

PSF Executive Office of President - Rosenman, Samuel I.

PSF
Subject File "E"

Box
 148

file
personal

PSF Exec. Ope.

SAMUEL I. ROSENMAN
80 CENTRE STREET
NEW YORK, N. Y.

(no date)

Tuesday

Dear Mr. President

Those five volumes of "Public Papers" in the binding you designed are the prettiest things I have ever seen in books.

People who have seen them, who have extensively collected fine bindings of their own, were amazed not only by the beauty of the design but by the fine execution by the Government Printing Office.

Thanks a lot — especially for the grand inscription by you which makes me feel most exclusive and proud. They make a really treasured possession.

With my best
Cordially Sam

PSF Exec. Afo. - Rosenman

SAMUEL I. ROSENMAN
80 CENTRE STREET
NEW YORK, N. Y.

PS
Y
June 2, 1939

Miss Marguerite A. Le Hand
The White House
Washington, D. C.

Dear Missy:

I am sending you a copy of "The Week", which was sent to me. I am informed that "The Week" is quite a reputable and fairly reliable sheet in London.

I wish to call your attention to the article on page 6. I do not know whether the President has seen it or whether he should see it. Please use your best judgment.

If the story is untrue, I should think that Joe might wish to deny it. I suppose, however, that it has been called to his attention.

With kindest regards,

Yours very sincerely,

Sau

Looking forward to a sight of you
the 8th

THE WEEK

May 17th 1939.

28 VICTORIA STREET,
LONDON, S.W.1

TELEPHONE:
ABBEY 1284

THE CRISIS

Key-points in the crisis as it develops towards its climax are these:-

(1) The Anglo-Soviet situation is much less bright than the Downing Street inspirations to the British press suggest. The position in a nutshell is that on April 16 the Soviet Government proposed a Pact of Mutual Aid against aggression, based on a defensive military alliance between Britain, France and the Soviet Union, and on that basis erecting a really unbreakable barrier of small states too.

The British Government gave no reply to that proposal until May 8th, but in the meantime while telling the House of Commons that everything was going well, suggested to everyone that on the one hand the Poles would object to such an arrangement, and -- to other people -- that Mussolini, Franco, Salazar and the Japanese would dislike it too.

On May 8th the British Government rejected the Soviet offer.

On the same day the Germans and Italians concluded their military pact.

Izvestia Article

The outline of the Soviet reply to the British rejection was contained in the now famous Izvestia article of the middle of last week -- which even now several British newspapers could not bring themselves to publish in full, though it was very evidently the hottest news available on the possibility of preserving the peace.

Then came the Soviet official reply. And to-day (Wednesday May 17) the Cabinet is due to turn it down -- with the proviso that the whole thing had better be discussed at Geneva.

"Impersonal"

There was a comical feature to a tragic affair in so far as the British Government, believing that the Soviet Government is conducted on as "personal" a basis as is the British Government, and that -- as British officials always suppose -- "if you only snaffle the right man" you get to do business regardless whether the business you do makes sense or not, thought that if only they could get Molotov to Geneva they would thereby persuade the anxious British public that things were going well.

Then they learned that the Soviet Government was not at the moment thinking of sending Molotov but might send Potemkin.

Just after that came the Soviet reply to the British "counter-proposals" and the British press, inspired directly from No.10, suddenly issued (on Tuesday May 16) a series of suggestions to the effect that the

X 357 2 311

British found these proposals unacceptable but would be prepared to stall the whole thing, and start all over at Geneva in conversations with Potemkin.

Already the British Foreign Office was beginning to "play up" as quite a coup the fact that Lord Halifax would now "get together" with the Vice-Commissar for Foreign Affairs of the Soviet Union.

"Human Element"

The British Government is of course not really so foolish -- though its enemies and even its friends often accuse it of so being -- as to suppose that the diplomacy of the new world is really based on whether this person or that -- Litvinov or Potemkin or Maisky -- happens to be in charge of particular negotiations. The British Foreign Office, which (although it often has to pretend the contrary in deference to the wishes and inner political necessities of No.10 and the Conservative Central Office) is really very well-informed on everything except really basic matters, is perfectly aware that Soviet diplomacy and Soviet policy are not one-man affairs.

Geneva Illusions.

Precisely for the reason however that a good deal of British Foreign Office propaganda had been put out to the effect that the Soviet Government were now so interested in the British counter-proposals that they were actually going to send somebody all the way over from Moscow to talk to Halifax, they put their chins out to be smacked by the Soviet Government which, as it had already repeatedly stated, did not in fact regard the British proposals as anything but a somewhat naive and despicable manner of gaining time.

So when it was suddenly announced that after all M. Maisky a Soviet diplomat who by the very nature of his job really does understand the English inside out -- would be going to Geneva -- there was some quite unseemly petulance in Whitehall.

The petulance in question is not due to the personality of M. Maisky, who is justifiably popular in London, but to the fact that his appointment to the Geneva job neatly cut across the British Government's plan for "playing up" Geneva as an "example" of how well the British Government was really getting on with the Soviet Union.

The Game

For the view of the British public's presumed ignorance of the fact that a representative of the Soviet Government is a representative of the Soviet Government and neither more nor less, it had been the purpose of the British Government to use the presence of Potemkin or even Molotov in Geneva as a ground for convincing the British public that the Russians do not after all think so badly of the British counter-proposals.

This game has in fact been going on ever since the original Soviet proposals for the conference at Bucharest which were made on March 18, three days after the invasion of Prague. It will be recalled how on that occasion the Foreign Office and No.10, in order to head off Opposition -- and above all Conservative -- anxiety regarding the possibility that the Chamberlainites would sabotage the Russian talks, deliberately encouraged the newspapers to run a big line of Anglo-Russian friendship, to the extent that the Evening News of all papers headlined "Moscow is with us".

The same thing has occurred at various intervals throughout the -- in fact -- mainly deadlocked conversations with the Soviet Union: every time that things are going badly (because the British Government has refused a Soviet offer of assistance, because Spain, Portugal, Japan and Italy have entered a covenant against Anglo-Soviet commitments) the British Government and its press pour out assurances of how nicely things are going.

The Facts

The real position -- and it is one of life and death for the British -- is that so far:-

It is not true, as the British press has suggested, that there has been an "approximation of view" between the British and Soviet Governments.

The Soviet Government persists in calling for a practical defence system including mutual guarantees and if possible military talks, and the British Government persists in refusing mutual guarantees and refusing military talks.

Contradiction

The contradiction could hardly be sharper, especially as it is based on the fact that the British Government's refusal is backed by all those "appeasers" in the British Government who are perpetually "explaining" to their colleagues that the thing to do is to make some further concessions to the Japanese, to Mussolini, to Portugal, and -- of all people -- to Franco, and that the only concession that can be made is that the British should refrain from making any definite commitments to the Soviet Union.

(2) All this is perfectly well known in Moscow, and the intrigues of the British Government in this sense -- unreported for the most part in the British press -- being common knowledge there and in the USA provide at least a part of the basis for that "mysterious" scepticism regarding the "aims" the "sincerity" of the British Government in its alleged opposition to Fascism, which the British press finds so surprising. Nobody else, unfortunately, is in the slightest degree surprised.

(3) The position of the Anglo-Soviet negotiations -- and above all the delay in them -- remains (in the view of Berlin-Rome, London, Paris, and Moscow) the crucial factor in the whole position, and in all calculations as to when "the balloon is likely to go up".

(4) Best information from Berlin, Rome, Paris, and London, offers the following as an approximate sketch of the alternatives before the Axis Government (now definitely centred in Berlin with Benito Mussolini more than ever fulfilling simply the role of Gaudier Italian) the following:-

(a) In view of the delay in the Anglo-Soviet negotiations successfully engineered by the German diplomats working through Rome, Burgos, Tokyo and Lisbon, there remains in Berlin a profound belief that in fact the British Government is not serious about the whole affair.

For it is more or less logically argued in Berlin that if the British Government were really serious in its alleged attempt to organise a general defence -- or even a purely British defence -- against the

Axis attack, the obvious thing to do would be to achieve an immediate alliance with the Soviet Union.

The fact that the somewhat naively concealed representations of German agents in the above-mentioned capitals have proved to have so impressive effect upon Mr. Chamberlain, is taken in Berlin -- rightly or wrongly -- as proof that the British Government is after all not serious.

(b) This being so, or at least believed to be so in Berlin, the German and Italian Governments are faced with the choice between one of two almost equally attractive lines of policy: That is to say, they can -

either, in the belief that in the long run the British opposition -- meaning particularly the Conservative Opposition -- will force the Anglo-Russian alliance which spells the end of the Hitler ambitions, attack now at Danzig

or, in the belief that another apparent "lull" will permit the "appeasers" to find their feet again and come to the top, allow things to slide a little further, running a continuous terrorisation and victimisation campaign, in the hope that very soon both in Britain and in France the anti-Munichers will get tired, and the Munichers will begin to be able to say "after all, these people have not invaded any independent state for several weeks, what reason is there for not treating them as in fact very decent chaps?

The market.

In fact, putting the thing market-wise, it is one of those situations in which a really strong-nerved bear will make more money than anybody, but a nervous bull will make more money than a nervous bear. And, as is notorious all over the world, the London market is full of nervous bulls who read their newspapers in the morning and get the pep-talk and start buying forward, and then talk to their friends over lunch and telephone the continent, and begin to get the facts, and start hedging before midday.

(c) There is being put about in London this week a heavy propaganda barrage to the effect that the Germans and Italians have been "stopped anyway" and that therefore there are no further unpleasant surprises to be expected. Investigation in Berlin and Rome does not support this view, but rather suggests that it is in fact being put out from precisely those two centres: again with the central notion of delaying, or giving the impression that there is no longer any necessity for, the Anglo-Soviet Pact.

It has to be reported that so far as the German General Staff -- which is the same thing as the Italian General Staff -- is concerned, the view is that everything stands or falls by the success or failure of the Anglo-Soviet negotiations. Whatever the views of Dr. Salazar

(and his friends in the British Conservative Party) there are no illusions in the German General Staff as to the decisive change in the situation which would arise from a definite military commitment between the British and the Russians.

The general impression in informed circles both in London and Paris is that the situation is reaching its most critical point: and that the key to it lies in London, and particularly in the question of whether or not the "appeasers" continue to be able to delay signature of a practical Anglo-Soviet Pact.

For it is pointed out in both capitals that although -- except in the columns of The Times -- the appeasers have been lying comparatively low in public during the past week, they have in fact been doing so because their principal concentration has been precisely upon the wrecking of the Pact, or at least upon the prolongation of the endless delay.

As a result, Berlin estimates very high the chances that the "appeasers" are still in fact in power in Britain: and so long as they are strong enough to delay the Pact, no amount of finger-wagging from members of the Government and in the editorial columns of the London press will have any effect in "persuading" Herr von Ribbentrop that he is mistaken in this matter.

