

General T File 54.03

rec'd 4 Sep 45

Comdr. Jim Donovan to see  
W.D.W.

OFFICE OF U. S. CHIEF OF CONSUL.

Notes of Staff Meeting, 31 August 1945.

- PRESENT: Mr. Justice Jackson  
 Mr. Alderman  
 Mr. Shea  
 Col. Taylor  
 Lt. Col. Wheeler  
 Ensign Jackson  
 Mr. Whitney ✓

1. List of Defendants

The list released to the newspapers on 29 August can be added to at any time, but it will be embarrassing to withdraw any names from it. Since, for example, Kaltenbrunner is the only defendant on the present list who may be said to represent the Gestapo, it is likely that another name or names should be added to provide adequate representation of that organization. Colonel Taylor commented that the High Command, as well as the SS, is not now properly represented. In the preparation for trial, it can be assumed that the list is not frozen.

2. Translation Problem:

Mr. Justice Jackson will request that translation machines, which permit simultaneous translation of proceedings into several languages, be provided for the trial. The principal difficulty will be to obtain adequate competent individuals to do the translating.

3. Distribution of Staff Evidence Analysis Sheets:

The number of these sheets to be distributed should be reduced below the present number requested by the various Committees and Staff members. Colonel Wheeler is to work out a reduction with the interested Committees and Staff Members.

4. Vatican Evidence on Persecution of the Churches:

The Justice's recent mission to the Vatican was given full cooperation. A memorandum from the Vatican (the Acting Secretary of State, Mons. Tardini) has been prepared and will be distributed. Definite facts as to persecutions are set forth, including charges made in correspondence dated 29 August 1941 to Ribbentrop, setting out the number of individual Church personnel sent to concentration camps, their names, etc. This material can probably be put into evidence in documentary form, but will require some modification to

make it more factual and effective and properly authenticated.

Father Walsh, who arrived after the Justice's departure for Italy, should be able to obtain additional evidence from various individuals to whom he has special means of access. (His studies on geopolitics and any further investigation along that line are beyond the scope of our case as presently envisaged).

5. Assistance on Studies of Military Organizations

As recommended by Colonel Taylor, the Justice will take up with the British authorities, through the Attorney General, the obtaining as consultants of some British authorities on this subject, who have worked on it for many years.

6. Evidence of Persecution of the Jews

Professor Lauterpacht, of Cambridge University, has been retained by the British War Crimes Executive as an authority on International Law. A Committee on which prominent Jewish organizations are represented is working up materials for introduction in evidence on the number of Jews exterminated, etc.

7. Polish Atrocities

Dr. Leskin has information that a very large amount of evidence of atrocities in Poland is accumulated in Warsaw. The Justice will urge General Mikitchenko to obtain Russian cooperation in getting this evidence.

8. Atrocities in Italy, Hungary, and the Balkans

Mr. Polakoff, General Richmond, and others, have advised the Justice that local trials in Italy are proceeding with dispatch and discrimination. The situation in Hungary and Yugoslavia, and in other Balkan countries is so confused that it is inadvisable to attempt to cover them in the trial of major war criminals.

9. Form of Indictment

Pursuant to the language of the Four-Power Agreement, the indictment must do more than merely charging an offense in the language of the definition of crimes contained in that Agreement. On the other hand, there is no requirement that evidence be set forth. It may be advisable to incorporate some evidence by reference, such as Congressional and Parliamentary reports on concentration camps. Incorporation of detailed evidence, however,

is impracticable, since the selection of some evidence and the exclusion of other evidence would weaken the whole indictment and make difficult the use of later discovered or other evidence. Mr. Alderman has received from Dr. Hazard an illuminating presentation of the Russian concept of an indictment and preliminary investigation.

#### 10. Procurement of additional Personnel to Screen Documents

Request has been made for making available at document centers considerable additional personnel for screening of documents for relevance on major war criminals. Colonel Taylor has conferred with Col. W. B. Stinson and Col. Gronich, the War Department representative at Frankfurt, and with other War Department installations on this matter and expects satisfactory results.

The Justice cautioned against crossing wires, particularly in going to higher authority for assistance before all channels through Colonel Gill to WFFA authorities have been tried. General Eisenhower and General Bull have given complete cooperation. Appeals to Washington especially should be avoided without proper occasion and clearance.

