June 2, 1947

My dear Mr. Secretary:

The President on May thirteenth 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. S. Latta
Executive Clerk

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

Enclosure.

x198
x325
May 20, 1947.

The White House
Washington, D. C.

Attention: Mr. 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 7295.

Very truly yours,

R. C. Eberhart, Jr.
Chief Editor
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,

[Signature]

[Title]

[Name]
May 4, 1947

To dear Mr. Attorney General:

Enclosed is a proposed Executive Order, presented by the Secretary of War, entitled "Appointments of the Members and the Alternate Members of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany".

The proposed order designates Charles E. Gantt, formerly President Justice of the Supreme Court of New York, William G. Christensen, 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 Hillard Dillon, formerly Judge of Superior Court, North Carolina, as the alternate member of one of the several Military Tribunals established by the Military Government for the United States Zone of Occupation within Germany pursuant to the quadrilateral agreement of the Control Council for Germany, enacted December 29, 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 9219 and 9237 of January 10, and February 27, 1947, designating the second and third social 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,

[Signature]

The Assistant

[Title]

Legislative References
WAR DEPARTMENT
WASHINGTON

12 May 1947

Honorable James B. 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 E. Sears, formerly President Justice of the Supreme Court of New York; Mr. William C. Christianson, formerly Associate Justice of the Supreme Court of Minnesota; and Mr. Frank H. Keithan, formerly Judge of the Supreme Court of Indiana; and as alternate Judges: Mr. Robert Billard Simon, 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 separate military grade, to the considerations and privileges 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, \( \text{AL-AE-230 (26 October 1946)} \) dated 27 November 1946, Subject: Civilian personnel in overseas theaters. (Enclosure 1)

For the purpose of accelerating the appointments mentioned above, there is enclosed a draft Executive Order (Enclosure 2). It is requested that it be submitted to the President for his approval and signature. Also included 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 Control Council Law No. 10, (Enclosure 5) referred to in the draft Executive Order, are enclosed for your information.

As stated in my letter of 26 November 1946, recommending the appointment of the members of the First Local Court, it is estimated that no more than 24 civilian judges will be required to staff these Local Courts.

These 24 judges were recommended by GMN197 cable C/E 5062, 12 October 1946, (MK 279, 19 October 1946) which requested that they be employed by the War Department under GMN197 requisition number 231, each at the Civil Service grade of F-6, plus $50 per diem.

Sincerely yours,

[Signature]

Secretary of War

Soodles:
1. AL 154 (26 Nov 46)
2. Dept of Home Order
3. Letter to Sec/Adm to Pres
4. Copy of Charter of CIT
5. Control 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 C. Christiansen, and Mr. Frank M. Richman, as members, and Mr. Richard William 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 1893 receiving an A.B. degree; studied at the University of Berlin 1893-1895; received an LL.B. degree from Harvard in 1895; an LL.D. from Middlebury College 1930, Columbia University 1936, Yale University 1946, St. Lawrence University 1959, Syracuse University 1960, Buffalo College 1947. He was admitted to the New York Bar 1896 and practiced law in Buffalo from 1896-1917. He was appointed Justice of the Supreme Court of New York January 1917 and elected for terms 1917-1921 and 1925-1930; assigned for term of five years, 1927-32; Presiding Justice 1929 to January 1930; Associate Justice, Court of Appeals 1940; retired 31 December 1940. Mr. Sears is highly regarded as to his legal and judicial ability.

Mr. Christiansen was born 8 December 1862, Moody County, South Dakota. He received his LL.B. degree in 1910 from University of Chicago, and began the private practice of law in 1912 in which he continued until March 1940. 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 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 1908. 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. Rixen is highly regarded as to his legal and judicial ability.

Mr. Rixen was born 8 October 1888 at Elton, 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 1932 to 1 July 1931, he was Clerk of Superior Court and Juvenile Court and County Auditor; from 1931 to 1 July 1945, he was Judge of Superior Court of the State of North Carolina; from September 1946 to October 1947, 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. Rixen is highly regarded as to his legal and judicial ability.

Respectfully yours,

[Signature]

Secretary of War
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 E. Sawyer, formerly Associate Justice of the Court of Appeals for the Navy, William H. Crothers, formerly Associate Justice of the Circuit Court of Appeals for the Second Circuit, and Frank M. Burnet, formerly Judge of the Superior Court of Oklahoma, as the members, and Richard E. Bodkin, formerly Judge of the Superior Court of Oklahoma, 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, reached December 30, 1942, in Central Council Law No. 10, and pursuant to articles 10 and 11 of the Charter of the International Military Tribunal, and the tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Provisional 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 members shall serve as members of the United States Zone of Occupation, serve as 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, and 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 required 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 personal assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses which are paid out of the funds of the United States, or funds, services and as may be payable from appropriations or funds, available to the War Department for such purposes.

RICHARD N. NIXON

THE WHITE HOUSE,
May 31, 1947.