

PLANNING COMMITTEE  
17 November 1945

RESTRICTED

The Planning Committee met at 1630 hours on 17 November, 1945. Present were:

Robert G. Storey, Chairman  
Maj Gen Wm. J. Donovan  
Mr. Sidney S. Alderman  
Mr. Thomas J. Dodd  
Maj Wm. H. Baldwin, Sec'y  
Col. Harlan Amen

The members of the Planning Committee approved the request to return Kurt von Schuschnigg to Rome until needed as a witness at the trial. The matter was then discussed with Col. Amen who joined the meeting at this point. Since an affidavit had not yet been obtained from Schuschnigg, Col. Amen opposed releasing him. It was agreed by the Planning Committee to retain him in Nurnberg until the opening date of the trial has been definitely confirmed.

The question arose whether DIELS should be used as a witness at the trial. It was decided against using him but an affidavit should be obtained. General Donovan suggested sending two memoranda which he had on the subject to Mr. Dodd. It was mentioned that the British object to DIELS as a witness but for other reasons than instability.

The request that Appendix "A" be amended so as to include the position of Reich Governor of Austria for defendant Seyss-Inquart was disapproved by the Planning Committee.

Mr. Alderman brought up a question about the Tribunal's action today. He said: The British showed us a Russian memorandum addressed to the court stating that Gen. Rudenko was ill. He was not ill enough to be replaced by a substitute but couldn't be here for a week or 10 days. In the meantime no one is authorized to act; they are therefore asking for 10 days or two weeks' adjournment of the court. Neither the French nor the Russians were present at the court session this afternoon. The court opened, announced their decision, and adjourned before they arrived. It was suggested Mr. Alderman consult Justice Jackson on the Russian proposal.

Col. Amen distributed a memorandum on Potential Witnesses for trial. The proposed witnesses were divided into two lists. The lists had been approved by Gen. Alexandrov with one or two minor suggestions - one being that the Russians feel Schuschnigg should be used. These lists do not include witnesses being used for the Economic Case or by Gen. Donovan. The No. 1 list are in Col. Amen's opinion essential and invulnerable to the case. List No. 2 is also recommended to highlight the important and unimportant parts of the case. Affidavits are now being obtained from all these proposed witnesses. None have been completed to date, however.

Col. Amen explained his understanding of the agreement with Justice Jackson regarding witnesses as follows: He is to get affidavits prepared which he will submit to Justice Jackson for final approval before being presented to the Joint Chiefs of Counsel. He suggested that the witnessed could be either interspersed throughout the trial for highlighting purposes, to authenticate documents and identify signatures, or else held until all documents are in and then be put on the stand to tell the over-all story. At Col. Storey's suggestion Col. Amen agreed to send copies of the affidavits to the Planning Committee.

It was also Col. Amen's understanding that he was to be in charge of interrogating witnesses, other than those on the Economic Case, High Command, and the group with which Gen. Donovan has been working. He proposed having Mr. Dodd and Col. Brookhart each take one or two witnesses for examination on the stand.

Col. Amen felt that rather than have the witnesses wait in a room in the court house which is within earshot of the defendants' and counsel room, they should be kept in the jail and called upon one by one as needed. Mr. Alderman agreed with this procedure for handling his witnesses.

The meeting adjourned at 1730.