The danger therefore is a double one: first that the appeasers without actually being in power may give to the German Government the impression that they are, long enough and deeply enough to provoke a disaster; and secondly, that, having produced that situation, they may actually turn out to be near enough to power to make of that disaster not a resistance but "a second Munich".

The Rushcliffe Letter.

From an exceedingly well-informed source it is confirmed to us this week that the real author of the now notorious "Rushcliffe Letter" to The Times, calling for "a second Munich" all along the line really was drafted by Sir Horace Wilson, and therefore represented exactly the view and aims of the appeasers at No. 10.

It appears, according to sources in Berlin, to be this fact above all -- communicated of course by the German Embassy and by unofficial agents -- which accounts for what all agree to be an air of immense confidence and jauntiness on the part of Herr von Ribbentrop. Confident that the Rushcliffe letter (a) represents the views of No. 10 and (b) would never have been published in such a form unless it did, he is still this week advising the Fuehrer that everything pointing the other way -- including the Chamberlain speech at the Albert Hall -- is and must be the merest bluff.

The fact that after relegating the "appeasement" correspondence to its inside columns for a day or two, The Times suddenly gave it pride of place again was also -- absurdly as some think but seriously nevertheless -- taken in Berlin as a useful straw in the wind.

It was also remarked there that The Times went so far as to publish a letter from a Territorial Officer of which the argument, if

pushed to its logical conclusion, came perilously near to incitement to refusal of military service. In it appeared in fact the same type of argument that was last seen in this country in the days of Lord Carson and "Galloper Smith" -- the first overt hint that the "Fifth Column" is prepared actually to urge people not to serve in the armed forces except in support of its own policies. It was a minor straw in the wind, but appearing where it did, an important one, and one which, if it had come from another quarter -- for instance a Trade Union leader -- would certainly have been denounced by The Times in no uncertain terms.

MR. KENNEDY

London (and perhaps Washington) was becoming increasingly puzzled this week by the "mystery of Mr. Kennedy" -- and still more, by the mystery of why Mr. Roosevelt maintains Mr. Kennedy in the post of Ambassador to Great Britain. His role has been and still is of very much greater importance in its effects on both sides of the Atlantic, than the general public supposes.

Before his recent trip to Washington, Mr. Kennedy was already well known in both capitals as an "appeaser" of the first water. He was the principal apologist for Mr. Chamberlain in Washington, and at the same time was known to be informing Mr. Chamberlain that in reality American opinion -- serious American opinion -- so far from being hostile to Munichism, was really supporting it and that therefore Mr. Chamberlain did not really need to worry about the apparent outbursts of indignation from the other side, regardless of the quarter from which they came.

Mr. Kennedy, whose relations with certain representatives of General Franco were common knowledge, played a particularly important part in the politics of non-Intervention, and was actively engaged in supporting, from his strategically very strong position, the policy which resulted in the great break through of the Axis in Spain. His trip to Washington was, as everyone expected, the occasion of a very severe dressing down by the President. But the mystery began when Mr. Kennedy, instead of being sent on holiday, after all returned to London as Ambassador. For since his return, his activities have become more remarkable than ever. He has for instance gone to the length of informing members of the British Government that they "need not worry" about anything that Mr. Roosevelt may say, for the reason that

- (1) "It will be my friends that are in the White House in 1940.
- (2) "Roosevelt is run by the Jews and all the anti-fascist sentiment in the United States is really created by the Jews, who control the press".

The bland assurance with which Mr. Kennedy circulates these staggering opinions about the Government which he is after all supposed to represent, have occasioned some considerable eyebrow lifting even among those -- in the "appeasement" camp -- who find them very useful.

There have in fact been several occasions during the past three or four weeks, on which the opinions of the American Ambassador have been not merely quoted but decisively used at British Cabinet meetings, when the suggestion has been made that the continued signs of "appeasement", and above all the Federation of British Industries Agreement with the German Government, are producing a disastrous effect upon the other side of the Atlantic. To those who try to suggest that the American Ambassador -- a wealthy Catholic speculator -- is probably not representative at all of American opinion, and is playing a game of his own, the retort is made: If that is so, why does he remain Ambassador?

(Subscription rates to THE WEEK 8/- half yearly, 16/- yearly. Foreign rates 12/- and 24/-, USA and Canada and Dominions where Air Mail rates of 3d per oz do not apply 10/- and 20/-. Dominions where Cheap Air Mail rates are in force 13/- and 26/-.. Printed & published by Claud Cockburn at 28 Victoria St. London, S.W.1.)

PSF Exec. Ofc.

*Koehnman
Drawer 2 - 1939*

Letter to Jim Mahoney

From the President

Sept 13, 1939

In re-Public Papers of F.D.R. while Governor of N.Y. State
Copy of foreword for last volume of Papers-1932cattached.

See: Jim Mahoney-Gen corres-Drawer 2-1939

*file
personal* *RF Rosenman folder*
Exec. Off.

THE WHITE HOUSE
WASHINGTON

January 7, 1943

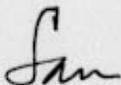
MEMORANDUM FOR

GRACE TULLY

Please note the attached bill to the President for the special binding on two sets of the second series of Public Papers.

One of these sets was for me, but I always pay for them so that the President will not be out of pocket.

I am, therefore, enclosing my check for \$32 payable to his order for one-half of this bill.



SAMUEL I. ROSENMAN

PSF Exec. Afo.

Rosenman folder 2-43

THE WHITE HOUSE
WASHINGTON

File
Personal

Feb. 13, 1943

MEMO FOR THE PRESIDENT

Today is Sam Rosenman's
birthday. Congratulatory telegrams
cannot be sent. Is the attached OK?

TOI

STANDARD FORM NO. 14A
APPROVED BY THE PRESIDENT
MARCH 10, 1926

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

HONORABLE SAMUEL I ROSENMAN
135 CENTRAL PARK WEST
NEW YORK NEW YORK

I HEAR YOU HAVE CHALKED UP ANOTHER ONE

FRANKLIN D ROOSEVELT

FROM

The White House
Washington

FEBRUARY 13 1943

BF Exec. Ofc.

Rosenman folder 2-43

file
pres. mat

June 6, 1943.

Dear Dorothy:-

I enclose a memorandum from Toi to Mac who promptly brought it to me. The connection is obvious but I don't quite know whether Sam caught the plane in order to see the daughter or caught the plane in order to skip the country!

As ever yours,

Mrs. Samuel I. Rosenman,
135 Central Park West,
New York City,
New York.

(Enclosure)

...TYPE ...
...JUNE ...
...JOY ...

3/20/68 9:30 AM

C O P Y

Arthur Mullen has a baby daughter --
born yesterday.

Judge Rosenmen had to rush to catch
a plane.

PSF Exec. Ofc.

The Helvedere
Baltimore

Rosenman folder
file
personal
Sunday.

(no date)

Dear Mr. President,

Sam asked me to thank
you for your nice letters, which he has
enjoyed much.

We've been through sort of a battle but
the smoke is clearing. There is great
hope for the full recovery of the sight of
the eye, and there is no danger of
loss of sight in the other eye. All
tests for some source of infection have
been negative. There is just one test
not yet heard from. That will be
in tomorrow, but since the neurological

examinations were perfectly satisfactory, and the first test of the lumbar puncture was entirely negative, the doctor does not look for any symptoms from this - the results of the examination of the culture of the lumbar puncture.

If nothing turns up in these cultures (no relation to Greek, Roman, etc.), the diagnosis remains "Neuro Myelitis Optica" - which Dr Macdougall will probably tell you is an inflammation of the sheathing surrounding the optic nerve, in this case, of the left eye.

The main cure is rest. Vitamin B. will be poured into him; also - injections of a drug which acts as a

res-declator. The doctors do not know
whether these assist but they add them
because they will not harm.

We will stay right here, ^{at Johns Hopkins} and trust
that with good rest and care the
condition will clear quickly.

We both wish you bon voyage
and a lot of fun. Sam is delighted
at the note and the executive order.

Affectionately
Dorothy

Room 211 Wilmer Eye Pavilion
Johns Hopkins Pavilion
Baltimore, Md.

PSF EXEC. OFF.

SAMUEL I. ROSENMAN
80 CENTRE STREET
NEW YORK, N. Y.

Rosenman folder
file
personal 2-43

Hyde Park
June 18, 1943.

Dear Mr. President,

I have been checking up on Sam,
and am now ready to report. At first I thought
that worry over the impending birth of the Muller
baby had caused the nerve of his eye to deteriorate.
(This diagnosis differs from your chocolate sodas
theory.) I consulted a psychoanalyst and he
informed me that Sam has no fear of babies -
especially blonds, legitimate or illegitimate.

Then I thought that the wrong Dorothy
had gone to Reno. I considered following but
decided that I knew a good reformatory
at Hyde Park so I have moved him
up here and am standing guard.

Thank you very much for sharing
your suspicions with me. Affectionately,
Dorothy.

ASF Exec. Ofc. Rosenman

THE WHITE HOUSE
WASHINGTON

File

June 25, 1943.

MEMORANDUM FOR THE PRESIDENT:

Robert Sherwood just phoned me to say that the Republicans in the Senate have a new scheme for O.W.I. In view of the general condemnation of the abolition of the domestic branch of O.W.I. by the House, the Senate Republicans are going to try to restore a good part of the domestic branch and leave it under Palmer Hoyt, who is a Republican and a very good friend of Senator McNary. Then they expect to transfer the overseas branch to O.S.S. In that way, they hope to have the entire propaganda machine in Republican hands for next year.

The Senate Committee hearings begin tomorrow.

S.I.R.

WASHINGTON
THE WHITE HOUSE

(1315)
hm

Rosenman folder
2-43

THE WHITE HOUSE
WASHINGTON

June 28, 1943.

MEMORANDUM FOR
HARRY HOPKINS;
FOR YOUR INFORMATION.
F.D.R.

Transmitting copy of memorandum which the President received from Hon. Samuel I. Rosenman, 6/25/43, in re telephone call he received from Robert Sherwood to the effect that Republicans in the Senate have a new scheme for O.W.I., whereby a good part of the domestic branch would be restored and left under Palmer Hoyt.

(1316)

hm

TSF Exec Off SIR

Rosenman

THE WHITE HOUSE
WASHINGTON

June 28, 1943.

CONFIDENTIAL

MEMORANDUM FOR

ELMER DAVIS:

FOR YOUR INFORMATION.

F.D.R.

Transmitting copy of memorandum which the President received from Hon. Samuel I. Rosenman, 6/25/43, in re telephone call he received from Robert Sherwood to the effect that Republicans in the Senate have a new scheme for O.W.I., whereby a good part of the domestic branch would be restored and left under Palmer Hoyt.

WASHINGTON
THE WHITE HOUSE

THE WHITE HOUSE
WASHINGTON

File

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The Senate Committee hearings begin tomorrow.

S.I.R.

