

SWNCC 000.5 WAR CRIMES COMMISSION
MISCELLANEOUS

Box 73

~~SECRET~~

~~CONFIDENTIAL~~

RETURN TO INDUSTRY SECTION

~~TOP SECRET~~

LIST OF PAPERS

FILE UNDER NO. SWNCC
000.5 WAR CRIMES COMMISSION

DECLASSIFIED
E.O. 11652, Sec. 3(E) and 5(D) or (F)
NND 750052
By C-20 NARS, Date 1 OCT 1974

Serial No.	From	Date	To	Synopsis
1	Mr. Stimson	4/16/45	Sec. of State	Letter transmitting information on War Crimes Commission (attached)
2	Mr. Stimson	4/24/45	Sec of State	Letter stating policy in trying war crimes, in the absence of special circumstances
3	Mr. Stimson	4/25/45	Sec. of State	Letter re War Crimes Commission
4	Sec. Forrestal	4/26/45	Sec of State	Letter re trial of two Germans War Criminals, for murder of American in Belgium
5	Sec. Stimson	5/18/45	Sec of State	Letter re proposed budget of the United Nations War Crimes Commission
6	Sec of Navy	6/16/45	Sec of State	Letter re U.N. War Crimes Commission.
7	Sec of Navy	6/16/45	Sec of State	Letter re U.N. War Crimes Commission.
8	Sec of War	7/6/45	Sec of State	Letter re method of locating War Criminals.
9	Mr. Patterson	7/27/45	Sec of State	Letter re Document C.21 (lists of war criminals)
10	Col. Haywood, Jr.	6/23/45	Sec of War	Letter re U.N. War Crimes Commission.
11		1/17/45		Memo re proposal to extend the scope of War Crimes Commission.
12	R.P. Patterson	8/14/45	Sec of State	Letter re decisions to be made by War Crimes Commission.
13	Sec Stimson	8/16/45	Sec of State	Letter re information to be furnished to War Crimes Commission in London.
14	Sec. Stimson	9/8/45	Sec of State	Letter re disposition of suspected war criminal, Lt. Lengrich-Emden.
15	Sec. of War	10/3/45	Sec. of State	Letter re: views W.D. on reports of war crimes trials held U.S. National Courts to be forwarded to the Commission.
16	Sec. of War	2/18/46	Sec. of State	Letter re: Canadian Embassy inquiry of U.S. approve arrangement whereby persons in the F. E. accused by Canadian Mil. auth. of serious war crimes be tried by US Mil. courts

~~TOP SECRET~~

WDGAP 000.5 (4 Oct 45)

G-1/3329
Major Kline/mr

Canadians Misc -
000.59200
18 FEB 46

The Honorable
The Secretary of State

Dear Mr. Secretary:

Reference is to the communication of the Acting Secretary of State (Lc 740.00116 P.W./1-2446), dated 25 January 1946, which transmits a memorandum from the Canadian Embassy inquiring whether the United States authorities would approve an arrangement whereby persons in the Far East accused by Canadian military authorities of serious war crimes against Canadian nationals could be tried and punished by United States military courts. The arrangement, as proposed, would provide for the participation of Canadian personnel in the prosecution, upon the request of the United States authorities. The memorandum further states that if agreeable to our Government, a Canadian officer of a rank not less than lieutenant colonel would be sent to Tokyo to exercise certain described duties in connection with the investigation and prosecution of the mentioned crimes. You request my views in regard to the matter.

I feel that the Canadian proposal should be approved, provided that the Canadian Government can make an officer available to sit on the military tribunals. Such officer would be in addition to any Canadian personnel participating in investigations or prosecutions. Based on a recommendation from General MacArthur, it is suggested that, in addition to the officer just mentioned, the Canadian Government send to Tokyo two other officers and an enlisted clerk and an enlisted stenographer. It is recommended that each of the three officers be possessed of legal backgrounds, that one be a lieutenant colonel or colonel, to sit as a member of the tribunals, and that the other two be majors, or of lesser rank, to assist in the investigations and prosecutions of crimes against Canadian nationals. If the Canadian proposal is approved, it is suggested that the Canadian authorities get in touch with the appropriate War Department representatives to arrange details concerning transportation and other matters.

Sincerely yours,

ROBERT H. ROBERTSON

Secretary of War

SWNCC	
Colonel A. D. Reid	<i>ADR</i>
Commo. B. L. Austin	<i>[Signature]</i>
Mr. R. E. Cox	<i>[Signature]</i>
Colonel Schulgan	-----
Comdr. Richardson	-----
Mr. H. W. Mossley	-----
Mr. J. P. Gardiner	-----
Lt. Col. V. F. Field	-----
Major H. W. Karbel	-----
1st Lt. T. W. Weiner	-----
Ens. F. Whiteside	-----
File	<i>16</i>

FEB 24 1946



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STATE WAR & NAVY COORDINATION
CO 2023

TAB "B"

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G-1
Maj Brown/72234/3a

~~CONFIDENTIAL~~

000.5 Misc.

WDGAP 334 United Nations War Crimes Coma.
(20 May 44)

2 Oct 45

3 - OCT 1945

The Honorable

The Secretary of State

Dear Mr. Secretary:

I have your letter dated 27 September 1945, Lc 740.00116
SR/S-3145, in which you request an expression of the views
of the War Department with regard to an enclosed recommendation
by the Chairman of the United Nations War Crimes Commission
that reports or records of war crimes trials held before United
States National Courts should be forwarded to the Commission.

