June 25, 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. K. C. Latta

My dear Mr. Latta:

Enclosed 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 7990.

Very truly yours,

[Signature]

R. C. Eberhart, Jr.
Chief Editor
Through the Division of the Federal Register

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:

Hermanith 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 Franklin Carter, Associate Justice of the Supreme Court of the State of Nebraska and Curtis Grover Neal, former Judge of the Supreme Court of the State of Indiana, as the members of the several military tribunals established by the Federal Government for the United States Zone of Occupation within Germany pursuant to the quasistate agreement of the Central Council for Germany, dated 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 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, inasmuch as the third member, Charles F. Vassar, Chief Justice of the Supreme Court of Iowa, was designated by Executive Order 9342 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

Dwight D. Eisenhower
Assistant Director
Legislative Reference

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

Dear Mr. Webb,

There is attached 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 procureing 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. However, because of the insufficient and constitutional provisions, one member of the Fifth Military Tribunal, Charles J. Mannheimer, Chief Justice of the Supreme Court of the State of Iowa, was designated singly by Executive Order No. 9538 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: Howard Frank Bork, Associate Justice of the Supreme Court of the State of Nebraska, and Curtis Geyer Basker, 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 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 Commander in Chief, European Command.
Honorables James M. Webb

It is recommended that the civilian appointees mentioned above be entitled, for all purposes other than that of command, and without the responsibility 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 Adjunct General's Letter, AGAM-ADM-300 (20 October 1946) dated 21 November 1946, subject: Civilian personnel in overseas theaters. (Enclosure 1).

For the purpose of appointing the appointees 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 included 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 22 November 1946, recommending the appointment 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 24 judges were requisitioned by GHQ army G-5, 19 October 1946, (DHIN 15871, 19 October 1946) which requested that they be employed by the War Department under GHQ requisition number 331, each at the Civil Service grade of F6, plus $7.00 per day.

Sincerely yours,

[Signature]

Secretary of War

Enclosures:
1. AG Ltr (21 Nov 46)
2. Draft of Exec Order
3. Ltr fr War to Pres.
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 Brown, former Judge of the Supreme Court of the State of Indiana, as members of the Joint Military Tribunal in Germany for the trial of major war criminals.

Mr. Carter was born on 11 March 1897 at Middlebranch, Nebraska. He received his LL.B. at the University of Nebraska in 1920. He was admitted to the Nebraska bar in 1920 and practiced in Nebraska until 1926. He was Judge of the 17th Judicial District, Nebraska, for the period of 1926-28; Associate Justice, Supreme Court of the State of Nebraska since 1928. He has been Referee for the National Railroad Adjustment Board from 1929 to 1945. He is a member of American Bar Association, American Judicature Society, American and Nebraska Bar Associations, and the Order of the C.F.R. Mr. Carter is highly regarded as to his legal and judicial ability.

Mr. Brown was born 14 July 1897 in Knox County, Indiana. He was a student at Vincennes University, 1913-18, and received his LL.B. at Indiana University 1920. He was admitted to the Indiana bar 1920 and engaged in practice in Vincennes. He was Deputy Prosecuting Attorney 1916-17, City Attorney 1917-18, City Commissioner 1917-18, County Attorney 1918-19, and State Senator 1917. He was appointed Judge of the Supreme Court of the State of Indiana in 1928, elected for a six year term, November 1928, and retired from that position January 1938. He has been Referee for the National Railroad Adjustment Board from 1934 to 1946. He is a member of American and Indiana Bar Associations, and the American Judicature Society. Mr. Brown is highly regarded as to his legal and judicial ability.

Respectfully yours,

[Signature]

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

ADAM 34250 (26 Oct 45)

November 1946

SUBJECT: CIVILIAN PERSONNEL IN OVERSEAS THEATERS

MEMORANDUM

TO: Commander-in-Chief, United States Army Forces in the Pacific
    Commanding Generals:
    United States Forces, European Theater
    United States Forces, Mediterranean Theater of Operations
    Caribbean Defense Command

FROM: Adjutant General

The Department of War is desirous of ensuring that the United States Army Forces in the Pacific be provided with the personnel required to carry out their mission.

1. Determination of the number and type of personnel required for the various commands will be determined by the Commanding General in consultation with the Adjutant General. The determination will be based on the following factors:

   a. The mission of the command.
   b. The availability of qualified personnel.
   c. The availability of facilities and equipment.

2. The Commander-in-Chief, United States Army Forces in the Pacific, will be responsible for the implementation of this memorandum.

Sincerely,

[Signature]
responsibilities of the position 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 those groups.

b. 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, and in other areas where facilities of the civilian community without restriction, or where adequate facilities do not exist, it becomes the duty of the commander to organize and maintain, if not at the expense of the community to organize, abnormally United States personnel (military and civilians) 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 Army and allocated on an equitable basis, none of the individuals concerned will be able to enjoy the same relative social and economic positions 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 can be accorded, the degree of organization and administration to be accorded by the Army authority in connection with the same social welfare can be somewhat less.

c. Because of the wide variation of conditions existing in the different theaters, it is impracticable 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 equivalent) 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.

d. Optimization. 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.

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

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

BY ORDER OF THE SECRETARY OF WAR:

[Signature]

EDWARD F. HUBBELL
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
Chief 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. GS 13 through 12 and FE 8 through 9 are comparable to field grade officers.

2. GS 11 through 7 and FE 7 through 2 are comparable to company grade officers.

3. GS 6 through 3; FE 6 through 1; and FE 6 through 5 are comparable to non-commissioned officers (first three grades).

4. Civilians personnel of the Army Exchange Service and personnel of other organizations paid from nonappropriated 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 GS 4 and FE 3, recruited in the United States and assigned overseas, or such personnel procured locally, or non-military or stateless personnel holding those 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 1943, as amended, or who are assigned to positions in the Civil Service under the Act, are provided accommodations, services, supplies, and amenities equal to those provided GS 4, FE 3, 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 civilians employed in special circumstances as directed by the Secretary of War, the Chief of Staff, or the theater commander.

Inclusion to 1D letter (5352-23830 (D 20 Oct 44)-5000) 31 November 1946
EXECUTIVE ORDER

APPOINTMENT OF MEMBERS 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 designate23 H. Frankfurter and Isaac C. Teller, Associate Justices of the Supreme Court of the State of Nebraska, former Judges 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 quadruparte agreement of the Control Council for Germany, entered November 30, 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 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 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, and when so serving, 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.

2. The members 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 herein designated in their national and international capacities and may assign or detail such personnel under their respective jurisdictions, including members of the 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 and as may be payable from appropriations or funds available to the War Department for such purposes. Persons so assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses as may be determined by the Secretary of the Navy and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 28, 1947.