PSF Exec. Ofc. Rosenman folder
2-43

THE WHITE HOUSE
WASHINGTON

July 30, 1943

MEMORANDUM FOR

S. I. R.

For use in my next speech -
and be very careful of it.

F. D. R.

Enclosure

Memo from OPA - Division of Research
"Price Increases after 46 months of War"

PSF Exec. A/c.

S. J. Rosenman *file*
2-43

THE WHITE HOUSE
WASHINGTON

December 31, 1943

MEMORANDUM FOR THE PRESIDENT.

The attached confidential survey has some interesting information about our foreign affairs.

In this connection, please bear in mind the survey which I sent to you overseas showing:

- (1) People are almost twice as much interested in domestic affairs as international affairs.
- (2) Two-thirds of the people think we should not give aid to foreign countries after the war if this would lower our own standard of living.
- (3) Almost half the people think that if we do aid foreign countries after the war our own standard of living will be lowered.

Jan

S. I. R.

CURRENT OPINION AND INFORMATION
ON
SOME FOREIGN POLICY PROBLEMS

Copy

~~Confidential Report~~

For

Samuel I. Rosenman

Note: This information is taken from a
confidential survey done by this
Office for the State Department.

Hadley Cantril

December 27, 1943.

CURRENT OPINION AND INFORMATION
ON
SOME FOREIGN POLICY PROBLEMS

Confidential Report
For
Samuel I. Rosenman

Note: This information is taken from a
confidential survey done by this
Office for the State Department.

Hadley Cantril

MOST PEOPLE THINK OUR GOVERNMENT IS DOING A GOOD JOB OF LOOKING
AFTER OUR INTERESTS ABROAD. ONLY A QUARTER HOLD THE VIEW THAT
OTHER COUNTRIES ARE TAKING ADVANTAGE OF US - - -

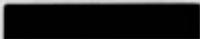
"Do you think that this country's interests abroad
are being well taken care of by the President and
other government officials, or do you think other
countries are taking advantage of us?"

U. S. interests well taken care of		62%
Others take ad- vantage of us		27%
No opinion		11%

SOME EXAMPLES OF PUBLIC
IGNORANCE OF U. S. FOREIGN POLICY

1. LESS THAN HALF KNOW U. S. WAS NOT A MEMBER OF THE LEAGUE OF
NATIONS - - -

Has the United States at any time been a member
of the League of Nations?

Yes, belonged		30%
Don't know		26%
No, not member		44%
Total ignorant		56%

2. TWO-THIRDS ARE UNAWARE OF ANY SENATE RESOLUTION ON FOREIGN POLICY - - -

"Have you heard or read about the resolution recently passed by the Senate on America's post-war international policy? This was called the Connally Resolution."

Have heard [REDACTED] 34%

Have not heard [REDACTED] 66%

3. AND TWO-THIRDS OF THOSE WHO HAVE HEARD OF THE CONNALLY RESOLUTION THINK ^{U.S. will} ~~IT HAS COMMITTED US TO~~ JOIN AN ORGANIZATION OF NATIONS AFTER THE WAR - - -

"As you understand this resolution, does it mean that the United States will join an organization of nations after the war?"

U. S. ^{will join} ~~committed to join~~ [REDACTED] 64%

U. S. ^{will not join} ~~not committed to join~~ [REDACTED] 9%

Don't know [REDACTED] 27%

ALMOST THREE-QUARTERS OF THOSE WITH OPINIONS FAVOR JOINT ACTION
BY A MAJORITY OF BOTH THE HOUSE AND THE SENATE IN RATIFYING
TREATIES AS OPPOSED TO THE PRESENT SYSTEM - - -

"When the war is over it will be necessary to settle many international questions through treaties with other countries. Which do you think is the best way for us to have treaties approved?

First: Approved by the President and a majority of BOTH the Senate and the House of Representatives; OR

Second: Approved by the President and two-thirds of the Senate ALONE."

Majority of
whole Congress



72%

Two-thirds of
Senate



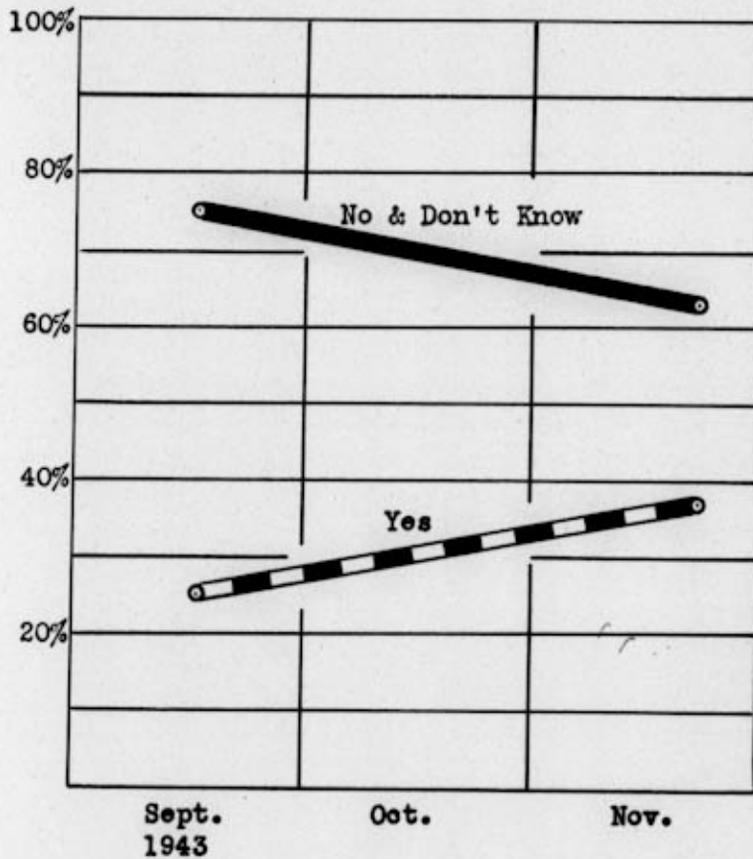
28%

(18% of the total population have no opinion)

Note: This opinion in favor of a majority vote of both Houses is based chiefly on a desire to give the whole Congress a chance to pass on treaties, not chiefly on the rather sophisticated knowledge of what the two-thirds Senate rule implies.

INCREASED AWARENESS OF LEND-LEASE IN REVERSE -- PROBABLY DUE
LARGELY TO WIDESPREAD PUBLICITY OF PRESIDENT'S NOVEMBER 11TH
REPORT - - -

"As far as you know, have we received any war materials and supplies from England in return for our lend-lease help?"



BF Exec. Ofc.

Rosenman folder 2-VF
file personal

THE WHITE HOUSE
WASHINGTON

January 14, 1944

MEMORANDUM FOR THE PRESIDENT.

You asked Mrs. Honeyman to come to see me about the various candidates for the vacancy in the 9th Circuit.

I asked her to draw up a memorandum on it, which is attached.

She is most anxious that her name be taken from the memorandum if it is sent to the Attorney General or to anyone else. Therefore please detach this memorandum if you send it on.

Jm

S. I. R.

WASHINGTON
THE WHITE HOUSE

EDGAR FREED:

Graduate of Harvard Law School - able attorney with large and varied practice. Took time from his practice to be the State Director of the NRA, National Emergency Council and Office of Government Reports. Is an avowed and constant champion of the President and the Administration and the only one of those mentioned who would bring to the court, and help establish for the coming years, that which the President is trying to accomplish through appointments to the judiciary. If Senator Bone is not under consideration, I believe Freed can get support from those in Washington State who are committed to the Senator.

HON. HALL LUSK:

State Supreme Court - good lawyer - fine judge. Probably considers himself a liberal but belongs to the Liberty League group and I believe he would settle into a reactionary position. Strongly supported by the Oregon Journal for this appointment, as he was five years ago for appointment to the Federal District Court, when he was just as strongly opposed by Labor.

HON. HOMER S.
BONE:

Physically unable to fulfill the arduous duties of this position. Believe it unwise to use an already weak court as a haven. Although a public-ownership champion in the early days of that fight, he was no help to the Administration last year with his introduction of the Bone Bill. His appointment would almost certainly mean loss of a Democratic seat in the Senate because if he cannot be elected in Washington, it is doubtful that any Democrat can. Representative Coffey, who would run to succeed him, is strong in his district but not throughout the state. Washington already has a representative on the Circuit Court.

HON. CLAUDE C.
McCOLLOCH:

Now on Federal District Court, appointed five years ago as a compromise when Lusk was opposed by Labor, Reames over sixty, and Latourette considered unfit. For many years counsel for Oregon and California Electric Power Company. His record on the court should be more carefully checked. Norman Littell can give information on this. Judge McCulloch is party to a scheme to advance himself to the Circuit Court, leaving the vacancy thus created on the District Court for Earl C. Latourette, now on the District Court, and brother of our National Committeeman. This would insure support of the National Committeeman for McCulloch. Latourette asked me to use any influence I might have to keep the appointment in Oregon, in which case he felt McCulloch and himself would be pretty well set. McCulloch is being represented here by Willis Mahoney, a former Oregonian, now Portland Electric Power Company lobbyist in Washington. Mahoney has been on this payroll for some years, even during the time he was campaigning on the Roosevelt ticket against Senator McNary. Avenue used here is through Mr. Justice Douglas, through Tommy Corcoran to

to the Attorney General. This scheme is well known in Oregon and is being criticised. I was told by Don Sterling of the Oregon Journal that Judge McCulloch might be selected for the Circuit Court, but one obstacle is the deal being made for him with Latourette. The following two names are reported on to fill a vacancy on the District Court in the event Judge McCulloch is appointed to the higher court:

ELTON WATKINS:

Former congressman from Oregon. May be recalled as having come to Washington to point out objections to the then Governor Martin, up for renomination. By this he won the undying enmity of the Oregon Journal. Life-long Democrat and all-time supporter of the President. Has written a resolution passed by the Multnomah County Central Committee, endorsing the Fourth Term. Secretary Hull and Speaker Rayburn can speak for him. Also Mr. Pauly of the Democratic National Committee. Do not believe he has been considered for appointment to the Circuit Court, though he has expressed a wish for that appointment. Watkins would be most deserving and qualified to fill a vacancy on the District Court.

MISS CELIA GAVIN:

An able and well-know attorney who has practiced law for many years in The Dalles as the partner of her father, Judge Gavin. Highly thought of throughout the state. If consideration is given to a woman, she is outstanding and would be a credit to the court. She saw the Party come from nothing and helped build it over the years.

In making this appointment, careful attention should be given to the kind of people making endorsements. Several of those that are making endorsements cannot be won over to the President this way, nor can wounds be healed. Some are not the President's kind of people and their endorsements are not in behalf of men who can be counted upon to carry on for the next twenty years. Most of them, including the National Committeeman, opposed the Third Term, at least in the beginning when the National Committeeman was Mr. Farley.

