

EXECUTIVE ORDER
#9547PROVIDING FOR REPRESENTATION OF THE UNITED STATES IN PREPARING
AND PROSECUTING CHARGES OF ATROCITIES AND WAR CRIMES AGAINST
THE LEADERS OF THE EUROPEAN AXIS POWERS AND THEIR PRINCIPAL
AGENTS AND ACCESSORIES

By virtue of the authority vested in me as President and as Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, it is ordered as follows:

1. Associate Justice Robert H. Jackson is hereby designated to act as the Representative of the United States and as its Chief of Counsel in preparing and prosecuting charges of atrocities and war crimes against such of the leaders of the European Axis powers and their principal agents and accessories as the United States may agree with any of the United Nations to bring to trial before an international military tribunal. He shall serve without additional compensation but shall receive such allowance for expenses as may be authorized by the President.

2. The Representative named herein is authorized to select and recommend to the President or to the head of any executive department; independent establishment, or other federal agency necessary personnel to assist in the performance of his duties hereunder. The head of each executive department, independent establishment, and other federal agency is hereby authorized to assist the Representative named herein in the performance of his duties hereunder and to employ such personnel and make such expenditures, within the limits of appropriations now or hereafter available for the purpose, as the Representative named herein may deem necessary to accomplish the purposes of this order, and may make available, assign, or detail for duty with the Representative named herein such members of the armed forces and other personnel as may be requested for such purposes.

3. The Representative named herein is authorized to cooperate with, and receive the assistance of, any foreign Government to the extent deemed necessary by him to accomplish the purposes of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,

May 2, 1945.

(See Note #1)



STATEMENT BY THE PRESIDENT

At my request, Mr. Justice Robert H. Jackson, in addition to his duties as Justice of the Supreme Court, has accepted designation as Chief of Counsel for the United States in preparing and prosecuting the charges of atrocities and war crimes against such of the leaders of the European Axis powers, and their principal agents and accessories, as the United States may agree with any of the United Nations to bring to trial before an International military tribunal.

Pursuant to the Moscow Declaration of November 1, 1943, all war criminals, against whom there is sufficient proof of personal participation in specific atrocities, are to be returned to the countries where their crimes were committed, to be judged and punished by those countries themselves. These cases are not involved in this assignment.

There are left, however, the cases of other war criminals -- particularly the major war criminals and their principal agents and accessories, whose offenses have no particular geographical localization.

I hope and expect that an international military tribunal will soon be organized to try this second category of war criminals. It will be Justice Jackson's responsibility to represent the United States in preparing and presenting the case against these criminals before such military tribunal.

Justice Jackson has assembled a staff from within the War, Navy, and other Departments concerned, which has already begun work, so that there will be no delay on the part of the United States. It is desirable that preparation begin at once, even though the details of the military court are not yet determined.

I have just signed an Executive Order designating Justice Jackson to this post. He and his staff will examine the evidence already gathered and being gathered by the United Nations War Crimes Commission in London and by the various allied armies and other agencies; he will arrange for assembling the necessary additional evidence; and he will begin preparation for the trial.

It is our objective to establish as soon as possible an international military tribunal; and to provide a trial procedure which will be expeditious in nature and which will permit no evasion or delay -- but one which is in keeping with our tradition of firmness towards those accused of crime. Steps to carry this out are actively under way.

Arguments in the Supreme Court for the current term will conclude this week, and the Court has ordered adjournment on May 28th. It is hoped that the trial of these war crimes cases will have been completed next October when the Court reconvenes.

(See Note #1)

May, 1945

The President on May 2, 1945, announced the appointment of Associate Justice Robert H. Jackson of the United States Supreme Court as Representative of the United States and its Chief of Counsel in the preparation and prosecution of charges against the European Axis war criminals. (1)

By this action, the President acted to implement the policy of punishing war criminals to which this government had been committed from the earliest days of the war. In August, 1942, President Roosevelt in a statement following a communication from the governments of occupied European countries calling attention to Axis crimes against civilian populations in those countries, sounded a warning to the Nazis that "the time will come when they shall have to stand in courts of law in the very countries which they are now oppressing and answer for their acts." (2) He followed this on October 7, 1942, with a statement declaring it to be "the intention of this Government that the successful close of the war shall include provision for the surrender to the United Nations of war criminals" and said that with a view to establishing the responsibility of the guilty individuals through the collection and assessment of all available evidence, this government was prepared to cooperate with the British and other governments in establishing a United Nations Commission for the Investigation of War Crimes. (3)

As a result such a Commission was organized and on October 20, 1943, it held its first meeting in London. At the same time the Foreign Ministers of the United States, Great Britain and Russia were meeting at Moscow and the subject of war crimes and punishment of war criminals was discussed there. A declaration, signed and issued on November 1st by

