

Gen Donovan
129

26 November 1945

MEMORANDUM FOR: The Planning Committee, Room 317

SUBJECT: Recommendation that Erich von dem Bach-Zelewski be called as a witness in connection with the case against the General Staff and High Command.

1. It is recommended that the above named person be called as a witness in connection with the prosecution's case against the German General Staff and High Command.

2. The bulk of the case against the General Staff can be proved by affidavits already procured and by documents. After giving careful consideration to calling several people as witnesses (e.g. Brauchitsch, Halder, Blomberg, etc.) I have decided that none of these are necessary.

3. On a documentary footing, the weakest part of the case against the High Command is proving the allegation in the indictment that the High Command "had a major responsibility....for the war crimes and crimes against humanity....set forth in counts 3 and 4 of the indictment." It is, to be sure, easy to show that various Hitler and Keitel directives in violations of the Hague Regulations were circulated, and that the military defendants participated in formulating and circulating them. But it is not easy to show from documents alone that the German Officer Corps as a group are blameworthy under counts 3 and 4. Most of the generals who have been interrogated here have expressed disapproval of these directives, and have attempted to lay most of the blame for war atrocities on the SS and police. Likewise, they have taken the position that the Wehrmacht knew little of and had little control over SS operations.

4. The testimony of Bach-Zelewski is convincingly to the contrary. Bach is a former regular German army officer, and attained the rank of Obergruppenfuhrer in the SS. He was in charge of anti-partisan activities on the Eastern Front. He can testify convincingly that the

principal German field marshalls on the Eastern Front were fully aware of and gave full support to SS operations against partisans behind the lines.

5. Much of what Bach will testify to will be contained in a signed statement. I believe, however, that reliance should not be placed on the written statement alone, and that oral testimony will be a far more convincing and effective presentation of this particular point.

6. I propose to examine Bach-Zelewski from carefully prepared interrogatories which have been shown to him in advance so that his testimony can proceed systematically and according to plan. I doubt that any of defendants' counsel will want to cross-examine Bach-Zelewski immediately upon completion of his testimony. In any event, the desire to cross-examine Bach-Zelewski will probably be limited to counsel for Keitel and Jodl and possibly Goering.

7. I attach a draft of the statement which Bach-Zelewski is signing, which is sufficient to convey the general scope of what his testimony will be. The statement which he is actually signing today is more precise in certain particulars, and fuller in others.

TELFORD TAYLOR
Colonel, G.S.C.

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