Several of the above candidates have written to Mr. Walker and have been referred to Mr. Oscar Ewing. Both the National Committeeman and his brother, Judge Latourette, have said Mr. Walker is for them, but obviously he would uphold his Party representative. However, Mr. Freed believes that Mr. Walker would approve his appointment and Mr. Watkins feels Mr. Walker would not oppose him.

Norman Littell can give valuable advice and information as he is familiar with the Northwest. His name has been mentioned in connection with this appointment, but I believe he realizes that a second man cannot easily be appointed from Washington, particularly over Senator Bone.

CAPITOL

BONE REPORTED EYEING JUDGESHIP

His Brother-in-Law May Keep Senate Job in Family

By AMBLEY E. HOLDEN

From sources more than usually well informed, word comes from Washington that Senator Homer Bone early this year will be offered an appointment on the Ninth circuit of the appeals court. It is from this office that senatorial appointments to the federal bench are indicated. For the preparations now afoot to keep the senatorial job in the family by grooming Representative John M. Coffee of Tennessee for the post, Coffee is Bone's brother-in-law.

Coffee, who was born in Tennessee, is a lawyer, at one time served as secretary to former United States Senator Clarence C. Dill, and in the house of representatives he is chairman of the so-called liberal bloc which means he is an anti-New Dealer.

For some weeks he has been displaying symptoms usually apparent when professional politicians are about to file for office. But in Coffee's case it was evident that he was dreaming of more than politics. For he suddenly developed an acute interest in state-wide affairs, whereas in the past he has been content to labor in behalf of the fifth district, composed mainly of Pierce county and the southern half of King county.

The second requisite for unusual powers of deduction is reason that Coffee would not be getting ready to dash for the senate. If Bone intended to run again, the Bony are rabid New Dealers, and besides, it hardly would be the brotherly thing to dash for office before the election with an election coming up next fall. Has Bone strangely indifferent to his constituency? He has made no effort whatever to keep his political denons in repair and has been absent from the state so long that the voters are beginning to speak of him as "the little man who wasn't there."

However, there is little chance that Senator Bone will resign his seat in the senate when his judicial appointment is made public. The appointment will have to be announced in time to enable Coffee to get into the senate race, but Bone will hang onto the job until after the elections in November. Were he to resign sooner, it would give Governor Arthur B. Langlie an opportunity to appoint a Republican, and that, too, would be a political coup. In the meantime, the work of the Ninth judicial circuit will continue to be handled by its district judges while they serve in place, and the senate will serve as a leather pad for another New Dealer when the clock again shows over.

THE SPOKESMAN-REVIEW

General News
Editorial, Markets

SUNDAY MORNING

JANUARY 2, 1944

PRICE: TEN CENTS

SPOKANE, WASH.

(2431)

Ans

C
O
P
Y

BF Exec. ofc S. J. Rosenman folder 2-44

THE WHITE HOUSE
WASHINGTON

January 21, 1944

MEMORANDUM FOR THE PRESIDENT.

I think that this file should be sent to Jimmy Byrnes to turn over eventually to the men in charge of policy in the disposal of Maritime Commission craft.

S. J. R.

"J. F. B.
from
FDR"

The original of the memorandum from Judge Rosenman, as above, together with memorandum for the President from Chester C. Wood, 1/12/44, with attached papers in re feasibility of converting landing craft to commercial use at the end of the war, sent to Hon. James F. Byrnes, as per the President's notation, 1/24/44.

(Copies of these 2 memos filed - Navy Dept. folder, and Maritime Comm. folder, 2-44)

WASHINGTON
THE WHITE HOUSE

THE WHITE HOUSE
WASHINGTON

January 19, 1944.

MEMORANDUM FOR

S.I.R.

Will you look this over in
connection with the sale of other
things?

F.D.R.

Memorandum for the President from Chester C. Wood, 1/19/44, marked "Confidential", stating that in accordance with the President's direction, Admiral Brown inquired of the Maritime Commission and the Navy Department as to the feasibility of converting landing craft to commercial use at the end of the war. Memoranda received on the subject are attached. Both the Maritime Commission and the Navy Dept. feel that the most practicable way of solving the over-all problem is to have all craft available for sale turned over to the Maritime Commission as the agency best fitted to place the maximum number of these craft in the various available world service.

BF Exec. Ofc.

Rosenman file 2-44

THE WHITE HOUSE
WASHINGTON

file

April 4, 1944

MEMORANDUM FOR THE PRESIDENT.

I spoke with Anna Rosenberg
as you directed.

It seems that the CIO Council
wishes to write you a letter saying that
they withdraw their request for repre-
sentation at the ILO Conference. In
exchange for this magnanimity, they want
a letter from you thanking them. Orig-
inally they also wanted you to put in
the letter that next year instead of an
AF of L representative, there would be
a CIO representative.

I pointed out that this would
certainly be a 4th term declaration.
Anna thereupon called Phil Murray again
and explained the impossibility of this,
but suggested that you might permit me
to say orally to Anna, who could relay
it to Phil Murray, that if by any chance
you were in office next year and had a
free choice in the matter you would name
a CIO delegate.

If this is O.K., I can phone Anna.
It will have to be done before tomorrow
noon when the Council meeting breaks up.

JM

S. I. R.

OK
2-44

BSF Exec. Ofc. Rosenman folder 2-44

THE WHITE HOUSE
WASHINGTON

August 31, 1944

MEMORANDUM FOR GRACE TULLY.

I would appreciate it if I could see the political memos which come in from time to time from Cantril to Niles, which Niles sends to the President -- of course after the President has looked at them.

S. I. R.

511625-501-2

BF Exec Ofc. file

Rosenman folder 2-44

THE WHITE HOUSE

WASHINGTON September 28, 1944

MEMORANDUM FOR THE PRESIDENT

As an example of Dewey's falsification of the record, please note the following extract from Dewey's speech of September twenty-fifth:

"Four months before Pearl Harbor, there was a debate in the United States Senate. The chairman of a Senate committee described on the floor of the Senate the shocking state of our defense program. Senator Vandenberg asked the chairman where the blame should be laid, and the chairman replied, "There is only one place where the responsibility can be put." Then Senator Vandenberg said, "Where is that -- the White House?" and the chairman of that committee replied, "Yes, sir."

"Who was the committee chairman? It was Harry Truman, the New Deal candidate for Vice President of the United States."

From the foregoing, you would think that Truman was referring to "the shocking state of our defense program". Nothing could be further from the truth. He was referring only to method of priorities. In the Congressional Record of August 14, 1941, page 7117, after Truman had made a speech concerned chiefly with camp construction and raw materials, the following colloquy appears after colloquies between other senators and Mr. Truman:

"Mr. Vandenberg. From the Senator's observations, can he tell me where the final authority rests in respect to priorities and curtailments? Does it rest with Mr. Stettinius, or with Mr. Henderson, or with Mr. Knudsen, or where?"

"Mr. Truman. If I could answer that question, it would not be necessary for the committee to continue any further. We are trying to find that out. The last information I have is that it rests with Mr. Stettinius."

"Mr. Vandenberg. In other words, the Senator is now saying that the chief bottleneck which the defense program confronts is the lack of adequate organization and coordination in the administration of defense?"

"Mr. Truman. That is exactly what the hearings before our committee will prove."

THE WHITE HOUSE
WASHINGTON

Mr. Vandenberg. Who is responsible for that situation?

Mr. Truman. There's only one place where the responsibility can be put.

Mr. Vandenberg. Where is that -- the White House?

Mr. Truman. Yes, sir.

Mr. Vandenberg. I thank the Senator. (Laughter)"

Jan

S. I. R.

BF Exec. a/c.

Rosenman folder 2-44

file
personal

THE WHITE HOUSE
WASHINGTON

October 7, 1944

MEMORANDUM FOR THE PRESIDENT.

Rabbi Wise phoned me today about the request which he and Rabbi Silver made to see you.

Silver is undoubtedly hostile to you and is using Dewey as a threat to get you to do or say something, and I hate to have you see Silver. However, I think just as much could be accomplished by your seeing Wise alone, who is as you know friendly to you -- especially if the time is now ripe to say what you indicated to me after the Quebec conference might be said about economic surveys, etc. being made in Palestine.

SIR

S. I. R.

T-294

PSF Exec. Apts

Rosenman folder
2-44

THE WHITE HOUSE
WASHINGTON

October 11, 1944

MEMORANDUM FOR

HON. HARRY L. HOPKINS:

Will you speak to me about
these suggestions?

F.D.R.

Memorandum for the President, 10-9-44, from
Hon. Samuel I. Rosenman 1. reminding the
Pres. about MacArthur and a possible state-
ment by him, 2. re Baruch going on the air
for 15 minutes, 3. re possibility of getting
Winant back to make one speech before
election.

*file
Confidential*

Rosenman folder 2-44

PSF Exec. Ofc.

THE WHITE HOUSE
WASHINGTON

October 24, 1944

MEMORANDUM FOR THE PRESIDENT.

(1) The Warner Bros., Harry, Jack and Albert, had already contributed \$15,000 to the National Committee. Joe Davies got after them, and their wives have just contributed an additional \$15,000.

(2) Joe Davies and his family have themselves, he tells me, contributed \$25,000 to the National Committee, and Joe is talking about giving \$15,000 to the Kaiser Committee. This is in addition to contributions to the various Senators, Congressmen, etc.

I thought you might want to write to the Warners and to Joe, and if you do I have prepared the attached letters.

Jim

S. I. R.

*2 cc R ltrs. 10/24/44 to Harry Warner
Jack Warner
Joseph E. Davies*

filed in File Room.

PSF Exec. Ofc. Rosenman folder 2-45-

THE WHITE HOUSE
WASHINGTON

file
personal

[1945?]

Mr. President -

If the Labor thing is foreclosed, I might be very interested in the Solicitor-Generalship; and hope you will give me another chance to talk to you about it before you close it with Biddle.

I send you this note because I know that Biddle will be talking to you after Cabinet.

yours,

Sam.

Ans SF Exec. Ofc. Rosenman folder 2-45

THE WHITE HOUSE
WASHINGTON

January 22, 1945.

MEMORANDUM FOR

S.I.R.

Before you go abroad, I hope you will have a chance to look into the subject of the medical situation, especially from the neuro-psychic end. I think you should have a talk with Dr. Fremont Smith and with the doctor from Pennsylvania who went abroad with the Surgeon General of the Army and the Chief Air Surgeon of the Army, Dr. Grant.

F.D.R.

~~SECRET~~

T.F. Exec. Off.
SIR

January 22, 1945

MEMORANDUM FOR THE PRESIDENT:

Bx 148

Subject: Trial and Punishment of Nazi War Criminals.

This memorandum deals with ways and means for carrying out the policy regarding the trial and punishment of Nazi criminals, as established in the statements on that subject which are annexed (Tabs A to F).