Premier Stalin, Prime Minister Churchill and President Roosevelt at the close of that conference, asserted that at the time of the granting of any armistice to any government set up in Germany, the German officers and men and members of the Nazi party responsible for atrocities would be returned to the countries in which the crimes were committed in order that they might be punished "according to the laws of these liberated countries and of the free governments which would be created therein." The statement said however, that the declaration was "without prejudice to the case of major criminals, whose offenses have no particular geographical localization and who would be punished by joint decisions of the governments of the Allies." (3a) The President, in his statement announcing the appointment of Justice Jackson (1) cited this joint statement and pointed out that it was primarily for the trial and prosecution of the major criminals that Jackson was being appointed.

Immediately after the appointment, Judge Samuel I. Rosenman went to San Francisco as the personal representative of the President, to present to representatives of Great Britain, Russia and France, gathered there for the United Nations Conference, proposals of the United States concerning the prosecution and trial of the Axis war criminals. His purpose was to arrange for the organization of an international military tribunal and for the adoption of a procedure for the trials. It was not contemplated that this tribunal would be concerned with those criminals guilty of specific atrocities in any of the occupied countries but rather with those major criminals referred to in the Roosevelt-Churchill-Stalin declaration of November 1, 1943, whose offenses had no particular "geographical localization".

Justice Jackson began the organization of his staff and on May 16th announced the appointment of Major General William J. Donovan, Director

of the Office of Strategic Services, Sidney Alderman, General Solicitor for the Southern Railway and Assistant Attorney General Francis M. Shea to assist him. Material compiled by various government units, including the War Crimes Office, established by the State, War and Navy Departments; the Office of the Judge Advocate General of the Army, Department of Justice units including the Federal Bureau of Investigation, the legal staff of the State Department and others was made available to him and his staff. He went to Europe and conferred with General Eisenhower and others and on June 7th submitted a preliminary report to the President on the progress of his work. (4)

The international military tribunal was formally established on August 8, 1945, under an agreement signed at London by representatives of the United States, Great Britain, Russia and France. A charter was adopted, setting up the court, establishing jurisdiction and procedures for trying and punishing the war criminals and authorizing the Commission to prepare an indictment and present evidence. The Governments of nineteen (19) other United Nations later expressed their adherence to the agreement.

The tribunal consisted of four members, each with an alternate, representing the four major powers, the United States, Great Britain, Russia and France, who sat as judges during the trial. The President, by executive order (5) on September 24, 1945, appointed Francis Biddle as the United States member and John J. Parker as alternate.

The trials were conducted at Nurnberg, Germany, beginning November 20, 1945. On September 30th and October 1st, 1946, the Tribunal handed down its verdict. Nineteen of the twenty-two defendants were found guilty on one or more of the counts and three were acquitted. Twelve were sentenced to be hanged, three to imprisonment for life, and four others to long terms of imprisonment.



Justice Jackson submitted his report to the President on October 7, 1946, and at that time resigned his commission as the United States Representative and Chief of Counsel, for the United States. (6)

Mr. Biddle submitted a report to the President on November 9, and at the same time tendered his resignation as the United States member of the International Tribunal. (7)

Provision previously had been made, through an executive order of the President, (8) for the prosecution before United States military or occupational tribunals of other war criminals than those tried at Nurnberg and for transferring the duties of the Chief Counsel, upon his retirement from the office, to a Chief of Counsel for War Crimes to be appointed by the United States Military Governor for Germany. With the resignation of Justice Jackson, Brigadier General Telford Taylor was appointed.

Subsequently various military tribunals were set up in the United States occupation zone in Germany and from time to time the President, by executive order, designated various American lawyers and judges as members of these tribunals.

NOTES:



- (1) See texts of statement by the President, May 2, 1945, and executive order #9547 of the same date, copies of which are in this record.
- (2) See statement of President Roosevelt, August 21, 1942, item 83, Page 329 of 1942 Vol. Public Papers and Addresses of Franklin D. Roosevelt.
- (3) See Roosevelt statement, October 7, 1942, item 100, Page 410, 1942 Vol. Roosevelt papers.
- (3a) See item 122, Page 498, 1943 Vol. Roosevelt papers.
- (4) See copy in this record.
- (5) See copy in this record of executive order #9526 concerning these appointments.
- (6) See copies of letter and reply in this record. Original letter is in the White House central files. The records of Justice Jackson as U.S. Chief of Counsel in the prosecution of the Axis criminals are in the National Archives.
- (7) See copy of letter and President's reply in this record. Original letter is in the White House central files.
- (8) See copy of executive order #9679, January 17, 1946, in this record.