June 2, 1947

My dear Mr. Secretary:

The President on May thirty-first 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,

R. J. LCTA
Executive Clerk

The Honorable
The Secretary of War, #26
Washington, D.C.

Enclosure.
The White House  
Washington, D. C.

Attention: Mr. W. C. Latta

My dear Mr. Latta:

Transmitted herewith is 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.”

The proposed Executive Order has been reviewed in this Division and, after correction of punctuation, approved by the Director for conformity with the provisions of Executive Order 7296.

Very truly yours,

[Signature]

H. G. Eberhart, Jr.
Chief Editor

May 20, 1947
The President,

The White House.

My dear Mr. President:

I am 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 addressed to you and to the Director of the Bureau of the Budget, respectively, which contain the pertinent facts relating to the order and a statement as to the qualifications of the persons designated as members of the military tribunal.

I approve the proposed order as to form and legality.

Respectfully yours,

[Signature]

Attorney General

[Signature]
May 4, 1947

My dear Mr. Attorney General:

Herewith is 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 Charles E. Faust, formerly President Justice of the Supreme Court of New York, William G. Christiansen, formerly Associate Justice of the Supreme Court of Minnesota, Frank E. Richmond, formerly Judge of the Supreme Court of Indiana, as the members, and Richard Hildreth Dye, formerly Judge of Superior Court, North Carolina, 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 Quadrant's agreement of the Central Council for Germany, ratified December 20, 1945; as Central 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 proposed order is similar to Executive Orders 8619 and 8627 of January 10, and February 21, 1947, designating the second and third Central Councils to be established for the same purpose.

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

Very truly yours,

The President

The Attorney General

American

Assistant Director
Legislative Reference

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

Dear Mr. Webb:

There is enclosed 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 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 third Local Court.

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

In order to staff the fourth such Court, it is recommended that the following members be appointed by the President: As Judges: Mr. Charles H. Sears, formerly Presiding Justice of the Supreme Court of New York; Mr. William G. Christiansen, formerly Associate Justice of the Supreme Court of Minnesota; and Mr. Frank M. Mishkan, formerly Judge of the Supreme Court of Indiana; and as Alternate Judges: Mrs. Richard Billiard Dimes, formerly Judge of Superior Court, North Carolina, 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 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.

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, 
AHK-220 (26 October 1946) dated 21 November 1946, Subject: Civilian 
Personnel in Overseas Theater. (Enclosure 1)

For the purpose of obtaining the appointments mentioned above, there 
is included a draft Executive Order (Enclosure 2). It is requested that 
it be submitted to the President for his approval and signature. Also in-
cluded in a letter from the Secretary of War to the President outlining 
the qualifications of each nominee (Enclosure 3). A copy of the Charter 
of the International Military Tribunal, (Enclosure 4) and the General 
Council Law No. 10, (Enclosure 5) referred to in the draft Executive Order, 
are included for your information.

As stated in my letter of 26 November 1946, recommending the appoint-
ment of the members of the First Naval Court, it is estimated that no more 
than 22 civilian judges will be required to staff these Naval Courts. 
These judges were requested by GHQ by cable OS 5603, 19 October 1946, 
(M1 12 9738A, 19 October 1946) which requested that they be employed by the 
War Department under GHQ requisition number 23D, each at the Civil Service 
grade of F-6, plus $100 per diem.

Sincerely yours,

[Signature]

Secretary of War

5 Documents:
1. All 1st (ML Nov 46)
2. Draft of Home Order
3. Letter to Sec/Mar to Pres
4. Copy of Charter of Det
5. General Council Law No. 10
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. Charles R. Sears, Mr. William G. Christiansen, and Mr. Frank N. Richman, as members, and Mr. Richard Willard Dixon as alternate member of the fourth of the several Military Tribunals in Germany for the trial of major war criminals.

Mr. Sears was born 16 October 1870 in Brooklyn, New York. He was graduated from Yale University in 1892 receiving an A.B. degree; studied at the University of Berlin 1893-1894; received an LL.B. degree from Harvard in 1898; an LL.B. from Middlebury College 1930; Columbia University 1930, Yale University 1930, St. Lawrence University 1930, Syracuse University 1940, Buffalo College 1941. He was admitted to the New York Bar 1898 and practiced law in Buffalo from 1898-1937. He was appointed Justice of the Supreme Court of New York January 1917 and elected for terms 1920-1921 and 1932-1936 assigned to the appellate division for the term of 1932-38 and reassigned for term of five years, 1937-43; Presiding Justice 1939 to January 1945; Associate Justice, Court of Appeals 1945; retired 11 December 1945. Mr. Sears is highly regarded as to his legal and judicial ability.

Mr. Christiansen was born 6 December 1862, Moody County, South Dakota. He received his LL.B. degree in 1920 from University of Chicago, and began the private practice of law in 1922 in which he continued until March 1941. At that time he was appointed Associate Justice of the Supreme Court of Minnesota. He served in this capacity until January 1947, the expiration of his term. Mr. Christiansen is highly regarded as to his legal and judicial ability.

Mr. Richman was born 1 July 1861 at Columbus, Indiana. He was graduated from Lake Forest College, Lake Forest, Illinois in 1884, receiving an A.B. degree and from University of Chicago Law School, receiving a J.D. degree in 1890. He is a member of Indiana State Bar Association, American Bar Association, and American Judicature Society. His law practice began in 1908 in Columbus, Indiana, and he continued his practice until 2 January 1941. On this latter date he was elected Judge of the Supreme
The President

Court of Indiana and continued in this capacity to the expiration of his term on 3 January 1947. Mr. Hickman is highly regarded as to his legal and judicial ability.

Mr. Rixey was born 8 October 1888 at Mount Olive, North Carolina. He attended the University of North Carolina and Wake Forest College, North Carolina. He is a member of the North Carolina Bar Association. From 1922 to 1 July 1941, he was Clerk of Superior Court and Juvenile Courts and County Auditor; from 1941 to 1 July 1945, he was Judge of Superior Court of the State of North Carolina; from September 1946 to October 1948, he was Regional Counsel, War Assets Administration, Charlotte, North Carolina; and from November 1948 to April 1947, he was Deputy Secretary General in London. Mr. Rixey is highly regarded as to his legal and judicial ability.

Respectfully yours,

[Signature]

Secretary of War
Executive Order

EXECUTIVE ORDER

ANNOUNCING THE AUTHORITY TO ESTABLISH A MILITARY JUDICIAL SYSTEM 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, 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 B. Scott, formerly Associate Judge of the Court of Appeals of the United States, William P. Creticos, formerly Associate Judge of the Supreme Court of California, and Frank G. Houflage, formerly Judge of the Supreme Court of Michigan, as the judges, and Douglas Haskell, formerly Judge of the Supreme Court of Texas, 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 quasipartite agreement of the Control Council for Germany, reached December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11, of the Charter of the International Military Tribunal, that 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 judges and alternate member may, at the discretion of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

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

3. The Secretary of State, the Secretary of War, and the Secretary of the Navy are authorized to provide appropriate assistance to the judges 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 concerned 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 established by reason of their grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRIET H. THOMAS

THE WHITE HOUSE,
May 31, 1947.