistant to the Attorney General in Alabama. The Theater Commander, as Military Governor of the United States Zone in Germany, will designate the presiding judge of the Court.

The functions of these Tribunals are essentially military and as such are a responsibility of the Secretary of War. For this reason all of the personnel that may be assigned to such judicial duties will, during the tenure of this assignment while outside of the continental limits of the United States, be subject to War Department orders, through the Commanding General of the European Theater of Operations. Captain Musmanno will retain his status as an officer on the active list of the United States Naval Reserve and will therefore be entitled to all rights and benefits as such.

It is recommended that the civilian appointees mentioned above be entitled, for all purposes other than that of command, and without the responsibility of the comparable military grades, to the considerations and amenities of a General Officer of the Army of the United States. This arrangement has been submitted to the Theater Commander and has been approved, and is in conformity with the Adjutant General's letter, AGMEM 230 (28 October 1946) dated 28 November 1946, Subject: Civilian personnel in overseas theaters. (Inclosed)
HONORABLE JAMES E. WEBB
Director, Bureau of the Budget
Washington, D.C.

Dear Mr. Webb:

There is enclosed a draft of the proposed Executive Order entitled "Appointment of Members and the Alternate Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany" which is requested be submitted to the President for his approval and signature.

The War Department (War Crimes Branch, Civil Affairs Division) is charged with responsibility of procuring qualified judges for the staffing of the Zonal Courts in Germany for the trial of major war criminals subsequent to the proceedings of the International Military Tribunal at Nuremberg.

By letter dated 20 November 1945, a similar request was submitted for the appointment of members and an alternate member for the staffing of the first Zonal Court in Germany.

In order to staff the second such Court it is recommended that the following members be appointed by the President as Judges: Mr. Pitney Donald Phillips, Judge of a Superior Court of the State of North Carolina, Mr. Robert Horrell Toms, Judge of the Third Judicial Circuit Court, Detroit, Michigan, and Captain Michael A. Kammanco (E) USA, O65622, and as the alternate member: Mr. John Joshua Spalding, an attorney of the State of Alabama and formerly Special Assistant to the Attorney General in Alabama. The Theater Commander, as Military Governor of the United States Zone in Germany, will designate the presiding judge of the Court.

The functions of these Tribunals are essentially military and as such are a responsibility of the Secretary of War. For this reason all of the personnel that may be assigned to such judicial duties will, during the tenure of this assignment while outside of the continental limits of the United States, be subject to War Department orders, through the Commanding General of the European Theater of Operations. Captain Kammanco will retain his status of an officer on the active list of the United States Naval Reserve and will therefore be entitled to all rights and benefits as such.

It is recommended that the civilian appointees mentioned above be entitled, for all purposes other than that of command, and without the responsibility of the comparable military grade, to the considerations and amenities of a General Officer of the Army of the United States. This arrangement has been submitted to the Theater Commander and has been approved, and is in conformity with the Adjutant General's letter, AG-44-PM 133 (22 October 1945) dated 21 November 1945, Subject: Civilian personnel in overseas theaters. (Enclosed)
For the purpose of affecting the appointments mentioned above there is enclosed a draft Executive Order. It is requested that it be submitted to the President for his approval and signature. Also enclosed is a letter from the Secretary of War to the President outlining the qualifications of each nominee. A copy of the Charter of the International Military Tribunal and the Control Council Law No. 10, referred to in the draft executive order, are enclosed for your information.

As stated in my letter of 28 November 1946, recommending the appointment of the members of the first Zonal Court, it is estimated that no more than 24 civilian judges will be required to staff these Zonal Courts. These 24 judges were requisitioned by GSH Inf cable 00 5605 19 October 1946, (MO-IN 57801) (19 Oct 46) which requested that they be employed by the War Department under GSHS requisition number 011, each at the Civil Service Grade of F-3, plus $100 per diem.

Sincerely yours,

[Signature]

Secretary of War

5 Incl:
1. AG 1st (21 Nov 46)
2. Dept of Exec Order
3. Letr frm Sec/War to Pres
4. Cpy of Charter of IF
5. Control Council Law No. 10
For the purpose of effecting the appointments mentioned above there
is enclosed a draft Executive Order. It is requested that it be sub-
mitted to the President for his approval and signature. Also included
is a letter from the Secretary of War to the President outlining the
qualifications of each nominee. A copy of the Charter of the Interna-
tional Military Tribunal and the Control Council Law No. 10, referred
to in the draft executive order, are enclosed for your information.