I. THE MOSCOW DECLARATION

In the Moscow Declaration (Tab D) the United Kingdom, the United States, and the Soviet Union took note of the atrocities perpetrated by the Germans and laid down the policy: (1) that those German officers and men who have been responsible for or have taken a consenting part in these atrocities "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 and of the free governments which will be created therein"; and (2) that the above declaration "is without prejudice to the case of the major criminals, whose offenses have no particular geographical localization and who will be punished by the joint decision of the Governments of the Allies."

II. UNITED NATIONS WAR CRIMES COMMISSION

The United Nations War Crimes Commission is located in London, and consists of representatives of some fifteen of the United Nations. The Soviet Government is not a member.

This Commission has been charged with the collection of lists of the criminals referred to, the recording of the available supporting proof, and the making of recommendations as to the tribunals to try and the procedure for trying such criminals. The Commission has no investigative or prosecuting authority or personnel. It has no authority to try offenders of any kind.

The War Crimes Commission receives its lists of war criminals from the investigating authorities, if any, set up by the respective United Nations. The first unofficial meeting of the Commission was held in London on October 26, 1943, and the first official meeting was held there on January 18, 1944. Up to this time, the cases of approximately 1,000 offenders have been docketed with the Commission. The labors of the Commission have not resulted in any governmental agreement as to the tribunals to try or the procedures for trying war criminals.

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- 2 -

The Commission has been widely and publicly criticized for the paucity of the results of its work. In recent months its activities have been marked by dissensions. The British representative, who was also Chairman of the Commission, and the Norwegian member, have resigned.

III. SCOPE AND DIMENSIONS OF THE WAR CRIMES PROBLEM

The crimes to be punished. The criminality of the German leaders and their associates does not consist solely of individual outrages, but represents the result of a systematic and planned reign of terror within Germany, in the satellite Axis countries, and in the occupied countries of Europe. This conduct goes back at least as far as 1933, when Hitler was first appointed Chancellor of the Reich. It has been marked by mass murders, imprisonments, expulsions and deportations of populations; the starvation, torture and inhuman treatment of civilians; the wholesale looting of public and private property on a scale unparalleled in history; and, after initiation of "total" war, its prosecution with utter and ruthless disregard for the laws and customs of war.

We are satisfied that these atrocities were perpetrated in pursuance of a premeditated criminal plan or enterprise which either contemplated or necessarily involved their commission.

The criminals to be punished. The outstanding offenders are, of course, those leaders of the Nazi Party and German Reich who since January 30, 1933, have been in control of formulating and executing Nazi policies.

In addition, the Nazi leaders created and utilized a numerous organization for carrying out the acts of oppression and terrorism which their program involved. Chief among the instrumentalities used by them are the SS, from the personnel of which the Gestapo is constituted, and the SA. These organizations consist of exactly screened volunteers who are pledged to absolute obedience. The members of these organizations are also the personnel primarily relied upon to carry on postwar guerilla and underground operations.

IV. DIFFICULTIES OF AN EFFECTIVE WAR CRIMES PROGRAM

Difficulties of identification and proof. The names of the chief German leaders are well known, and the proof of their guilt will not offer great difficulties. However, the crimes to be punished have been committed upon such a large scale that the problem of identification, trial and punishment of their perpetrators presents a situation without parallel in the administration of criminal justice. In thousands of cases, it will be impossible to establish the offender's identity or to connect him with the particular act charged. Witnesses will be dead, otherwise incapacitated and scattered. The gathering of proof will be laborious and costly, and the mechanical problems involved in uncovering and preparing proof of particular

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offenses one of appalling dimensions. It is evident that only a negligible minority of the offenders will be reached by attempting to try them on the basis of separate prosecutions for their individual offenses. It is not unlikely, in fact, that the Nazis have been counting on just such considerations, together with delay and war weariness, to protect them against punishment for their crimes if they lost the war.

Legal Difficulties. The attempt to punish the Nazi leaders and their associates for all of the atrocities committed by them also involves serious legal difficulties. Many of these atrocities, as noted in your statement on the subject of persecution dated 24 March 1944 (Tab E), were "begun by the Nazis in the days of peace and multiplied by them a hundred times in time of war." These pre-war atrocities are neither "war crimes" in the technical sense, nor offenses against international law; and the extent to which they may have been in violation of German law, as changed by the Nazis, is doubtful. Nevertheless, the declared policy of the United Nations is that these crimes, too, shall be punished; and the interests of postwar security and a necessary rehabilitation of German peoples, as well as the demands of justice, require that this be done.

V. RECOMMENDED PROGRAM

After Germany's unconditional surrender the United Nations could, if they elected, put to death the most notorious Nazi criminals, such as Hitler or Himmler, without trial or hearing. We do not favor this method. While it has the advantages of a sure and swift disposition, it would be violative of the most fundamental principles of justice, common to all the United Nations. This would encourage the Germans to turn these criminals into martyrs, and, in any event, only a few individuals could be reached in this way.

We think that the just and effective solution lies in the use of the judicial method. Condemnation of these criminals after a trial, moreover, would command maximum public support in our own times and receive the respect of history. The use of the judicial method will, in addition, make available for all mankind to study in future years an authentic record of Nazi crimes and criminality.

We recommend the following:

The German leaders and the organizations employed by them, such as those referred to above (SA, SS, Gestapo), should be charged both with the commission of their atrocious crimes, and also with joint participation in a broad criminal enterprise which included and intended these crimes, or was reasonably calculated to bring them about. The allegation of the criminal enterprise would be so couched as to permit full proof of the entire Nazi plan from its inception and the means used in its furtherance and execution, including the prewar atrocities and those committed against their own nationals, neutrals, and stateless persons, as well as the waging of an illegal war of aggression with ruthless disregard for international law and the rules of war. Such a charge would be firmly founded upon the

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rule of liability, common to all penal systems and included in the general doctrines of the laws of war, that those who participate in the formulation and execution of a criminal plan involving multiple crimes are jointly liable for each of the offenses committed and jointly responsible for the acts of each other. Under such a charge there are admissible in evidence the acts of any of the conspirators done in furtherance of the conspiracy, whether or not these acts were in themselves criminal and subject to separate prosecution as such.

The trial of this charge and the determination of the guilty parties would be carried out in two stages:

The United Nations would, in the first instance, bring before an international tribunal created by Executive Agreement, the highest ranking German leaders to a number fairly representative of the groups and organizations charged with complicity in the basic criminal plan. Adjudication would be sought not only of the guilt of those individuals physically before the court, but also of the complicity of the members of the organizations included within the charge. The court would make findings adjudicating the facts established, including the nature and purposes of the criminal plan, the identity of the groups and organizations guilty of complicity in it, and the acts committed in its execution. The court would also sentence those individual defendants physically before it who are convicted.

The above would complete the mission of this international tribunal.

Thereafter, there would be brought before occupation courts the individuals not sent back for trial under the provisions of the Moscow Declaration, and members of the organizations who are charged with complicity through such membership, but against whom there is not sufficient proof of specific atrocities. In view of the nature of the charges and the representative character of the defendants who were before the court in the first trial, the findings of that court should justly be taken to constitute a general adjudication of the criminal character of the groups and organizations referred to, binding upon all the members thereof in their subsequent trials in occupation courts. In these subsequent trials, therefore, the only necessary proof of guilt of any particular defendant would be his membership in one of those organizations. Proof would also be taken of the nature and extent of the individual's participation. The punishment of each defendant would be made appropriate to the facts of his particular case. In appropriate cases, the penalty might be imprisonment at hard labor instead of the death penalty, and the offenders could be worked in restoring the devastated areas.

Individual defendants who can be connected with specific atrocities will be tried and punished in the national courts of the countries concerned, as contemplated in the Moscow Declaration.

VI. NATURE AND COMPOSITION OF TRIBUNALS

We favor the trial of the prime leaders by an international military commission or military court, established by Executive Agreement of the heads of State of the interested United Nations. This would require no enabling

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legislation or treaty. If deemed preferable the tribunal could be established by action of the Supreme Authority (Control Council for Germany).

The court might consist of seven members, one each to be appointed by The British Commonwealth, the United States, the Soviet Union and France, and three to be appointed by agreement among the other United Nations who become parties to the proposed procedure.

The court may consist of civilian or military personnel, or both. We would prefer a court of military personnel, as being less likely to give undue weight to technical contentions and legalistic arguments.

The subsequent trials would be had, as noted, in occupation courts; or in the national courts of the country concerned or in their own military courts; or, if desired, by international military courts.

VII. PREPARATION OF CASE

A successful prosecution of the basic charge will manifestly depend upon early, careful, and thorough compilation of the necessary evidence. This is particularly important with regard to so much of the case as involves the basic criminal plan. Success will depend, further, upon cooperative action in this regard among the interested United Nations, and the early establishment of a competent executive and technical staff to carry out the project.

In our opinion, the United Nations War Crimes Commission cannot be satisfactorily employed for this purpose, and having performed its mission, may now be dissolved.

We recommend that there be set up a full time executive group consisting of one military representative each of the British Commonwealth, the United States, the Soviet Union, and France. This group should have under it an adequate staff of attorneys and research personnel to search out the available data, analyze them, prepare the charges to conform to the proof, and arrange the evidence for presentation to the international military tribunal.

VIII. SOVIET ATTITUDE

The Soviet attitude, we believe, is indicated in the Note of M. Molotov attached hereto as Tab F. The position taken therein is that the Soviet Union is ready to support all practical measures on the part of the Allied and friendly governments in bringing the Hitlerites and their accomplices to justice, and favors their trial before "the courts of the special international tribunal" and their punishment in accordance with applicable criminal law.

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IX. BRITISH ATTITUDE

In an Aide Memoire from the British Embassy to the Department of State dated October 30, 1944, the British Foreign Office indicates that it is prepared to agree and to cooperate in establishing Mixed Military Tribunals to deal with cases which for one reason or another could not be tried in national courts. This would appear, according to the Aide Memoire, to include those cases where a person is accused of having committed war crimes against the nationals of several of the United Nations.

Henry L. Stimson

Francis Biddle

E. A. Tamm

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PSF Exec. Ofc.
Roshman

JOSEPH E. DAVIES
BOWEN BUILDING
WASHINGTON, D. C.

January 23, 1945

In re: War Criminals and Punishment.

My dear Sam:

I have read the proposed recommendation of War and Justice with reference to the above. In general, if the suggested course is one of which the President approves, I think, with some reservations, it covers the situation. My principal suggestion would be that any Joint International Military Court be composed in large part of civilian judges.

My feeling, however, is that the problem which the President immediately confronts is more political than legal.

There is a wide divergence of opinion and even some latent bitterness, perhaps, between the views of the U.S.S.R. and Great Britain, as to this problem with which the President will be confronted.

The only contribution which I feel I could offer, (in view of his request that I make a survey of this question for him and the Secretary of State), is to comment on these differences, which he confronts, and how possibly they could be composed.

THE SOVIET POSITION.

