

325-B

May 15, 1947

My dear Mr. Secretary:

The President on May fifteenth
signed an Executive Order entitled "Appoint-
ment of a 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 Secretary of War, X25
Washington, D. C.

Enclosure.

bk

X198

X161



Office of the Attorney General
Washington, D.C.

May 14, 1947

The President,

The White House.

My dear Mr. President:

I am transmitting a proposed Executive order entitled "Appointment of a 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 and of the Director of the Bureau of the Budget, respectively, which contain a discussion of the order and a statement as to the qualifications of Justice Wennerstrum, whom the order designates as a member of a military tribunal established for the trial and punishment of major war criminals of the European Axis.

I approve the proposed order as to form and legality.

Respectfully yours,


Attorney General

Signed 5/15/47

MAY 13 1947

My dear Mr. Attorney General:

Herewith is a proposed Executive Order, presented by the Secretary of War, entitled "Appointment of a Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany".

The proposed order designates Charles F. Wennerstrum, Chief Justice of the Supreme Court of the State of Iowa, as a 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.

Except that the proposed order appoints only one member of the military tribunal, it is similar to Executive Orders 9819 and 9827 of January 10, and February 21, 1947, which designated the three members and the alternate member of two of the several Zonal Courts established for the same purpose.

The Secretary of War points out that while previous orders of this character had appointed all the members constituting a single tribunal, it was necessary to make an exception in this instance inasmuch as it was desired that Judge Wennerstrum be in Germany not later than June 1, 1947, and since he was not able to leave his position on the Iowa Supreme Court prior to his designation under the proposed order, and it was not expected that the acceptances of the

other two members of the tribunal would be received in time to be included in one order.

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

The War Department has informally requested that action upon the proposed order be expedited as much as possible.

Very truly yours,

(Signed) F. J. HENNING

Assistant Director
Legislative Reference

The Honorable

The Attorney General

Enclosures

WAR DEPARTMENT

WASHINGTON

MAY 12 1947

Honorable James E. Webb
Director, Bureau of the Budget
Washington 25, D. C.

Dear Mr. Webb:

There is inclosed a draft of the proposed Executive Order entitled "Appointment of a Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany" which it is requested be submitted to the President for his approval and signature. A similar request was recently submitted for the appointment of members and an alternate member for the staffing of the fourth Zonal Court.

The War Department (War Crimes Branch, Civil Affairs Division) is charged with the responsibility of procuring qualified judges for the staffing of the Military Tribunals in Germany for the trial of major war criminals subsequent to the proceedings of the International Military Tribunal at Nuremberg. Previously, one Executive Order has been issued for all members of each such Military Tribunal. At this time, however, recommendation is made for the designation of one of the three members for the fifth Military Tribunal. This variation from the usual procedure is requested for the following reason:

The War Department desires to recommend Charles F. Wennerstrum, Chief Justice of the Supreme Court of Iowa, as one of the members of the fifth Military Tribunal at Nuremberg, Germany. However, the Iowa statutory and constitutional provisions are such that if Justice Wennerstrum accepts the above mentioned appointment prior to the issuance of the Executive Order designating him as a member of the Tribunal, his position on the Iowa Supreme Court might be jeopardized. It is necessary that Justice Wennerstrum be in Nuremberg, Germany not later than 1 June 1947.

The acceptance of each of the other two members will probably be received at such later date as to make impossible the issuance of one Executive Order designating the full membership of this Tribunal sufficiently soon to meet the Iowa constitutional and statutory requirements relating to Justice Wennerstrum's acceptance. For this reason Justice Wennerstrum's name is submitted singly.

In order to partially staff the fifth Military Tribunal, it is



recommended at this time that the following member be appointed by the President: As Judge: Charles F. Wennerstrum, Chief Justice of the Supreme Court of the State of Iowa.

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 outside of the continental limits of the United States, be subject to War Department orders, through the Commander in Chief, European Command.

It is recommended that the civilian appointee 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, AGAM-PM 230 (26 October 1946) dated 21 November 1946, subject: Civilian personnel in overseas theaters. (Inclosure 1)

For the purpose of effecting the appointment mentioned above, there is inclosed a draft Executive Order (Inclosure 2). It is requested that it be submitted to the President for his approval and signature. Also inclosed is a letter from the Secretary of War to the President outlining the qualifications of the nominee (Inclosure 3). A copy of the Charter of the International Military Tribunal, (Inclosure 4) and the Control Council Law No. 10, (Inclosure 5) referred to in the draft Executive Order, are inclosed 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 OMGUS cable CG 5605, 19 October 1946, (MC-IN 5738L, 19 October 1946) which requested that they be employed by the War Department under OMGUS requisition number 231, each at the Civil Service grade of P-8, plus \$7.00 per diem.

Sincerely yours,


Secretary of War

5 Incls:

1. AG Ltr (21 Nov 46)
2. Drft of Exec Order
3. Ltr fr Sec/War to Pres
4. Copy of Charter of IMT
5. Control Council Law No. 10

WAR DEPARTMENT
WASHINGTON

12 May 1947

The President

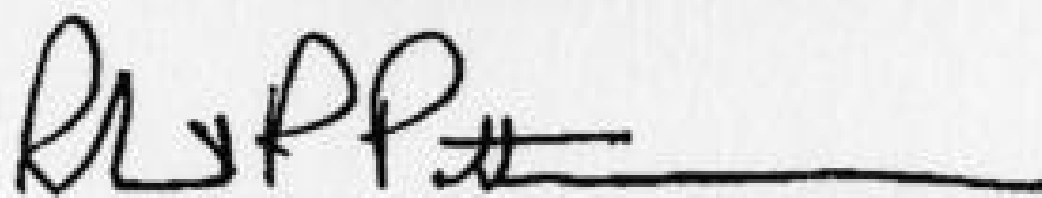
The White House

Dear Mr. President:

I have the honor to furnish you the following information in connection with the proposed appointment of Justice Charles E. Wennerstrum as a member of the fifth of the several Military Tribunals in Germany for the trial of major war criminals.

Justice Wennerstrum was born 11 October 1889 in Cambridge, Illinois. He received an A.B. Degree from Drake University, 1912 and an LL.B. Degree, College of Law, 1914. He was admitted to Iowa Bar 1914; practiced law from 1914-1930; County Attorney, Lucas County, Iowa, 1917-22; District Judge, Iowa, 2d Judicial District, 1930-40; Justice, Supreme Court of Iowa 1941-47; and Chief Justice, Supreme Court of Iowa, January 1947 to present date. He is a member of American Bar Association, Iowa State Bar Association and American Law Institute. Justice Wennerstrum is highly regarded as to his legal and judicial ability.

Respectfully yours,



Secretary of War



MAY 15, 1947

EXECUTIVE ORDER

APPOINTMENT OF A 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 Charles F. Wennestrum, Chief Justice of the Supreme Court of the State of Iowa, as a 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. Such 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, which tribunals are a component part of the military occupational forces of the United States, and upon which the member designated herein shall perform active service during the period of his designation.

2. The 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 or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the member herein designated in the performance of his 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 Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military grade 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,

May 15, 1947.