As stated in my letter of 28 November 1946, recommending the appoint-
ment of the members of the First Zonal Court, it is estimated that no
more than 20 civilians judges will be required to staff these Zonal Courts.
These 20 judges were requisitioned by OHR2 US cable CC 5505 13 October 1946,
(NO-5734)(13 Oct 46) which requested that they be employed by the
War Department under OHR2US requisition number 254, each at the Civil
Service Grade of B-4, plus $7,000 per annum.

Sincerely yours,

[Signature]

Secretary of War

5 Inclosed
1. AD ltr (21 Nov 46)
2. Draft of Exec Order
3. Ltr from Sec/War to Pres
4. Copy of Charter of IIM
5. Control Council Law No. 10
EXECUTIVE ORDER

APPOINTMENT OF THE MEMBERS AND THE ALTERNATE MEMBER
OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND
PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution
and the statutes, and as President of the United States and Commander
in Chief of the Army and Navy of the United States, it is ordered as
follows:

1. I hereby designate Victor Donald Phillips, judge of a
Superior Court in the State of North Carolina, Robert Horrell Toxey,
Judge of the Third Judicial Circuit Court, Paterson, Michigan, and
Captain Michael A. Schumaker, (O), U.S.N., O-3622, as the members, and
John Joshua Spaight as the alternate member, one of the several
military tribunals established by the United
States Zone of Occupation within Germany pursuant to the quadripartite
agreement of the Control Council for Germany, enacted December 20,
1945, as Control Council law No. 10, and pursuant to Articles 10 and 11
of the Charter of the International Military Tribunal, which Tribunal
was established by the Government of the United States of America, the
Provisional Government of the French Republic, the Government of the
United Kingdom of Great Britain and Northern Ireland, and the Govern-
ment of the Union of Soviet Socialist Republics, for the trial and
punishment of major war criminals of the European Axis. Such members
and alternate member may, at the direction of the military Governor
of the United States Zone of Occupation, serve on any of the several
military tribunals above mentioned.

2. The functions of these Tribunals being essentially mili-
tary, Captain Schumaker will, during the tenure of this assignment, be
subject to the orders of the Commanding General of the European Theater,
and will retain his status as an officer on the active list of the United
States Naval Reserve.

3. The members and the alternate member herein designated
shall receive such compensation and allowances for expenses as may be
determined by the Secretary of War and as may be payable from appro-
priations or funds available to the War Department for such purposes,
except that Captain Schumaker shall receive such compensation and allow-
ances for expenses to which he may be entitled by reason of his military
rank and service and as may be payable from appropriations or funds
available to the Army Department for such purposes.

4. The Secretary of State, the Secretary of War, the
Attorney General, and the Secretary of the Navy are authorized to pro-
vide appropriate assistance to the members and the alternate member
herein designated in the performance of their duties and may assign
or detail such personnel under their respective jurisdictions, including
members of the armed forces, as may be requested for the purpose.
Personnel so assigned or detailed shall receive such compensation and
allowances for expenses as may be determined by the Secretary of War
and as may be payable from appropriations or funds available to the
War Department for such purposes, except that personnel assigned or
detailed from the Army Department shall receive such compensation and
allowances for expenses to which they may be entitled by reason of their
military rank and service and as may be payable from appropriations or
funds available to the Army Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 10, 1947.
EXECUTIVE ORDER

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander-in-Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Major General Donald Phillips, Judge of a Superior Court in the State of North Carolina, and Major General C. C. Lockwood, Judge of the Third Circuit Court, Detroit, Michigan, and Captain Michael A. Cornwell, Jr., U.S.N.R., and Captain John A. Neff, U.S.N.R., as the members, and John A. Neff, Jr., as the alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Allied Council for Germany, dated December 10, 1944, as Control Council Law No. 10, and pursuant to Articles 11 and 14 of the Charter of the International Military Tribunal, which Tribunal was established by the government of the United States of America, the Government of the Union of Soviet Socialist Republics, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the French Republic, for the trial and punishment of major war criminals of the European Axis, such members and alternate member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

2. The functions of these tribunals being essentially military, Captain Neff, and during the tenure of this assignment, be subject to the Department of War, through the Commanding General of the European Theater, and will retain his status as an officer on the active list of the United States Naval Reserve.

3. The members and the alternate member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations of funds available to the War Department for such purposes, except that Captain Neff shall receive compensation and allowances for expenses to which he may be entitled by reason of his military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

4. The Secretary of State, the Secretary of War, the Assistant Secretary of State, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members and the alternate member herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose.

Personal or assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses as may be entituled by reason of their military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE
January 10, 1947.