June 26, 1947

My dear Mr. Secretary:

The President on June twenty-fourth signed an Executive Order entitled "Appointment of Members 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,

H. C. LATTA
Executive Clerk

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

Enclosure.
June 24, 1947

The White House
Washington, D. C.

Attention: Mr. C. Latza

My dear Mr. Latza:

Transmitted herewith is a proposed Executive Order entitled "Appointment of members 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 approved by the Director for conformity with the provisions of Executive Order 7996.

Very truly yours,

C. Ebertart, Jr.
Chief Editor
The President,
The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Appointment of Members 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 with respect to the qualifications of the persons designated as members of the military tribunal.

The proposed order, which has been slightly revised in this Department with respect to form only, has my approval as to form and legality.

Respectfully yours,

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

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

The proposed order designates Edward Francis Carter, Associate Justice of the Supreme Court of the State of Nebraska and Curtis Grover State, former Judge of the Supreme Court of the State of Indiana, as the members 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, meted 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 Secretary of War points out that the designation of the two members named in the proposed order will complete the staffing of the Fifth Military Tribunal, likewise as the third member, Charles F. Vondersetz, Chief Justice of the Supreme Court of Iowa, was designated by Executive Order 9829 of May 15, 1947.

The proposed order has the approval of the Director of the Bureau of the Budget.

Very truly yours,

The Honorable

The Attorney General

Emblems

Assistant Director
Legislative Reference
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 the Members 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 request was recently submitted for the appointment of one of the members of the fifth Military Tribunal, and it is now desired to accomplish a similar appointment of two other members in order to complete the staffing of this Tribunal.

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. The trial of major war criminals is provided for the proceedings of the International Military Tribunal at Nuremberg. Previously, one Executive Order has been issued for all members of the fifth Military Tribunal. However, because of the Iowa statute and constitutional provisions, one member of the fifth Military Tribunal, Charles E. Hannaway, Chief Justice of the Supreme Court of the State of Iowa, was designated singly by Executive Order No. 9936 as a member of this Tribunal.

In order to complete the staffing of the fifth Military Tribunal, it is recommended that the following members be appointed by the President as Judges: Edward Francis O'bahy, Associate Justice of the Supreme Court of the State of Nebraska, and Curtis Hoover Stark, former Judge of the Supreme Court of the State of Indiana. The Theater Commander, as Military Governor of the United States Zone in Germany, will designate the presiding Judge of this 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 Commander in Chief, European Command,
Honorable James R. Webb

It is recommended that the civilian appointees mentioned above be
to all purposes other than that of command, and without the
responsibility of a General Officer of the Army of the United States.
This recommendation has been submitted to the Secretary Commander and has
been approved, and is in accordance with the Adjutant General's Letter,
AGAM-20-320 (26 October 1945) dated 31 November 1946, subject: Civilian
personnel in overseas theaters. (Enclosure 1).

For the purpose of effecting 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
enclosed is a letter from the Secretary of War to the President outlining
the qualifications of each nominee (Enclosure 3).

As stated in my letter of 28 November 1946, recommending the appoint-
ment of the members of the first Military Tribunal, it is estimated that
no more than 24 civilian judges will be required to staff these Military
Tribunals. These judges were requested by GHQ (29 Oct 1945, 19
October 1946, (OK-IN D58, 19 October 1946) which requested that they
be employed by the War Department under GHQ requisition number 201, each
at the Civil Service grade of F, plus $7.00 per day.

Sincerely yours,

[Signature]

Secretary of War

Enclosures:
1. AG Ltr (31 Nov 46)
2. Draft of Same Order
3. Ltr fr Sec/War to Pres.
WAR DEPARTMENT
WASHINGTON
13 Jul 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 Edward Francis Carter, Associate Justice of the Supreme Court of the State of Nebraska and Curtis Geyer Skiles, former Judge of the Supreme Court of the State of Indiana, as members of the fifth of the several Military Tribunals in Germany for the trial of major war criminals.