No objection is seen by the War Department to furnishing
the Commission with such records or reports, and appropriate
action is being taken by the War Department to instruct the
military authorities in the field accordingly.

Sincerely yours,

(Signed) ROBERT P. PATTERSON
Secretary of War

SWNCC	
COL. MCCARTHY	.....
COMDR. RICHARDSON	.....
MR. R. E. COX	.....
LT. COL. PENNOYER	.....
LT. COMDR. WEILFUSS	.....
MR. H. W. MOSELEY	.....
MR. J. P. GARDINER	.....
LT. COMDR. ROCKEFELLER	.....
LT. COL. V. F. FIELD	.....
MAJOR W. E. GUNTHER
1ST LT. E. SPITTALL
ENS. F. WHITESIDE
FILE

WDGAP 334 000.5 (57) [Signature]

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NND 750052
By CSO NARS, Date 1 OCT 1974

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~~CONFIDENTIAL~~

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WDGAP 000.5 (8 Apr 44)

G-1/72234
DWB/vk

8 - SEP 1945

The Honorable

The Secretary of State

My dear Mr. Secretary:

This is in further reference to your letter dated 24 August 1945, Lc 740.00116 SW/3-945, and my interim reply of 4 September 1945, concerning the war crimes allegedly committed by Lt. Lengrich-Ruden near Calasso, Italy on 13 October 1943.

The Commanding General, Mediterranean Theater of Operations, United States Army, has now informed the War Department that Lt. Lenhich Ruden, who is believed to be the individual referred to in your letter, is now in the 135th British Hospital, Algiers, Algeria. In as much as this prisoner is now apparently in British custody, the question of his ultimate disposition is one for determination by the British authorities, and I suggest that the United States Commissioner on the United Nations War Crimes Commission in London be advised accordingly.

The War Department, however, has on file a copy of the record of the investigation of the Calasso incident made by the United States military authorities, and in the event Lt. Ruden is eventually brought to trial, will be glad to make this record available to the appropriate authorities.

Sincerely yours,

(Sgd.) HENRY L. STUSSON

Secretary of War

	BWNBB	
COL. MCCARTHY	.....
COMDR. RICHARDSON	.....
MR. R. E. COX	.....
LT. COL. PENNOYER	.....
LT. COMDR. WEILFUSS	.....
MR. H. W. MOSELEY	.....
MR. J. P. GARDINER	.....
LT. COMDR. ROCKEFELLER	
LT. COL. V. F. FIELD	
MAJOR W. E. GUNTHER	
1ST LT. E. SPITTALL	
ENS. F. WHITESIDE	
FILE	

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~~SECRET~~

Comm

WDGAP 000.5(12 Sept 44)

Maj Brown/73528/ead

16 AUG 1945

The Honorable
The Secretary of State

My dear Mr. Secretary:

I have your letter of 28 July 1945, Le 740.00116 R.W./7-2645, in which you request an expression of the views of the War Department with regard to a request by the Chairman of the United Nations War Crimes Commission in London that the Commission be informed of the names of European war criminals listed by the Commission and taken by the military authorities.

It is considered both desirable and convenient to have the War Crimes Commission in London informed as to those listed criminals who have actually been taken into custody by the military authorities, in order that the Commission might in turn inform the interested Governments. I am accordingly instructing the Commanding General, United States Forces, European Theater, to inform the War Crimes Commission directly as to all criminals named on the lists prepared by the Commission who are now in United States custody, or may hereafter be taken.

Sincerely yours,

(Sgd.) HENRY L. STIMSON

Secretary of War

	SWNCC
COL. MCCARTHY	.....
COMDR. RICHARDSON	.....
MR. R. E. COX	.....
LT. COL. PENNOYER	.....
LT. COMDR. WEILFUSS	.....
MR. H. W. MOSELEY	.....
MR. J. P. GARDINER	.....
LT. COMDR. ROCKEFELLER
LT. COL. V. F. FIELD
MAJOR W. E. GUNTHER
1ST LT. E. SPITTALL
ENS. F. WHITESIDE
FILE

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E.O. 11652, Sec. 3(E) and 5(D) of (b) 2
NND 750052
By *CSB* NARS, Date 1 OCT 1974

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~~SECRET~~

WDGAP 000.5(12 Sept 44)

Maj Brown/73528/enc

The Honorable
The Secretary of State

AUG 14 1945

My dear Mr. Secretary:

I have your letter dated 2 July 1945, Le 740.0016 EW/6-2345, in which you request the comments of the War Department on an inclosed recommendation by the United Nations War Crimes Commission (Document C.123 (1)) to the effect that the Commission should be the final arbitrator in deciding the order of trial of a war criminal wanted for trial by more than one of the United Nations.