The Soviets demand mass punishment for thousands of criminals, great and small, not only for those who committed the criminal acts, but those arch-criminals who were "responsible therefore". They demand that it be so speedy, so sure, and so drastic, that it will forever deter repetition of the crimes. Their feelings are so strong, that some of their present thinking appears to be more concerned with "formalized vengeance" than with the administration of justice, under Law, which ultimately, I feel sure, they ~~wish~~ wish to sustain. Their publicists more than their law writers, exact that "Crimes Against Humanity" shall be vigorously proscribed and punished, even though they are not specifically named or defined as Crimes, under International Law. Some of the London Commission advocate this by creating an International Court by Treaty, and enacting through it, retroactive criminal legislation, declaring Total War, Aggression, etc., to be International Crimes.

THE BRITISH POSITION.

On the other hand, the British "gag" at this. They fear this attitude and retroactive criminal legislation, mass trials, and the possible denial of some of those elementary protections of liberty in criminal cases, which are vital to a rule of law. They are concerned lest the judgment of posterity will be that the punishment was "formalized vengeance" not retributive justice, under law.

WHAT COULD BE DONE.

If these two differences are not solidified through conflict of personalities over the discussion of details, there is no reason why both cannot be satisfied under a plan which can be developed. There is plenty of common ground upon which unity in plan can be based, and under which the objectives of each can be secured.

In view of the limitations upon the time of the Chiefs of State in this pending conference, the matter might be disposed of by them, in principle, with directions to their Foreign Offices to work out plans and procedure whereby their common objectives can be achieved, without serious impairment of what each desires, and in such a way as to build up a record which posterity would surely acclaim.

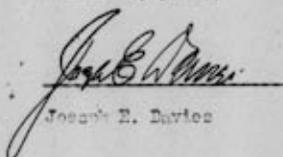
Such a plan could accomplish, in my opinion:

1. Certainty, which the Soviets require, that none of the guilty, great or small, should escape just punishment for their heinous crimes, and that justice would be quick and sure.
2. The certainty, which the British desire, that this would be done without doing violence to the general principles against retroactive penal legislation from crime, and be such as posterity would consider the administration of justice, not vengeance under sham formalities of law.
3. The certainty, which all desire, that the moral revulsion against these atrocious crimes shall be registered and be made of

3. (Continued)

record; and that these horrible "Crimes Against Humanity" shall not only be punished, lawfully, but that they shall be defined by the legislation of an international community, enacted by Treaty, and this assure for all time to come that these "Crimes Against Humanity" are specific crimes against International Law.

Faithfully yours,



Joseph E. Davies

The Honorable Samuel I. Rosenman,
Legal Counsel to the President,
The White House,
Washington, D.C.

TOP SECRET
31R

PROPOSED AGREEMENT ON
PUNISHMENT OF WAR CRIMINALS

The United Nations have on various occasions expressed their abhorrence for the unspeakable crimes and atrocities of which the German leaders and their associates are guilty, and have pledged themselves that those responsible for such crimes and atrocities shall not escape retribution.

The United Kingdom, the United States, and the Soviet Union in the Declaration issued at Moscow November 1, 1943 stated:

(1) that those German officers and men who have been responsible for or have taken a consenting part in these atrocities "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 and of the free governments which will be created therein"; and

(2) that the above declaration was "without prejudice to the case of the major criminals, whose offenses have no particular geographical localization and who will be punished by the joint declaration of the Governments of the Allies."

The criminality of the German leaders and their associates does not consist solely of individual outrages, but represents the result of a systematic and planned reign of terror within Germany and within the areas occupied by German military forces, in connection with which the crimes and atrocities referred to were committed. We are satisfied that these crimes and atrocities were perpetrated pursuant to a premeditated criminal plan.

For the carrying out of the acts of oppression and terrorism which their program involved, the Nazi leaders and their associates created and utilized a numerous organization, chief among which are the SS, the Gestapo, and the SA.

Having in view the foregoing, and in order to press on with the necessary practical measures to bring to justice the criminals referred to, the President of the United States of America, the Prime Minister of Great Britain, and the Premier of the Soviet Union have agreed upon the following:

REGRADED
UNCLASSIFIED

...the United Nations ... on August

EMBASSY OF THE UNITED STATES
WASHINGTON, D.C.

~~TOP SECRET~~

I

The German leaders and their associates, and the organizations employed by them, such as those referred to above, will be charged with both the commission of their atrocious crimes, and also with joint participation in a broad criminal enterprise which included and intended these crimes, or was reasonably calculated to bring them about. The allegation of the criminal enterprise will be so couched as to permit full proof of the entire Nazi plan from its inception and the means used in its furtherance and execution, including the pre-war atrocities and those committed against their own nationals, neutrals, and stateless persons, as well as the waging of an illegal war of aggression with ruthless disregard for international law and the rules of war. There will be invoked the rule of liability, common to all penal systems and included in the general doctrines of the laws of war, that those who participate in the formulation and execution of a criminal plan involving multiple crimes are jointly liable for each of the offenses committed and jointly responsible for the acts of each other. In support of this charge there will be admitted in evidence the acts of any of the conspirators done in furtherance of the conspiracy, whether or not these acts were in themselves criminal and subject to separate prosecution as such.

II

The trial of the charge described in Article I and the determination of the guilty parties will be carried out in two stages:

(a) There will be brought before an international tribunal to be created the highest ranking German leaders to a number fairly representative of the groups and organizations charged with complicity in the basic criminal plan. Adjudication will be sought not only of the guilt of those individuals physically before the tribunal, but also of the complicity of the members of the organizations included within the charge. The tribunal will make findings adjudicating the facts established, including the nature and purposes of the criminal plan, the identity of the groups and organizations guilty of complicity in it, and the acts committed in its execution. The tribunal will sentence those individual defendants physically before it who are convicted.

The above will complete the mission of this international tribunal.

REGRADED
UNCLASSIFIED

(b)

~~TOP SECRET~~

- 3 -

(b) Thereafter, other individuals charged with specific atrocities and members of the organizations who are charged with complicity through such membership in the basic criminal plan but against whom there is not sufficient proof of specific atrocities shall, unless held for trial by one of the United Nations or sent back for trial under the provisions of the Moscow Declaration, be brought before occupation or other appropriate tribunals. The findings of the tribunal in the trial provided for in paragraph (a) of this Article will be taken to constitute a general adjudication of the criminal character of the groups and organizations referred to, binding upon all the members thereof in their subsequent trials in occupation tribunals or in other tribunals established under this instrument. In these subsequent trials the only necessary proof of guilt of any particular defendant, as regards the charge of complicity, will be his membership in one of those organizations. Proof will also be taken of the nature and extent of the individual's participation.

(c) The defendant in each case shall, upon conviction, suffer death or such other punishment as the tribunal may direct, depending upon the gravity of the offense and the degree of culpability of the defendant.

III

The tribunal for the trial of the basic crime referred to in Article II(a) shall consist of seven members, to be appointed as follows: one each by the British Commonwealth, the United States, the Soviet Union, and France, and three by agreement among the other United Nations who become parties to this instrument.

The members of the tribunal may be civilian or military as the appointing authority in each case may prefer.

IV

(a) There shall be created a full time executive group consisting of one military representative each of the British Commonwealth, the United States, the Soviet Union, and France. This group shall be assisted by an adequate staff of attorneys and research personnel to compile and analyze data, prepare the charges to conform to the proof and arrange the evidence for presentation to the international tribunal.

REGRADED
UNCLASSIFIED

(b)

the British Commonwealth, the United States, the Soviet Union, and France, each of these countries being entitled to designate one person, who may be its member of the executive group referred to in paragraph (a) of this Article.

~~TOP SECRET~~

(b) The presentation of the case before the international tribunal shall be made by persons designated by the British Commonwealth, the United States, the Soviet Union, and France, each of these countries being entitled to designate one person, who may be its member of the executive group referred to in paragraph (a) of this Article.

V

(a) The emoluments and expenses of those members of the tribunal provided for in Article III, designated by the British Commonwealth, the United States, the Soviet Union, and France, and of the executive group provided for in Article IV(a), shall be borne by the respective Governments just mentioned.

(b) The emoluments and expenses of the other three members of the tribunal shall be borne by the Governments of the other United Nations parties to this instrument.

(c) The emoluments and expenses of the staff assisting the executive group, and of secretarial staffs for the tribunal and the executive group, and incidental expenses, such as rent, heat, light, stationery and printing, shall be borne by the parties to this instrument in equal shares.

VI

All members of the United Nations shall be invited by the Government of the United Kingdom, acting on behalf of the other signatories hereto, to adhere to this instrument. Such adherence shall in each case be notified to the Government of the United Kingdom which shall promptly inform the other parties to this instrument.

Done at _____ this the _____ day of _____, 1945.

REGRADED
UNCLASSIFIED

T.F. Rosenman ^{Exec. Sec.} folder 2-45

BSF

February 2, 1945

Dear Mr. Crowley:

Judge Samuel I. Rosenman is leaving on a mission as a representative of the President and also on behalf of the Foreign Economic Administration.

He will remain on the White House pay roll during his travel.

I understand, however, that the Foreign Economic Administration has agreed to pay his standard transportation expenses for travel and standard per diem allowances and also an additional sum for personal and official expenses as necessary in amount equal to \$15.00 per day. In view of that fact he will, of course, not receive any travel or per diem allowance from the White House.

Very sincerely,

William D. Hassett
Secretary to the President

Honorable Leo T. Crowley
Administrator
Foreign Economic Administration
Washington, D. C.

file

BF *DSF: Sec 100-100*
Rosenman folder
2-45-

THE WHITE HOUSE
WASHINGTON

March 3, 1945

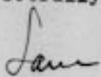
Dear Mr. President:

This is just a note of
farewell, and also to express my
appreciation for your not insisting
that I take that job succeeding Fred
Vinson.

I shall write you from
time to time about what I see and
hear.

Best wishes for a pleasant
rest at Hyde Park and in the South.

Respectfully,



Samuel I. Rosenman

The President
The White House
Washington, D. C.

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

Rosenman folder 2-45
DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

JW-1677
This telegram must be
paraphrased before being
communicated to anyone
other than a Governmental
agency. (~~SECRET~~)

*file
personal*
London

Dated March 9, 1945

Rec'd 7:42 a.m.

Secretary of State

Washington

2407, March 8, .8 p.m.

JUDGE ROSENMAN REQUESTS THE FOLLOWING MESSAGE
BE DELIVERED TO THE PRESIDENT.

" FROM THE AMBASSADOR."

"During my absence the members of the Mission
have held discussions and accumulated information on
various aspects of the supply problems for NW Europe
liberated areas. The members of the Mission have worked
closely with the Embassy and MEA which have made
available to them their knowledge and experience.
Several discussions have also been held with technical
personnel of the British Government with particular
reference to the organization procedure and functioning
of the British machinery for liberated area's policy and
supply problems. Considerable preliminary information
has been secured as to current economic and social
conditions

DECLASSIFIED
By Deputy Archivist of the U.S.
By W. J. Stewart Date NOV 22 1972

TELEGRAM
INCOME

-2-#1677, Eighth from London

conditions in France, Belgium and Holland. Conversations have been held at the technical level with representatives of the Dutch, Belgian and Norwegian Governments and with UNRRA officials.