Mr. Carter was born on 13 March 1897 in Middlebranch, Nebraska. He received his LL.B. at the University of Nebraska in 1919. He was admitted to the Nebraska Bar in 1920 and practiced in Nebraska until 1937. He was Judge of the 17th Judicial District, Nebraska, for the period of 1927-35; Associate Justice, Supreme Court of the State of Nebraska since 1935. He has been a member of the American Bar Association, American Judicature Society, and the Order of the Coif. Mr. Carter is highly regarded as to his legal and judicial ability.

Mr. Skiles was born 14 July 1897 in Knox County, Indiana. He was a student at Valparaiso University, 1915-16, and received his LL.B. at Indiana University 1922. He was admitted to Indiana Bar in 1923 and engaged in practice in Valparaiso. He was Deputy Prosecuting Attorney 1921-15; City Attorney 1921-15; U.S. Commissioner 1921-22; County Attorney 1922; 1st Judge of State Senate 1924. He was appointed Judge of the Supreme Court of the State of Indiana in 1933, and reelected for a six-year term, November 1938, and retired from that position January 1941. He has been a member of the National Railroad Adjustment Board from 1944 to present date, and is on the Board of Trustees, Valparaiso University. He is a member of the American and Indiana Bar Associations, and the American Judicature Society. Mr. Skiles is highly regarded as to his legal and judicial ability.

Sincerely yours,

Secretary of War
WAR DEPARTMENT
The Adjutant General’s Office
Washington 25, D. C.

ADMN 250 (26-Oct 46)

21 November 1946

To:
Commander-in-Chief, United States Army Forces in the Pacific

Subject: Civilian personnel in overseas theaters

The Department of War, civilian officials and employees will continue to be
required for assignment overseas to supplement or replace military
personnel. This letter is intended as a statement of general policy affecting
the selection and assignment of such civilians.

1. Requirements:
   a. Determination of the number and type of
      civilian personnel to be assigned to each
      theater is the responsibility of the theater commander.
      Factors to be considered in this connection are:

      (1) Theater mission.
      (2) Feasibility and desirability of substituting civilians
          for military personnel in specific assignments, in
          line with policy stated in section 2, O. C. Circular 230,
          1945, as amended by Section VIII, O. C. Circular 777, 1945.
      (3) Length of contract of civilian employees as compared
          to normal tour of duty of military personnel.
      (4) Availability of military personnel to meet requirements.
      (5) Budgetary limitations.
      (6) Availability of local employment.
      (7) Ability of the theater to provide accommodations, ser-
          vices, supplies, etc., on an equitable basis.

   b. It is essential that no civilian employee should be requested
      for assignment to a theater unless it is determined that such individual
      will be of essential usefulness to the theater organization.

2. Administration:
   a. The fundamental concept that must be understood by the military
      authority charged with administering a command made
      up of military and civilian personnel, is that the command as a whole
      constitutes its own, and that the relative scale of accommodations, services,
      supplies, facilities, etc., to be accorded individuals (military or civil-
      ian) from the available resources should be based on the duties and
      responsibilities they discharge.
responsibilities of the positions occupied. Relative pay scales do not form a practical basis for the establishment of standards of amenities to be accorded military and civilian personnel as groups or as individuals within these groups.

2. Administration of any set of established standards in this connection will, of necessity, vary in the different overseas theaters, territorial possessions, etc., in which our forces are stationed. In occupied many countries—For example, in some areas where Americans cannot enjoy the facilities of the civilian community without restriction, or where adequate facilities do not exist, it became the duty of the commander to organize, protect, and use United States personnel (military and civilian) and the available facilities under his jurisdiction into a social community, giving due consideration to the fact that unless certain accommodations, services, supplies, and amenities are furnished by the government and allocated on an equitable basis, many of the individuals concerned will not be able to enjoy the same relative social and economic positions in foreign stations as they would in their home communities in the United States. On the other hand, where adequate facilities exist, and where free access to these may be accorded, the degree of organization and administration to be afforded by the Army authority in this connection can be somewhat less.