I have delayed expressing my views on this recommendation pending the establishment of this Government's policy regarding the identification and apprehension of war criminals and war criminal suspects. It is understood that such a directive was approved by the Informal Policy Committee on Germany (J.C.S. 1023/10) and was issued to the Commanding General, U.S. Forces, European Theater, by the Joint Chiefs of Staff on 31 July 1945. This directive provides that the Commander in Chief, U.S. Forces of Occupation in Germany, will submit to the Control Council for Determination the question of the disposition of war criminals wanted for trial by two or more of the United Nations or one or more of the United Nations and Italy. In the light of the decision, it is the opinion of the War Department that this Government cannot accept the recommendation of the War Crimes Commission that it should make the decision in such cases.

Sincerely yours,

	SWNCC
COL. MCCARTHY	.....
COMDR. RICHARDSON	.....
MR. R. E. COX	.....
LT. COL. PENNOYER	.....
LT. COMDR. NEILFUSS	.....
MR. H. W. MOSELEY	.....
MR. J. P. BARDINER	.....
LT. COMDR. ROCKEFELLER	.....
LT. COL. V. F. FIELD	.....
MAJOR W. E. GUNTHER	.....
1ST LT. E. SPITTALL
ENS. F. WHITESIDE
FILE

(Signed) ROBERT P. PATTERSON
Acting Secretary of War.

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NND 750052
By CRG NARS, Date 1 OCT 1974

764

~~SECRET~~

COPY FOR SWNCC (12)

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G-1
DWB/ccm
73528

- 1 APPROVAL
- 2 SIGNATURE

WDGAP

- 1 CHIEF OF STAFF
- 2 SECRETARY OF WAR

Maj. Brown-73528/ccm

German War Crimes against Germans and Other
Nationals Committed in Enemy Territory.

17 Jan 1945

000.5

~~SECRET~~

SUMMARY

1. The Secretary of State on 16 December 1944 forwarded for the information of the Secretary of War a copy of a note from the British Embassy concerning a proposal to extend the scope of the activities of the United Nations War Crimes Commission to include atrocities committed on enemy territory on racial, political or religious grounds. In a letter dated 10 January 1945, the Secretary of State requested the views of the War Department on paragraph 3 of this note, in which it is stated that the British Foreign Minister has been advised there would not appear to be any foundation for Allied jurisdiction to try as war crimes offenses committed against neutral nationals or stateless persons in enemy territory.

2. The above question is one part of the problem regarding the trial of German war crimes and atrocities which is now under active consideration by the State Department, the Department of Justice and the War and Navy Departments. The War Department is therefore not in a position at this time to give the State Department a definitive expression of its views.

3. It is recommended that the attached reply prepared for the signature of the Secretary of War be signed and dispatched.

COORDINATION

- 4. The Assistant Secretary of War (Col. Cutter).

FOR THE ASSISTANT CHIEF OF STAFF: G-1:

Incls.

- DS fr OCS to G-1.
- 12 Jan 45;
- DS fr O/Adm. Asst. to
- C/S, 11 Jan 45;
- Ltr fr D/S to S/W.
- 10 Jan 45;
- Ltr to S/S for sig.

71
[Handwritten signature]

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 By 120 NARS, Date 1-00T 1974

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WB/ccm
73528

WDGAP 000.5

20 Jan 45

The Honorable

The Secretary of State

My dear Mr. Secretary:

I have your letter dated January 10, 1945, Lc 740.00116 E.W./12-1244, in which you request an expression of the views of the War Department on the question raised in paragraph 3 of the note from the British Embassy, a copy of which you inclosed in your letter of December 18, 1944. The British Government apparently takes the view that there would not seem to be any foundation for Allied jurisdiction to try as war crimes offenses committed against neutral nationals or stateless persons in enemy territory.

As you are aware, the entire subject of United States policy on the trial of German crimes and atrocities is now under active consideration by your Department, the Department of Justice and the War and Navy Departments. In view of this fact, the War Department does not feel that it is at this time in a position to make a definitive statement of its views on this question.

Sincerely yours,

(psd) H. L. S.

Secretary of War

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NND 750052
By CRB NARS, Date 1 OCT 1974

~~SECRET~~

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~~SECRET~~

- 1 CHIEF OF STAFF
- 2 SECRETARY OF WAR

- 1 APPROVAL
- 2 SIGNATURE

WDGS, G-1

Waj Brown/73528/vk

WDGAP 000.5

United Nations War Crimes Commission

23 June 1945

SUMMARY

1. By letter dated 12 June 1945 (Tab A), the Secretary of State requested the comments of the Secretary of War as to the instructions which should be sent by the Department of State in reply to an inclosed communication (Tab B) from the United States Commissioner on the War Crimes Commission. The United States Commissioner lists five questions concerning the definition of war crimes and the competence of the War Crimes Commission which he believes may be considered by the Commission at an early date, and requests instructions thereon.

