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Office of U. S. Military
Attache for Prosecution
of Axis Criminality

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7/10/45

file

From: U. S. Military Attache, London, England.

To : The President of The United States.

Nr : 2249 Filed 301810Z.

From Jackson through Minant to Judge Samuel Rosenman.

Russian counter-proposals explained yesterday. Position is that by Crimea and Moscow declarations these prisoners and organizations are already convicted by political decision and only function of international commission is to carry out the decision and inflict punishment. They consider it unnecessary to accept principle of disinterested judges. They want trials by their method and in part in their territory. They object to trial of the organizations and contemplate a long series of individual trials with the court moving on circuit and sitting part of the time in Russian controlled territory. They would have the trial a mere ratification of the decision to execute. I have attempted to explain why this could not be made acceptable to American public and is inconsistent with the basic assumptions of our proposal as outlined in the memorandum you delivered Molotov

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E.O. 11652, Sec. 302 and 303 or 32
OSD letter, May 3, 1972
NATS Date 2/2/82

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OSD letter, May 2, 1972
BY: *MEH* NARS Date: *5-21*

-2-

at San Francisco and which these delegates have never seen. We are furnishing them copies. We are redrafting our proposal to go as far as possible to meet them. If rejected, we can suggest consideration of an international agreement embodying the general principle of establishing guilt by trials, defining the crimes, and authorizing each nation to try its own prisoners by its own procedures, applying the international agreement as to definition of crimes. Think this is the last thing they would want, as the British and we have nearly all of the important prisoners and rather think it will lead to some modification their attitude. If not, it seems certainly preferable to our becoming parties to the kind of procedure they seem to have in mind.

The British are in agreement with us in all important things and in most details, and the French have indicated general agreement on everything with possible question about definition of crime. Their position, however, is that they do not insist on continental system of trial, but would join with us in working out a combination of two that would bring about justice in this case.

I do not mean to give impression agreement is hope-

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less, for I still think we will get something satisfactory.
Give me your ideas via Minant.

End.

KJK/11s

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EO. 11852, Sec. 3(a) and 3(b) or (c)
OSD letter, May 3, 1972
E.O. 11652, NARS Date 2-5-76

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