3. Because of the wide variation of conditions existing in the different theaters, it is impossible for the War Department to establish comparable scales of accommodations, services, supplies, and amenities for uniform application in all overseas areas. For purposes of information only, there is included herewith, a series of comparable categories in this connection which are being used successfully in one overseas theater. It is important that all concerned fully understand that the establishment of comparable categories, such as those given in the enclosure, does not imply that any civilian employee holds the grade (actual or associated) or has the responsibility of the comparable military grade. Comparable categories for civilians, where used, are intended to provide a reasonable scale of relative amenities for purposes of administration only.

4. Organization. a. The usefulness of civilian employees will be enhanced if all personnel (military and civilian) are properly oriented as to their relative positions in the combined organization. Past failures in this regard have led to unfortunate misunderstandings.

b. It is of vital importance that directives, issued by the theater, in conformance with paragraph 2 above, be made known not only to the individuals in the theater, who are directly affected, but also to the War Department for distribution to all such directives in order that civilian personnel recruiting agencies in the zone of interior may be better able to adjust personnel positions for service in the different theaters.  

4. Future theater regulations for civilian employees will be based on the considerations stated above. It is desired that the matters
of civilian-military personal relationships and orientation be given
the continuing attention their importance demands.

BY ORDER OF THE SECRETARY OF WAR:

Edward F. Scherer
Major General
The Adjutant General

Copies furnished:
Directors, War Department General Staff Divisions
Chiefs, War Department Special Staff Divisions
Commanding Generals:
Army Air Forces
Army Ground Forces
Chiefs of Administrative and Technical Services
Comparable categories between United States civilian employees and military personnel, for the purposes of determining the relative scale of accommodations, service, supplies, and amenities to be accorded.

The following comparable categories are being used successfully in one overseas theater:

1. GAF 15 through 12 and 7 through 9 are comparable to field grade officers.

2. GAF 11 through 7 and 7 through 5 are comparable to company grade officers.

3. GAF 6 through 4; 2; 3; and 8 through 5 are comparable to non-commissioned officers (first three grades).

4. Civilian personnel of the Army Exchange Service and personnel of other organizations paid from appropriated funds are placed in one of the categories established above for Civil Service employees on the basis of their duties and responsibilities.

5. Accommodations, services, supplies, and amenities to be accorded United States civilians, holding ratings below GAF 4 and SF 5, recruited in the United States and assigned overseas, or such personnel procured locally, or Allied neutral or stateless personnel holding these lower ratings are furnished to the extent deemed advisable by the theater commander.

6. All United States personnel paid from appropriated funds who occupy positions not graded under the Classification Act of 1939, as amended, or who are assigned to positions in the OIC Service under the Act, are provided accommodations, services, supplies, and amenities equal to those provided GAF, SF, and 7 grades on the basis of their duties and responsibilities.

7. Accommodations, services, supplies, and amenities equivalent to those enjoyed by general officers are accorded to individual civilian employees in special circumstances as directed by the Secretary of War, the Chief of Staff, or the theater commander.
EXECUTIVE ORDER

EACH COURT

AUTHORITY OF 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 Consti-
tution 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 Freda Fenci Carter, Associate
Justice of the Supreme Court of the State of Nebraska, and Curtis
Govier Slaus, former Judge of the Supreme Court of the State of
Illinois, as members 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, signed December
10, 1945, as Central
Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter
of the International Military Tribunal, with 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 Greek Republic of the Two States of Soviet Socialist Republics,
for the trial and punishment of major war criminals of the European
Axis. Such members 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 members
designated herein shall perform active service during the period of
their designation.

2. The members herein designated shall receive such com-
penation and allowances for expenses as may be determined by the
Secretary of War 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 herein designated in
aiding them in the performance of their duties and may assign or detai-
I such personnel in their respective jurisdictions, including members of the
United States Armed Forces, as may be necessary 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 as may be payable from appropriations or funds available to the War Depart-
ment for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allow-
ances 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,
June 29, 1947.