2. Inclosed with Tab C is a paraphrase of the reply, prepared in coordination with the Personnel Division and the Office of the Assistant Secretary of War, which the Department of State proposes to make to the United States Commissioner. In the opinion of the Personnel Division, this reply is satisfactory and should be concurred in by the War Department.

3. It is recommended that the attached reply (Tab C) prepared for the signature of the Secretary of War, be signed and dispatched.

COORDINATION

4. Assistant Secretary of War (Col. Cutter) has informally expressed concurrence.

5. Navy Department (Capt. Gary, Central Operations Division, Office, Chief of Naval Operations) intends to reply in the same vein.

FOR THE ASSISTANT CHIEF OF STAFF, G-1:

O. G. HAYWOOD, JR.,
Colonel, G.S.C.,
Executive.

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
NND 750052
By CEO NARS, Date 1 OCT 1974

Incls
D/S fr OCS to G-1, 13 Jun 45
Tabs A, B, and C

NOTED-ASST. DEPUTY CHIEF OF STAFF
U. S. ARMY
23 June 45

~~SECRET~~

SWNCC	
COL. McEARTHY	.....
COMDR. RICHARDSON	.....
MR. R. E. BOB	.....
LT. COL. PENNYVER	.....
LT. COL. BELFUS	.....
MR. W. MOSELEY	.....
MR. J. ARDNER	.....
LT. COL. DR. REDKPELLER
LT. COL. V. F. FIELD
MAJOR W. E. GUNTER
1ST LT. E. SPITTALL
ENS. F. WHITESIDE
FILE

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~~SECRET~~

WDGAP 000.5

6-1/73528
TMB/vk

JUN 23 1945

The Honorable
The Secretary of State
My dear Mr. Secretary:

I have your letter dated 12 June 1945, Lc 740.00116 R.W./6-1145, in which you request my comments as to the instructions which should be sent to the United States Commissioner on the United Nations War Crimes Commission in reply to a communication from that official, a copy of which you inclosed with your letter, which raises certain questions concerning the definition of war crimes and the competence of the Commission.

I have examined the proposed reply to the United States Commissioner, a copy of which is inclosed, which has been prepared by your Department in coordination with officers from the War Department. I consider that this reply is satisfactory and recommend that it be dispatched.

Sincerely yours,

(Sgd.) HENRY L. STIMSON

Secretary of War

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E.O. 11652, Sec. 3(E) and 5(D) or (F) 2
NND 750052
By CSB NARS, Date 1 QCT 1974

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17

~~SECRET~~SUBSTANCE OF PROPOSED MESSAGE TO HODGSON
IN REPLY TO HIS TELEGRAM 9889 OF JUNE 11, 1945.

In the light of the position of the Government of the United States set forth in Justice Jackson's report of June 7, in respect to the charges which it is proposed to bring against European Axis leaders and their associates, it is not believed necessary to take a categorical position as to whether the acts set forth in your telegram of June 11 are war crimes in the strict technical meaning of violations of the laws and customs of war, or whether they are within the Commission's competence. The position of the United States as to the criminal nature of the acts mentioned by you is expressed by Mr. Justice Jackson in his June 7 report. Since he is charged with United States responsibility for major prosecutions, the Department feels you should conform to his advice and wishes in avoiding discussions in the Commission of matters relating to or affecting his prosecutions. Certainly you should do nothing to encourage the discussion of the points which you have raised in your telegram of June 11. However, it is believed that Justice Jackson and the prosecutors to be associated with him, who will be named by other Governments, would undoubtedly be glad to have communicated to them any evidence in respect to the charges which they are prosecuting, which is in the possession of the Commission and which it wishes to bring forward.

~~SECRET~~

STATE-WAR-NAVY COORDINATING
COMMITTEE

STATE

 ho Mr. Cox
 Mr. Moseley
 Mr. Gardiner

WAR

 Jim Colonel McCarthy
 W Lt. Colonel Penoyer
 W Major Field
 Major Gunther
 Lt. Spittall

NAVY

 Commander Richardson
 Lt. Comdr. Rockefeller
 yes Lieutenant Geilfuss
 Ensign Whiteside

 Note
 / Circulate
 / File

REMARKS:

~~TOP SECRET~~

yes

Capt Kline/73528/emd

JUL 27 1945

The Honorable
The Secretary of State

Dear Mr. Secretary:

Reference is made to your letter dated 14 May 1945 (Le 740.00116 E.W./4-2845), requesting information, to be forwarded to the United States Deputy Commissioner on the United Nations War Crimes Commission, as to action taken by United States military or naval authorities which implements the Commission's recommendations set forth in Commission Document C.21 and further requesting information as to whether the War Department has any lists of persons such as are mentioned in paragraph 2 of Document C.21 which it now wishes to communicate to the War Crimes Commission.

Document C.21, dated 18 May 1944, recommended that members of the S. S. and Gestapo and all persons who have held responsible positions in countries occupied by the Axis should be available to be examined upon any crimes which may have been committed in their sector or command. Paragraph 2 thereof suggested that lists of occupation officials and of the more important crimes committed in occupied areas should be transmitted to the Commission. Seemingly, this recommendation that such lists be compiled was addressed primarily to the governments of countries whose territory was then occupied.