"The principal topics examined by the members of the Mission here were as follows: Shipping, port facilities and port clearance; inland transport; coal; petroleum; trade with neutrals; and British stockpiles and the effects of VE day on availability of supplies and UK exports to liberated areas. All these topics, except those directly relating to UK will be examined further on the continent and the information secured here checked against field reports and observations. In addition, informal conversations have been held with British and Dutch officials on the extent of destruction, the problems of reconstruction and possible financial assistance which may be required from outside sources. Officials both Governments though willing to furnish available information feel that conversations on these topics are not timely.

"British liberated machinery: the members of the Mission have been very cordially received by their British opposite numbers and have had a good view of the organization in London. They have been impressed both
by the high

-3-#1677, Eighth, from London

by the high level at which liberated areas problems receive constant attention and by the use of the secretariat system to achieve integration between the various departments concerned.

"International organizations: members of the Mission have joined in some of the preliminary discussions concerning the European Economic Committee.

"While I am here I will be talking with Ambassador Winant; the Prime Minister and Foreign Secretary (with Ambassador Winant); Lord Keynes; Richard Law, Minister of State; Oliver Lyttleton, Minister of Production; Lord Leathers, Minister of War Transport; Sir James Grigg, Secretary of State for War; Colonel Llewellyn, Minister of Food; Sir John Anderson, Chancellor of the Exchequer; Thomas Brand, Chairman of SLAG; Lt. General John Chlaz, Commanding General, Headquarters Communications zone, ETO; Sir F. Frederick Leith Ross and Hugh Jackson of UNRRA; the Prime Ministers and other officials of Holland and Norway and our Ambassadors Hornbeck and Osborne".

WINANT

REP



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

March 14, 1945

Rosenman folder 2-41-
Copy given to Justice Reymond to head of return for our files

file

Dear Mr. President:

I would like you to have this interim report of the factual problem presented by the food situation in liberated Northwestern Europe.

Aside from any question of economic and industrial rehabilitation or reconstruction in Northwest Europe, we are faced with an approaching crisis in attempting to provide enough food in liberated areas to keep the populations on even a minimum subsistence basis.

Even though France produces sufficient food to meet her minimum requirements in most categories, the internal distribution facilities are so inadequate that for some time, particularly in the South, food will have to be imported to provide even the minimum essential diet unless additional transportation equipment can be provided.

In Belgium and Holland the food problem is acute especially in the presently occupied area of Holland where the Dutch are on a 400 or less calorie diet.

With the liberation of Western Holland and its congested population, and the release of displaced United Nations Nationals in Germany, a colossal feeding problem will be presented.

The situation has already reached the point where General Eisenhower in a personal cable to the Combined Chiefs of Staff (SCAF 210 dated 16 February 1945) stated, as you know, that the conditions in Belgium and Holland were now such that he considered his civilian supply requirements should be "treated as a matter of operational urgency".

The attached schedule reflects the requirements for food alone which General Eisenhower's headquarters have stated to the Combined Chiefs of Staff for the months March - August, both inclusive. This is based, as you know, on a program of the minimum necessary to prevent disease and unrest in order not to prejudice military operations. You will note that with the advance of operations, it is contemplated that requirements by June will be double those of the current month of March. This increase is in large part attributable to the expected necessity of caring for displaced United Nations' Nationals found in Germany.

It is further estimated that if the agreement, which I am informed was made at Yalta, to feed displaced Russian civilians on the U.S. Army ration scale is to be implemented, it will become administratively necessary to treat all displaced United Nations' Nationals on the same basis. This will result in an increase in the requirements stated in the attached schedule by an excess of 60,000 tons per month.

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By Deputy Archivist of the U.S.

By W. J. Stewart Date NOV 22 1972

The seriousness of the problem is emphasized by the fact that the current military shipping and supply situation does not permit meeting even the present military requirement for civilian feeding. I am advised that against the March requirements of more than 300,000 tons in the attached schedule, SHAEF will be able to import only approximately 200,000 tons.

As the military have never yet been able to establish adequate food reserves to meet such contingencies, you will understand that the situation is one of gravity. Only a part of SHAEF's inability to meet requirements has been due to shipping difficulties. For some time, supply sources available to U.S. and U.K. have not been able to meet requirements in the essential items of meat, milk, fats and edible oils. Apparently these requirements cannot be met without making deeper inroads into the U.S. and U.K. civilian economies.

Except for relatively small amounts of wheat and flour, present British commitments to furnish food to SHAEF from their blockade stocks will be exhausted by the end of this month. Until the presently planned government negotiations between the British and U.S. on the subject of the British stockpile level are completed, I believe from my conversations with them that it is unlikely that substantial additional amounts will be released by the British. Moreover, the British view is that any additional commitment which they make should not be used to meet current requirements but should be held as a reserve against operational emergencies similar to the one which brought about General Eisenhower's personal cable referred to above. I understand that SHAEF also leans to this view, but I will make sure when I discuss it in Paris this week.

No matter what disposition be made of the U.K. food stockpile, the source for the bulk of these supplies, as between the United States and the United Kingdom, must be the United States. Normal European food surplus areas such as Eastern Germany, Rumania and Hungary are or will be under Russian control.

Based on evidence now at hand, it seems to me that the only sources from which any large additional supplies can be obtained to prevent extreme privation in the liberated areas, are:

- 1) Any food surpluses which the Russians might have in the territory they control in Eastern Europe.
- 2) Increased production of food in U.S. and other food producing countries.
- 3) As a last resort (one which may not be practicable) to decrease the U.S. and U.K. civilian and military ration.

I think that perhaps further efforts should be made to check any waste of food by our armed forces.

I think that the interagency committee to co-ordinate foreign shipments which Justice Byrnes has set up will be of great service in passing upon exports of food in relation to our own civilian needs in the U.S.

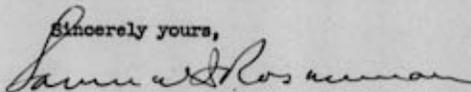
DECLASSIFIED
By Deputy Archivist of the U.S.

~~TOP SECRET~~ By W. J. Stewart Date NOV 22 1972

Detailed information on the requirements for Norway for the period covered by the attached schedule are being assembled and checked. Denmark is, of course, a food surplus area. The FEA representative accompanying me advises that in addition to the minimum military relief figures shown on the attached schedule the National Governments of France, Belgium, Netherlands and Norway, through FEA, have submitted requirements for food to come from the United States during the second quarter of this year, aggregating approximately 470,000 tons.

I am going to the Continent to-day, and will advise you further as to consultations there.

Sincerely yours,



Samuel I. Rosenman

The President
The White House
Washington, D. C.

~~SECRET~~

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By Deputy Archivist of the U.S.
By W. J. Stewart Date NOV 22 1972

SHAEP FOOD REQUIREMENTS FOR IMPORTATION

	March	April	May	June	July	August
	(Net long tons)					
France	70305	70305 ³	70305	38940 ²	38940 ²	38940 ²
Luxemburg	4668	4668	4668	4505	4505	4505
Belgium	79516	81707	81707	124373	124373	124373
The Netherlands	81831	93100	127538	191520	192480	186240
Germany (primarily displaced United Nations nationals)	65105	111323	127900	266527	260464	245605
¹ Reserves (br. zone)	9500	41086	43678			
Total:	310923	402189	455696	625865	620762	599663

1. Covers 13% reserve in British zone against losses incident to shipping, transportation and distribution. Similar provision in American Zone is already included in requirements above stated for each country.
2. This figure is exclusive of wheat. Military authorities have planned no wheat import to France after May but French authorities estimate that limitations of internal transport will necessitate an import of an additional 250,000 tons of wheat in Southern France before 1, July 1945.
3. SHAEP has recommended that the military food programs cease as of April 30 provided that the French can be given "reasonable assurance" of the shipping and supplies required to safeguard against disease and unrest as estimated by SHAEP above.

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By Deputy Archivist of the U.S.

NOV 22 1972
By F. J. Stewart Date

EMBASSY OF THE
UNITED STATES OF AMERICA

MISSION FOR ECONOMIC AFFAIRS,
1. GROSVENOR SQUARE,
LONDON. W.1.

March 14, 1945.

Dear Lauch:

I have sent the original of
this to the President by Army courier service
but I am asking you to take this copy and
give it to Grace Tully as soon as you get
to Washington, explaining to her that this
is a duplicate of one sent by courier pouch.

Thanks a lot.

Sincerely,

Samuel I. Rosenman
SIR.

Samuel I. Rosenman.

Mr. Lauchlin Currie.

2 2/28/45
SIR

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

Rosenman file 2-45
DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

LFG-1512

This telegram must be
paraphrased before being
communicated to anyone
other than a Government
Agency. (~~SECRET~~ O)

London

Dated March 14, 1945

Rec'd 11:05 p.m.

file

Secretary of State,
Washington.

2638, March 14, 8 p.m.

Judge Rosenman requests the following message be
given to the President: I have had personal talks in
London with the Prime Minister and Messrs. Attlee,
Anderson, Law, Lytleton, Leathers, Grigg and Llewellyn
of the British Cabinet.

From the talks thus far held, the following is a
concensus of views of the members of the British War
Cabinet. The northwest European supply problems which
are most acute are food, coal and those in connection
with transportation equipment (trucks, rolling stock,
locomotives and maintenance equipment). Lack of internal
transport causes serious dislocation of available local
supplies and hampers the movement of imported supplies.
This is true throughout northwest Europe. British
opinion is that the food situation in France is basically
not serious.

DECLASSIFIED
By Deputy Archivist of the U.S.
By N. J. Stewart Date NOV 22 1972

-3-#2638, March 14, 8 p.m., from London

perpared as in the past to release food to the extent possible to meet emergencies but emphasize that this can at best provide only temporary and limited relief and that such released food should be replaced as soon as possible and that their food stocks must be maintained in order to meet such emergencies.

Some of the British Ministers lay great stress upon the proposal made by Eden to Stettinius and Molotov at Yalta that a conference be held as early as possible at Moscow to discuss among other things the possibility of providing food from the surplus food producing areas under Russian control to northwest Europe. Others of them would like to try it but do not hold out much hope of success. I have discussed this with Ambassador Winant and he has sent a cable on the matter to our State Department (Embassy's 2532, March 11).

The British are also much concerned with the coal shortage which prevails throughout northwest Europe. They believe that while it may be possible eventually to obtain some coal from western Germany this will require the provision of food for miners the reorganization of mining which is now largely carried on by impressed

foreign

-4-#2638, March 14, 8 p.m., from London

foreign labor and the probably necessity of supplying some mining machinery to repair damaged mines. Transportation of coal will of course continue to be a serious problem. The British maintain that little if any coal can be made available from the United Kingdom. They hope that some assistance to the general problem will result from the establishment of the proposed European coal organization but they point out that lack of coal will constitute the limiting factor in all industrial activity in northwest Europe.

