

325-10

June 2, 1947

My dear Mr. Secretary:

The President on May thirty-first  
signed an Executive Order entitled "Appoint-  
ment 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.

x161

Very sincerely yours,

H. C. LATTA  
Executive Clerk

The Honorable  
The Secretary of War, x25  
Washington, D. C.

Enclosure.

bk

x198  
x325



DIVISION OF THE FEDERAL REGISTER

The National Archives  
Washington 25, D. C.



May 28, 1947.

The White House  
Washington, D. C.

Attention: Mr. M. 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 7298.

Very truly yours,

*D. C. Eberhart, Jr.*  
D. C. Eberhart, Jr.  
Chief Editor

*Original 5/31/47*



Office of the Attorney General  
Washington, D.C.

MAY 26 1947

Through the Division of the Federal Register

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,

Douglas W. McHugh  
Attorney General  
acting

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

MAY 14 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. Sears, formerly Presiding Justice of the Supreme Court of New York, William G. Christianson, formerly Associate Justice of the Supreme Court of Minnesota, Frank H. Richman, formerly Judge of the Supreme Court of Indiana, as the members, and Richard Dillard Dixon, 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 quadripartite agreement of the Central Council for Germany, enacted 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 9819 and 9827 of January 10, and February 21, 1947, designating the second and third Zonal Courts 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,

(Signed) W. J. Pollay

The Honorable

The Attorney General

Assistant Director  
Legislative Reference

Enclosures

OFFICIAL FILE  
WAR DEPARTMENT  
WASHINGTON

12 May 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 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 Zonal Court.

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.

In order to staff the fourth such Court, it is recommended that the following members be appointed by the President: As judges: Mr. Charles B. Sears, formerly Presiding Justice of the Supreme Court of New York; Mr. William C. Christianson, formerly Associate Justice of the Supreme Court of Minnesota; and Mr. Frank M. Richman, formerly Judge of the Supreme Court of Indiana; and as alternate judge: Mr. Richard Dillard Dixon, 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, AGAM-PM 230 (26 October 1946) dated 21 November 1946, Subject: Civilian personnel in overseas theaters. (Inclosure 1)

For the purpose of effecting the appointments 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 each 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 OMBUS cable CC 5605, 19 October 1946, (MC IN 5738L, 19 October 1946) which requested that they be employed by the War Department under OMBUS requisition number 23L, 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. Draft 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, D. C.

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 Mr. Charles B. Sears, Mr. William C. Christianson, and Mr. Frank N. Richman, as members, and Mr. Richard Dillard 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 1892-1893; received an LL.B. Degree from Harvard in 1896; an LL.D. from Middlebury College 1930, Columbia University 1938, Yale University 1936, St. Lawrence University 1939, Syracuse University 1940, Hobart College 1942. He was admitted to the New York Bar 1895 and practiced law in Buffalo from 1895-1917. He was appointed Justice of the Supreme Court of New York January 1917 and elected for terms 1918-1931 and 1932-1940; assigned to the appellate division for the term of 1922-26 and re-assigned for term of five years, 1927-31; Presiding Justice 1929 to January 1940; Associate Justice, Court of Appeals 1940; retired 31 December 1940. Mr. Sears is highly regarded as to his legal and judicial ability.

Mr. Christianson was born 5 December 1892, 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 1946. 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. Christianson is highly regarded as to his legal and judicial ability.

Mr. Richman was born 1 July 1881 at Columbus, Indiana. He was graduated from Lake Forest College, Lake Forest, Illinois in 1904, receiving an A.B. Degree and from University of Chicago Law School, receiving a J.D. Degree in 1909. 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

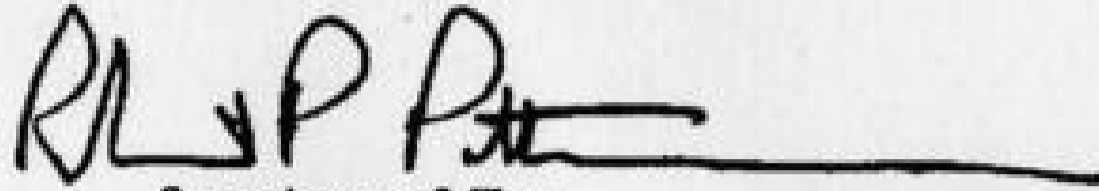


The President

Court of Indiana and continued in this capacity to the expiration of his term on 2 January 1947. Mr. Richman is highly regarded as to his legal and judicial ability.

Mr. Dixon was born 5 October 1888 at Edenton, 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 County 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 1946 to April 1947, he was Deputy Secretary General in Nuremberg. Mr. Dixon is highly regarded as to his legal and judicial ability.

Respectfully yours,

  
Secretary of War



## EXECUTIVE ORDER

APPOINTMENT OF THE MEMBERS AND THE  
ALTERNATE MEMBERS OF A MILITARY TRI-  
BUNAL ESTABLISHED FOR THE TRIAL AND  
PUNISHMENT OF MAJOR WAR CRIMINALS IN  
GERMANY

By virtue of the authority vested in me by the Constitu-  
tion 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 E. Sears, formerly Asso-  
ciate Judge of the Court of Appeals of New York, William C.  
Christianson, formerly Associate Justice of the Supreme Court  
of Minnesota, and Frank N. Richman, formerly Judge of the  
Supreme Court of Indiana, as the members, and Richard Billard  
Dixon, formerly Judge of the Superior Court, North Carolina, as the  
alternate member, of one of the several military tribunals estab-  
lished by the Military Governor for the United States Zone of  
Occupation within Germany pursuant to the quadripartite agree-  
ment 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 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 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 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 members and the alter-  
nate 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 al-  
lowances 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 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 31, 1947.