A directive from the Joint Chiefs of Staff to the Commander in Chief of U. S. Forces of Occupation Regarding the Military Government of Germany, dated 26 April 1945 (J.C.S. 1067/6), contained instructions to arrest various persons, including among others all those in the categories above mentioned. Similar instructions were contained in a letter of general distribution, dated 9 March 1945, from the Supreme Commander, Allied Expeditionary Force (AG 350.09-2 GBI-AGM). Many of the persons in the categories mentioned are now in custody and available for interrogation on application to military authority. Similar instructions concerning automatic arrest categories of Japanese personnel will be issued to commanders in the Pacific if this is found advisable.

Presently, there are no lists of persons such as are mentioned in paragraph 2 of Document C.21 which this Department is prepared to

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NND 750052
By *CEA* NARS, Date 1 OCT 1974

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~~TOP SECRET~~

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(9)

~~TOP SECRET~~

communicate to the War Crimes Commission. Lists of Japanese officials in occupied areas in the Pacific are in process of compilation in the War Crimes Office under the Judge Advocate General and in the field, and will be available to the Commission in due course. As to the European countries, similar lists of occupation officials doubtless have been compiled by the governments whose territory was over-run. It is understood that data as to such class of officials is also included in the lists compiled in the Central Registry of War Criminals and Security Suspects, Supreme Headquarters, Allied Expeditionary Force.

Sincerely yours,

(Signed) ROBERT P. PATTERSON

Acting Secretary of War.

~~TOP SECRET~~

~~RESTRICTED~~

Lt. Col. Yudelson/72234/jic

WDGAP 000.5 (20 Jun 44)

The Honorable

The Secretary of State

My dear Mr. Secretary:

JUL 6 - 1945

I have your letter dated 23 June 1945, i.e., inclosing a copy of a radio from the Ambassador in Madrid dated 11 June 1945, and requesting an expression of the views of the War Department as to the best method by which the United States Embassy in neutral countries might cooperate in locating wanted war criminals.

I believe it most desirable that lists of war criminals be transmitted to our Missions in neutral countries for their information and guidance in seeking to locate war criminals who may have fled to such countries. Lists of persons wanted for crimes committed against American nationals have been prepared by the United States National War Crimes Office in the Office of The Judge Advocate General, and such lists will be promptly furnished you for transmission to the Missions concerned. With respect to the lists prepared by the War Crimes Commission in London, I would suggest that you inform the Commission, through the United States Representative thereon, of your readiness to transmit their lists to the Embassies concerned. I would likewise suggest that you inform the Office of the Chief of Counsel that such lists as have been prepared by that Office will likewise upon request be transmitted by your Department to our Missions.

The cooperation of our Embassy will, I am sure, prove most helpful, and your desire to have them render such assistance as is possible is greatly appreciated.

Sincerely yours,

(Sgt.) HENRY L. STIMSON

Secretary of War

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E.O. 11652, Sec. 3(E) and 5(D) or (E)

NND 750052

By CRD NARS, Date 1 OCT 1974

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The Secretary of
the Navy

Serial 0049813
(SC) A17/EF

Op-13-1-B/mj
11 June 1945

~~SECRET~~

16 JUN 1945

Sir:

Reference is made to the letter from the Department of State of 31 May 1945, transmitting copies of letters received from the United States Commissioner of the United Nations War Crimes Commission, together with document C.105(1) dealing with the general plan for the trial of criminal gangs, groups, and formations. The proposals submitted to representatives of Great Britain, France and Russia in San Francisco by Judge Samuel I. Rosenman cover in principle the recommendations contained in documents C.105(1).

It is noted that the Department of State requests the comments of the Navy Department on the reply which should be made to the War Crimes Commission in respect to the recommendations.

In view of the approval by the President of the report of Justice Robert H. Jackson, Chief of Counsel for the United States in the prosecution of Axis war criminals dealing with these questions, no comment from the Navy Department appears necessary.

Respectfully,

JAMES FORRESTAL

The Honorable,

The Secretary of State.

Prepd by Capt. Gary,
Central Division, Operations

cc: JAG
CominCh
LBNCC

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NND 750052
By CRD NARS, Date 1 OCT 1974

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The Secretary of
the Navy

Serial 0050013
(SC)A17/EF

Op-13-1B/mj
11 June 1945

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~~SECRET~~

Sir:

16 JUN 1945

Reference is made to the letter from the Department of State of 10 May 1945, transmitting a letter from the United States Deputy of the United Nations War Crimes Commission, regarding the Commission's recommendations contained in document C.30 concerning the establishment in occupied territory of a special group of counsel to be attached to Supreme Allied Command to assist the United Nations War Crimes Commission in its work.

It is noted that the Department of State requests to be informed whether any action has been taken or will be taken by the naval authorities which will implement the Commission's recommendations.

It is contemplated that representatives of the respective area commanders will perform the services referred to in the United Nations War Crimes Commission's recommendations. The Navy Department does not consider therefore that further implementation of the recommendations of the United Nations War Crimes Commission as suggested is necessary at this time.