The British are gratified at the allocation of additional shipping for continental civilian supplies for the next three months. They fear however that this relief will be temporary only and they urge strongly that maximum supplies be made available and ready for shipment in order that the fullest possible use be made of the ships which have now been allocated in view of the expected renewed shipping shortage later on.

British feel time has arrived to combine army civil affairs program with national program for France and

that we

-5-#2638, March 14, 8 p.m., from London

that we should move rapidly as possible in that direction
in other countries.

The foregoing is a summary of British point of view.

I also conferred with Lord Keynes and have already
cabled you fully concerning that interview.

Talks have also been held here with Dutch and
Norwegian representatives in London. The Mission is
proceeding to Paris today.

WINANT

WMB

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

1945
Rosenman folder
DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

AMT-1889

This telegram must be
closely paraphrased be-
fore being communicated
to anyone. ~~(SECRET)~~

file Paris

Dated March 21, 1945

Rec'd 3:27 p.m., 22nd.

Secretary of State,

Washington.

1351, March 21, 10 p.m.

One. Judge Rosenman requests the following message
be given to the President:

Two. Since my arrival in Paris I have had personal
talks with Ambassador Caffery and several members of the
Cabinet, including Bidault, Mendes France, Lacoste,
Dautry, Mayer, Flaven, Ramadier and Billoux. I have
also had detailed discussions at SHAEF and with our
Embassy staff covering the whole range of civilian
supply for liberated areas and related problems in
France, Luxembourg, Belgium, the Netherlands and Norway.
I have talked with General W. Bedell Smith and I expect
to see General Eisenhower in the near future. Ambassador
Caffery is also arranging for me to see General de Gaulle
on Saturday, at which time I shall deliver to him the
letter which you gave me.

Three. Insofar as France is concerned, I am of the
opinion that unless it is possible from some source to

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By Deputy Archivist of the U.S.

provide

By W. J. Stewart Date NOV 22 1972

ТЕЛЕГРАМ
ИНСОМ
14474

-2- #1351, March 21, 10 p.m., from Paris.

provide France with more coal than was available in the past winter and with a better balanced diet the cumulative effect of the strains to which the people have been subjected in the past may have consequences of a very serious nature. It is agreed by everyone that coal is the key log in the jam. There appears little likelihood that French domestic coal production can be appreciably increased and you are familiar with the limiting factors of world supply and shipping insofar as imports of coal into France are concerned.

Four. Next to coal the major problems appear to be difficulties of internal transport which impede effective distribution of indigenous food resources and certain important dietary deficiencies, notably fats and meat.

Five. Once these elementary needs of heat, power distribution and diet are met there is entire agreement that necessary raw materials must be imported to enable industry to start turning over once more and employing idle workers.

Six. The problem is serious and complex. I have endeavored in this message only to emphasize its gravity and highlight its major aspects. I shall place in your hands at the earliest possible moment my specific recommendations.

Seven.

-3- #1351, March 21, 10 p.m., from Paris.

Seven. In conversations with Plaven and French financial people concerning French requirement for financial assistance for rehabilitation and reconstruction the view is general that France will require assistance on a large scale. Plaven has stated that France will make use of the proposed International Stabilization Fund and the International Bank which are currently under discussion by Congress. Plaven was of the opinion that conversations regarding this matter should begin in early summer when France's needs will be more readily determinable than at present.

Eight. I plan to leave soon for Luxembourg, Belgium and the Netherlands.

CAPPERY

JT

PSF Exec. Ofc. *Rosenman folder*
THE WHITE HOUSE 2-45
WASHINGTON

April 6, 1945.

MEMORANDUM FOR
THE SECRETARY OF STATE

Will you please find out
how Hackworth has advised Sam
Rosenman on the enclosed?

F. D. R.

Message from Sam Rosenman
to Mr. Green Hackworth, dated London,
April 4, 1945, re War Crimes.

DEPARTMENT
OF
STATE

Rosenman folder 2-45-

**INCOMING
TELEGRAM**

**DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION**

RF-1397

This telegram must be
closely paraphrased be-
fore being communicated
to anyone. ~~(SECRET)~~

files London

Dated April 7, 1945

Rec'd 9:05 p.m.

Secretary of State

Washington

3564, April 7, 9 p.m.

FOR HACKWORTH FROM ROSENMAN

Please repeat to Secretary of War Stimson and
Attorney General Biddle.

War crimes discussions have been proceeding with
Lord Chancellor, the Attorney General (Sir Donald
Somervell) and the Judge Advocate General (McGeagh).
General agreement has been tentatively reached that
(one) the United Nations War Crimes Commission plan
for a grandiose international criminal court created
by treaty is not practicable but some non-treaty
tribunal must be provided and announced before any
rejection of the War Crimes Commission proposal;
(two) that individual offenders will so far as
practicable be returned to the scenes of their crimes
for trial in accordance with the Moscow declaration;
(three) that trials of other offenders will be before
military

DECLASSIFIED
By Deputy Archivist of the U.S.
By W. J. Stewart Date NOV 22 1972

-2-#3564, April 7, 9 p.m., from London

military courts, such courts being mixed military tribunals of two or more Allies where for some legal or political reason a mixed tribunal is preferred by the Ally having primary jurisdiction.

Discussions are still proceeding on the problems of (A) the major war criminal and (B) the "common enterprise" approach outlined in memorandum of Secretaries Stettinius and Stimson and Attorney General, dated 22 January 1945. The Lord Chancellor and the Attorney General seem inclined to accept the general (repeat general) principles of the "common enterprise" theory (much in accordance with the substance of the 22 January memorandum which, of course, has not (repeat not) been shown to them). With respect to the six or seven principal Nazi leaders, the Lord Chancellor represents that there is substantial British support for a wholly political disposition of these leaders, possibly without any hearing whatsoever. The Lord Chancellor, however, suggests a middle or compromise ground of approach which is described by him in a letter of 6 April paraphrased in part at the end of this cable. A copy of this letter is being sent by courier to you and to

-3-#3564, April 7, 9 p.m., from London

and to Mr. McCloy at SHAEF. He will be here next week. I would be interested in having at the earliest possible moment any comments you, Secretary Stimson or Attorney General Biddle may have.

Personally I feel that much is to be said for the Lord Chancellor's suggestion for a separate method of dealing with the top six or seven Nazi leaders. I would approve it if we can get British acceptance of the common enterprise proposal along lines of 22 January memorandum and subject to the following three comments (one) the court to try the six or seven leaders should be military; (two) the court should pass sentence and determine punishment, possibly subject to approval by the four major governments through the Control Council for Germany; (three) the document of arraignment must have such adequate and reasonable documentation that oral testimony will be unnecessary to prove the accused guilty.

Because of the risk to Allied nationals in German hands, complete secrecy is desired. The British representatives will promptly explore the matters outlined above with the War Cabinet. Question of best method and appropriate time of approaching Russians

-4-#3564, April 7, 9 p.m., from London

Russians and French is being further explored.

Follows abbreviated paraphrase of parts of Lord Simon's letter:

I send you an outline of a method of dealing with Hitler, Mussolini and other arch criminals, designed to furnish an appropriate mode of dealing with them in a way which avoids summary execution without trial, on the one hand, and a long drawn out state trial with endless witnesses to be cross-examined on the other.

The Allies would draw up a "document of arraignment" in somewhat general terms and an inter-Allied judicial tribunal (possibly including some members not professional judges) would report upon the truth of this arraignment after Hitler and company had been given the opportunity to challenge before the tribunal the truth of its contents, the opportunity of being heard, and, of producing documents and witnesses. The function of the court would be to report to the Allies whether the arraignment or any part of it had been disproved. The Allies themselves (as the Moscow declaration announced) would then determine the punishment.

Strongly

-5-#3564, April 7, 9 p.m., from London

Strongly I feel that no judicial tribunal can have the responsibility of the sentence, but that is different from saying that a special tribunal could not say impartially and judicially whether the arraignment is disproved. If the sentence is left to judges they must, of course, act on their own judgement without executive prompting. This is the Anglo-American tradition. I would never consent or allow British judges to carry out the orders of any combination of Governments. My plan puts the ultimate responsibility of deciding about Hitler and company upon the Allies themselves. This must be so for the ultimate fate of Hitler may influence world history for years. By calling on Hitler and company to disprove, if they can, a carefully drawn arraignment, the substance of trial before sentence will be secured.

The document of arraignment would set forth the real offense which the world feels these major criminals have committed, that is the Nazi policy of world conquest and the methods employed to achieve it. Mussolini's share would also be alleged. One count would be the treatment of Jews in Germany and elsewhere. The arraignment would be supported by the principal documents, e.g. MEIN KAMPF, or passages

-6-#3564, April 7, 9 p.m., from London

passages of Hitler's speeches, but the whole point would be that these men would be arraigned by broad descriptions of what they have done (as the whole world knows) and that they would be left to meet this arraignment, or any part of it, if they could.

The following considerations, strongly support this plan in my view:

(A) Trial would not be for "war crimes" in the technical sense and no discussion would take place as to whether what was charged was a crime by any law. The issue would be, can Hitler prove to an impartial court that the facts alleged are untrue.

(B) The plan would include the Nazi infamies such as the attempted annihilation of the Jews. Hitler could not say that international law does not forbid a ruler to maltreat his own subjects.

(C) If Hitler and company deny the jurisdiction of the court and refuse to take any part, they will have been charged with facts known to the world as true. The fact that an impartial tribunal was prepared to hear him would justify any sentence to history.

(D) If he challenges the arraignment in an
interminable

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interminable speech, this will not in the end affect approval of this judicial pronouncement. To deal with the man judicially you must offer to hear what he has to say, so far as it is relevant.

(E) History may be distorted, and it would be helpful to have the Foreign Offices of the principal Allies and others prepare a document with considerable, but not excessive, documentation, making a record for all time of the grounds upon which we dealt with the man.

I have been much impressed by the word I have received of Mr. Stimson's strong feeling that there should be a judicial proceeding before execution. However, I have been worried by the prospect of a long trial in which all sorts of things were discussed, legal or historical - leading to controversy and debate in the world at large, with unpredictable reaction. I regard it as the first condition for the success in this most difficult matter that there should be agreement between your Government and ours.

In sending this description of the plan, I do not write with authority of the War Cabinet, though
the Government

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the Government members with whom I have talked
view with favor the suggestion.

The number of individuals dealt with under this
plan would be quite limited, only those the public
knows as principal leaders. Concerning the intermediate
class of chiefs and members of the Gestapo and the SS,
I appreciate the value of your suggestion based on an
allegation of conspiracy in a common criminal endeavor.
I will study the document which sets out this scheme
in more detail.

(END OF PARAPHRASE)

WINANT

LMS