

# Report to the President (June 1945)

*John Q. Barrett\**

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During the course of his seventeen-plus months as United States Chief of Counsel for the prosecution of Axis war criminals in the European Theater, Justice Robert H. Jackson wrote and delivered five (at least) monumental, eloquent and enduring statements about his work:

- On June 6, 1945, Justice Jackson delivered a preliminary report to President Harry S. Truman;
- On November 21, 1945, Jackson delivered his opening statement before the International Military Tribunal at Nuremberg in Allied-occupied former Germany;
- On February 28, 1946, Jackson delivered to the IMT his argument defending the criminal charges against the Nazi organizations that he was prosecuting in addition to the individual defendants;
- On July 26, 1946, Jackson delivered his closing argument before the IMT; and
- On October 7, 1946, following the completion of the trial and Jackson's return to Washington and the Supreme Court, he delivered his final report as Chief of Counsel, along with his letter of resignation, to President Truman.

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For an archive of selected Jackson List posts, many of which have document images attached, visit <http://thejacksonlist.com>.

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The first of these, Justice Jackson's June 1945 report to President Truman, summarized Jackson's first forty days of work as the President's appointee and Jackson's views on how he hoped to proceed.

At the start of this report, Jackson described his activities since May 2<sup>nd</sup>, when the President had announced Jackson's appointment:

In brief, I have selected staffs from the several services, departments and agencies concerned; worked out a plan for preparation, briefing, and trial of the cases; allocated the work among the several agencies; instructed those engaged in collecting or processing evidence; visited the European Theater to expedite the examination of captured documents, and the interrogation of witnesses and prisoners; coordinated our preparation of the main case with preparation by Judge Advocates of many cases not included in my responsibilities; and arranged cooperation and mutual assistance with the United Nations War Crimes Commission and with Counsel appointed to represent the United Kingdom in the joint prosecution.

Jackson then covered, in some detail, five topics:

1. how his work to prosecute major war criminals was being coordinated with other, ongoing war crimes prosecutions;
2. his preparation of the American case, his coordination with U.K. counterparts, and his communication with French and U.S.S.R. representatives as they worked toward agreement on an international plan of action;
3. the basic features of his prosecution plan, including his commitment to fair trials as a desirable alternative to summary executions;
4. the prosecution's validity in international law, and as a next step in international law's development; and
5. his sense of urgency, both to commence trial and to complete his assignment.

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Jackson finished writing his report on the morning of Wednesday, June 6, 1945. He delivered it to President Truman at the White House late that afternoon.

In their meeting, which was brief, the President stated his approval of the general make-up of Jackson's plan. Truman expressed particular appreciation for his report's closing paragraph, which thanked the President for his personal encouragement and support. They agreed that Jackson's report, which although "private" really was a state paper written for the public, would be released promptly.

The White House released Justice Jackson's report on the next morning, June 7<sup>th</sup>.

That afternoon, President Truman responded as follows to press questions about the report:

- Q. Mr. President, are you in complete agreement with Justice Jackson's report?
- A. I am in entire agreement with it. I think it's a good report, and I think it shows just exactly what we are attempting to accomplish.
- Q. Mr. President, can you shed any light on one section of that report, where Justice Jackson said that it was the inescapable responsibility of this Government to prosecute these war criminals, even if this Government had to do it alone?
- A. That's just— It means just exactly what it says. That is what we propose.
- Q. Is there any prospect that we will have to do it alone?
- A. No, no. That's just to make it emphatic.
- Q. Any prospect of an early answer from the other countries on our suggestion for a military tribunal?

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A. Yes, I think so. I don't think there will be any delay on that.

Q. Mr. President, can you tell us—

A. The British have already come in, and I am sure the Russians and the French will.<sup>1</sup>

In ensuing days, Jackson's report—about 5,700 words—was published in most American newspapers and in many newspapers around the world.<sup>2</sup> It became a topic of very positive comment and, going forward, a reservoir of governmental and public support for Jackson's work as U.S. Chief of Counsel in London, where the international negotiations soon commenced, and then in Nuremberg throughout the trial year.

Justice Jackson's full June 1945 report to President Truman is available here: [http://avalon.law.yale.edu/imt/imt\\_jack01.asp](http://avalon.law.yale.edu/imt/imt_jack01.asp).



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<sup>1</sup> See <http://trumanlibrary.org/publicpapers/viewpapers.php?pid=59>.

<sup>2</sup> See, e.g., Lewis Wood, *Punishing of War Criminals By U.S. Pledged by Jackson*, N.Y. TIMES, June 8, 1945, at 1, 5; *The Text of Justice Jackson's Report to the President on Trials for War Criminals*, N.Y. TIMES, June 8, 1945, at 4.