Respectfully,

The Honorable,
The Secretary of State.

Prepd by Capt. Gary,
Central Division, Operations

cc: JAG
CominCh
SWNCC

JAMES FORREST	
COL. MCCARTHY	SWNCC
COMDR. RICHARDSON	
MR. R. E. COX	
LT. COL. PENNOYER	
LT. COMDR. BEILFUSS	
MR. H. W. MOSELEY	
MR. J. P. GARDINER	
LT. COMDR. ROCKEFELLER	
LT. COL. V. F. FIELD	
MAJOR W. E. GUNTHER	
1ST LT. E. SPITTALL	
F. WHITESIDE	

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NND 750032
BY 3020 NARS, Date 1 OCT 1974

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WDGAP 334 UNWCC

G-1/73528
DWB/vk

MAY 18 1945

The Honorable
The Secretary of State

My dear Mr. Secretary:

I have your letter of May 12, 1945, Le 740.00116 E.W./4-3045, requesting the comments of the War Department with respect to an inclosed proposed budget of the United Nations War Crimes Commission.

It is my opinion that the appropriateness of this budget is a matter of primary interest to your Department and is not a subject with respect to which the War Department may properly comment. I accordingly refrain from expressing any views in this connection.

Sincerely yours,

(Sgd.) HENRY L. STIMSON

Secretary of War

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JAG:NDW/JJR:vla
Serial 0029713
(SC) A17/EF

000.5

D. L. Cutler
WAR RECEIVED
SECRETARY'S OFFICE
1945 APR 28 AM 11:29
26 APR 29

~~SECRET~~

Sir:

Reference is made to the letter of the Department of State dated 24 March 1945 (Lc 740.00116 E.W./3-1445) transmitting a copy of a despatch dated 14 March 1945 from the Acting United States Representative on the United Nations War Crimes Commission enclosing copies of two cases filed with the Commission by the Belgian Representative as Belgian Cases 602/B/G/19 and 604/B/G/20.

It is noted that the cases as filed with the Commission are charges against two German customs officials, Engelhard and Schmitz, for the murder of an American aviator during the course of military operations in Belgium. The Acting United States Representative points out that the Belgian Representative by filing these two cases indicates that his Government desires to have the Commission place the accused Germans on the Commission's List of War Criminals, and to have the United States, United Kingdom, Russia and France apprehend and deliver the accused to Belgium for trial. It is pointed out also that the practice of other Governments in similar cases is to furnish the basic evidence to the Government of the country of the victim for presentation by that Government to the Commission or for whatever other action that Government desires to take. The Belgian Representative, however, is reported as asserting that Belgium is entitled to present these cases and to try the accused under the policy laid down in the Moscow Declaration of 1 November 1943. This policy is quoted to the effect that such German war criminals "will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries" It is noted further that the Acting United States Commissioner states that until otherwise instructed he will object to granting the request of the Belgian Representative and will contend that from the nature of the cases jurisdiction should be conceded to be in the United States.

It is noted that the Department of State requests the views of the Navy Department in order that appropriate instructions may be sent to the Acting United States Representative.

It is the view of the Navy Department that the Belgian request is objectionable. This view is based upon the following considerations in addition to those stated by the Acting United States Representative.

0001 334 Ambedkar, Mahon, Mac, Chinese Comm. (4-2-45) [unclear]

Noted - Asst. Secy of War.

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
NND 750052
By *CS* NARS, Date 1 OCT 1974

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The Moscow Declaration, when considered in its entire context and in its reasoning and objectives, does not support the interpretation asserted by the Belgian Representative. The clause quoted above is followed by other clauses which show that the war criminals to whom the Moscow Declaration refers are to be "brought back . . . and judged on the spot by the peoples whom they have outraged." In the cases under consideration, the peoples "outraged" are the American people rather than the Belgian people. Moreover, as a practical matter, it is to be observed that cases involving American victims can be prosecuted with greater accuracy and effectiveness before courts conducted by American personnel. As an indication of this fact, it is to be noted that the Belgian statement of the subject cases is in error even in stating the name of the victim. The correct name, Posey, is erroneously stated as "Posej" and as "Posez". Other allegations in the statements likewise show that the conducting of prosecutions of war criminals on charges of murdering United States service personnel during the course of military operations should be by the United States Government.

Respectfully,

JAMES FORRESTAL

The Honorable,
The Secretary of State.

cc:
War Department
→ SWNCC
(Prepared by Lt. Comdr. J. J. Robinson, JAG)

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DO NOT DETACH THIS SLIP

OFFICE OF THE ADMINISTRATIVE ASSISTANT

Date APR 28 1945 194

To.....