#### 11. Treaty Project

Mr. Shea reported for Committee 1 that the JAG Treaty Project has turned out well, and that he has invited representatives of the other Governments to inspect the various dossiers.

#### 12. Move to Nuremberg

Nothing has developed to change the decision to move the Evidence Collection and Analysis Section to Nuremberg on 10 September and the main body of the Staff by 17 September. Integration of the work between Colonel Storry's group and Colonel Wheeler's group will be worked out by them at Nuremberg.

#### 13. Reports From other United Nations

Mr. Alderman and Colonel Taylor have been working with representatives of other United Nations in connection with the preparation of official reports by their Governments as to atrocities and other acts affecting those countries. All necessary action should be taken to obtain these reports in the most helpful form.

HM fuwfagn of th« Uii»fa of Cownaol 1® nsrolgr to  
 ladi \*«» wnoth\*r «ay r\*«iuei»td pritRowwr Is want\*\*) as « defendant or  
 «It» sa for \*h» lasjor o«a«« "fr« military «Mthcritioa to who» th»  
 :-tati i^part-feAt h\*a dologetad thla »«tt«? höv» Vm rö\*^o»»ifatlity  
 of 4»torisinins ilia}»Ooitia'i of th« priacaor», o^oiaily «ft b«t««n  
 th« t\*o or xw\*«e o^sniri»« which nay h\*\*» roqu&Bted th\* «as» ladiviuu\*1.  
 'öiere WW\*\*\* to b\* nv oojuoti^ck to w»e»»lri«ü tho.se roquosta and  
 j»«»Hjg «to r\*«&w\*«t «long to toe proper military entkaritias «lth  
 «Pjp\*«W\*1«tö noiifleetlen that the Individuals Involved are cap MM not  
 »att\*4 la awwni&.<\*i \*ito the «a»«, the qMe«ti«a ««a reiaed e« to  
 'uto U\*\*r it ia neesoary to oois-dt th» etfoar ehiof prcwee iloru in  
 oiUVjaoe before d»«idln»s «h#th»? «o# individual l« «anted for tint»  
 tmla ojsitt\* auob a proedur« «ould o«u^e ©otoider«bl« d«loy. It  
 »#y be «Ant ea\*»ummt noUfloodlaa to the ehAei\* proöonutoro «lH  
 b» sufficient In »»ost Oases.

**15» ^HMBfl i«lltt«tta«l**

Jttötioe Jaioiaioo «^roisswi optJUda» «& to th» dövelopj»eat  
 of tha am«\* th» pjrlnoip&l difficulty. will be tyin# la th«  
 «>iond«rit« «rti or^asndsatiwo« to the plaanJng «ad oo»a«»o»aent of  
 aßgitwoslvw v««» «aö »tr«aaitioa oomsllttwi« avidano» of th» «xlotwao«  
 of th« oou«on plan eppeere to b# Oevalopclag o«ti»f««t««dlyj «ad.if %  
 to\* oxlw^oaco of to« >l\*a cm b» f\*d»qy«t\*»ly proved, th« ccraiootiai  
 of th« dofHüd»»tü with the plan eon bo largely « »atur of iafereaco,  
 «lth the bu«l«tt on b%hly pl«o«4 ladlvia»\*«!« in «ffnot to dl»|Kr«v«  
 their eoniiootiua «lth It\* In th« o«ae of « sow like ;»oh&obt# for  
 ex&nple# the «luaatien «l11 be prlnoi^ally «h#th»r ho had knowledge that  
 tho progra» l» «hl«h ho p«rtioipat«d «as Intondod for a\$gree\*i<3tt.  
 "cihothor th» «vlt«\*ioe to bw rwlied v^on «l11 b» priaftrlly doct.;awjat«ryf  
 or to «hot tsxtwsat'ljuuiwiuu\*! «ltrv«««« «ill b» oallod, o«t»not b«  
 dftterMnod «t ifdm stag« but oauit dopteud ujxaa dovolapawita»

MVW «hwHWM»\*\* \*THMPWO^O^T^A^« -F BMM  
 i-t. üolonol, § J5.