<input checked="" type="checkbox"/> Under Sec. of War	Judge Advocate General
<input type="checkbox"/> Asst. Sec. of War	Ordnance, Chief of
<input type="checkbox"/> Asst. Sec. of War (Air)	Panama Canal
<input type="checkbox"/> Adjutant General	Personnel, Director of
<input type="checkbox"/> Army Air Forces	Provost Marshal General
<input type="checkbox"/> Army Service Forces	Public Relations
<input type="checkbox"/> Asst. Admin. Asst.	Q. M. General
<input type="checkbox"/> C. & R. Div.	Signal Corps.
<input type="checkbox"/> Engineers, Chief of	<input checked="" type="checkbox"/> Staff, Chief of
<input type="checkbox"/> Fiscal Director	Surgeon General

For—

Necessary action.

Direct reply.

Necessary action and preparation of reply for signature of Secretary of War. **APR 28 1945**

Necessary action and preparation of reply for signature of Administrative Assistant.

Remarks and recommendation.

Memorandum for Sec. of War or Administrative Asst.

Investigation and report.

~~Notation and filing.~~

Noted by Sec. of War or Administrative Asst. and returned for filing.

Previous papers.

Mark "Personal attention of Administrative Asst."

Correction.

Remarks:

2 Filing

Noted - Asst. Sec. of War

By direction of the Secretary of War:

JOHN W. MARTYN,
Administrative Assistant.

JWM **R.**

Prepared by -1, Maj. Brown

Written: WDOAS;RAG;MOB

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APR 25 1945

The Honorable
The Secretary of State

My dear Mr. Secretary:

I have your letter dated 27 March 1945 requesting an expression of the War Department on the recommendations contained in an inclosed Document C.82 of the United Nations War Crimes Commission concerning persons suspected of war crimes and persons wanted as witnesses with respect thereto.

The War Department agrees in principle with the recommendations of the War Crimes Commission but is of the opinion that no action in connection therewith is required by the United States Government at this time. Supreme Headquarters, Allied Expeditionary Forces, are understood to be taking appropriate action to obtain the objectives desired by the War Crimes Commission in this connection. Directives on the subject are also understood to be in process of preparation for submission to the European Advisory Commission.

Sincerely yours,

HENRY L. STIMSON

Secretary of War

COPY FOR SWNCC

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E.O. 11652, Sec. 3(E) and 5(D) of (E)2

NND 750052

By CRD NARS, Date 1 OCT 1974

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STATE-WAR-NAVY COORDINATING
COMMITTEE

STATE

 Mr. Cox
 Mr. Moseley
 Mr. Gardiner

WAR

 Colonel McCarthy
 Lt. Colonel Pennoyer
 Major Field
 Major Gunther
 Lt. Spittall

NAVY

 Commander Richardson
 Lt. Comdr. Rockefeller
 Lieutenant Geilfuss
 Ensign Whiteside

 Note
 Circulate
 File

New York

REMARKS:

Prepared G-1(B...ays)

Rewritten:

S:RAC:MGB

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*War Crimes Comm.
000.5-...*

APR 24 1945

The Honorable

The Secretary of State

Dear Mr. Secretary:

I have your letter dated 24 March 1945, Le 740. 00116 E. W./3-1445, inclosing a dispatch from the United States Deputy Commissioner on the United States War Crimes Commission in London, raising the question of jurisdiction over war crimes committed against American nationals.

In the opinion of the War Department, the policy of this Government should be that in the absence of special circumstances it will itself try cases of war crimes committed specifically against American nationals. I suggest that you instruct the American representative on the War Crimes Commission accordingly. It should be recognized, however, that there may be occasions, where it will be desirable for reasons of policy to have the trial before a mixed military tribunal, composed of officers of one or more of the Allies.

Sincerely yours,

HENRY L. STIMSON

Secretary of War

Drafted by G-1 5 Apr 45
Rewritten WDOAS, RAC 23 Apr 45

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
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By ... NARS, Date 1 OCT 1974

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War Crimes
Comm.

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APR 16 1945

The Honorable
The Secretary of State.

Dear Mr. Secretary:

In reply to your letter of March 3, 1945 requesting information on the War Crimes Office for the Deputy Commissioner, United Nations War Crimes Commission in London for transmittal to Lord Wright, Chairman of that Commission, there is inclosed herewith a statement for use in this connection.

Sincerely yours,

(Sgd.) HENRY L. STIMSON

Secretary of War.

Incl:
Statement

APR 20 1945



WHITE WARRENNAVY COORDINATING
COMMITTEE

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NND 750052
By CRP NARS, Date 1 OCT 1974

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THE UNITED STATES WAR CRIMES OFFICE

The War Crimes Office was established in the Office of The Judge Advocate General of the Army under a directive of the Secretary of War dated September 25, 1944. The mission assigned, as defined in a later directive of November 30, 1944, is to collect from every available source all evidence of cruelties, atrocities, and acts of oppression against members of our Armed Forces or other Americans, including the people of any dependencies of the United States, such as the Philippines; to examine, evaluate, and organize such evidence; to arrange for the apprehension and prompt trial of persons against whom a prima facie case is made out, and for the execution of sentences which may be imposed.

The Secretary of the Navy, upon the suggestion of the Secretary of War, joined in the setting up of the Office, and provided for participation through a Navy Division and Navy personnel under The Judge Advocate General of the Navy. The agency thus established in the War Department, by agreement between the State, Navy and War Departments, is authorized to act jointly for the three departments in handling war crimes matters. It thus performs the functions of the National War Crimes Office.

1. Organization of the Office. The War Crimes Office is a part of the Office of The Judge Advocate General of the Army in the War Department at Washington, D. C. It is directed by an Assistant Judge Advocate General with the grade of Brigadier General, and includes Army and Navy personnel and civilians. All officer personnel are lawyers and the great majority are especially qualified by experience in the prosecution or investigation of criminal cases. Present authorized Army strength is 29 officers and 45 civilians, in addition to which there is the Navy contingent consisting of 4 naval or marine officers, three enlisted personnel and one civilian employee. At this time the office is organized into divisions for the European-Atlantic and Asiatic-Pacific areas, a Navy division, a common information division, handling the collecting of information from every source, and an executive division for the purpose of administration.

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2. Address of Office. War Crimes Office, Office of the Judge Advocate General, War Department, Washington 25, D. C.

3. Name of Principal Officer. John M. Weir, Brigadier General, U. S. Army, Director, War Crimes Office.

4. Methods of Contact and General Procedure. Within the United States contact is maintained with, and information derived primarily from other Government agencies, such as the Office of the Provost Marshal General, the Military Intelligence Division, the Office of Naval Intelligence, the Army Air Forces and from reports of censorship, the Office of Strategic Services, the Office of War Information, the Federal Communications Commission and from the Swiss and Spanish in their reports as protecting powers to the Department of State, as well as reports made by attaches and from foreign service officers of that Department. Constant personal liaison is maintained by a representative of the War Crimes Office and all information brought to the War Crimes Office and analysed. For the purpose of this report, the cases can be considered in three categories: (1) cases requiring investigation only in the United States, (2) cases requiring investigation only within a theater of operations, (3) cases requiring investigation in both the United States and in a theater. In all of these cases, the information is sent to the theater immediately upon receipt regardless of whether the investigation has been completed. In the United States details and substantiation of reports are secured by the interrogation of repatriated and returning military and naval personnel and civilians as well as prisoners of war. Arrangements are being made for the interrogation of these who have either gone to their homes or to some hospital. Specific data is also being gathered in regard to the major axis criminals. Branch offices either organized or in the process of establishment include the European Theater, Mediterranean Theater, Central Pacific Area, and Southwest Pacific Area. These are a part of the Judge Advocate's section of each headquarters with their primary function the investigation of alleged war crimes and the collection of evidence relating thereto, including, for transmission to the governments concerned, evidence relating to war crimes committed against nationals of other United Nations. Offices subordinate to those of the theater commanders are being organized in each Army group and the channel for information is the same as for courts-martial. The Navy channel is through the Legal Officers of all fleets and stations. Information from the field has heretofore been in the form of written reports to which the sworn statements of witnesses are attached and in some instances by reports from Boards of Inquiry which have conducted investigations. Present plans call for an aggressive investigation program to be undertaken in which traveling investigating detachments will go from place to place, each to consist of four officers and five enlisted men. Effort is made to identify the personal perpetrator of the offense, but

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where this is impossible, attention is given to developing a pattern from which the responsibility of the commanders and staff officers may be fixed. If a particular unit has left a trail of crimes across an area, it is assumed that the unit commander was a party to these crimes since he must have had knowledge thereof.

The recording and filing system is based on that of the Federal Bureau of Investigation, which is the investigatory branch of the United States Department of Justice. Complete files are maintained by words descriptive of crimes, which are also divided into major geographical division. Each master file contains four major headings; (1) summary of crime, (2) witnesses or other sources of information, (3) comment and notes, (4) recommendations. As the bulk of the cases are eventually to be tried by courts which will sit outside the United States, the original files will be sent to the field with duplicates thereof kept in the Washington office. Offices in the field investigate offenses against both members of the armed forces and civilians. Large numbers of offenses against American civilians have been committed in the Philippines during occupation by the Japanese and great importance is attached to these offenses.

General Results Obtained. Results obtained so far have been gratifying. In a few instances the files are nearly complete, including sworn statements of witnesses, sketch maps, photographs and other such evidentiary matter, but in most cases the field investigation is yet to be made. There is also considerable untapped information within the United States in the possession of government agencies, private organizations and individuals. Particularly in the matter of fixing responsibility on military commanders it will be necessary to have access to military and administrative records of the enemy, which will be available only after their collapse and also to interrogate our personnel who are now prisoners and will then be released. Cases will be presented to the United Nations War Crimes Commission after all possible sources of information have been investigated. Complete organization of branches in the field is expected to make possible the unearthing of a great many new cases as well as additional details on cases already reported.

Number of Cases Investigated. No tabulation has yet been made as to which cases have been investigated to a sufficient point to found a charge. Eventually it is expected to develop each case, upon which trial is to be had, to a point where the prosecutor will be able to take over the file and try the accused on a few days' notice.

Number of Charges Actually Submitted to the Commission. No cases have as yet been submitted to the Commission.

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