

R E S T R I C T E D

OFFICE OF U. S. CHIEF OF COUNSEL
APO 403, U. S. ARMY

BOARD OF REVIEW

MEMORANDUM NO. 2

29 October 1945.

GENERAL ACTION TAKEN

1. COOPERATION WITH INTERROGATION DIVISION.---The Board discussed the problem with Colonel Amen and the following conclusions were reached:

(a) Brief summary sheets of all interrogations to 26 October will be made and thereafter, at the conclusion of each interrogation, the interrogator will dictate a brief summary of the important points established.

(b) Colonel Amen will furnish immediately a list of all internees, together with background information. The Section Chiefs shall furnish to Colonel Amen, within 48 hours after receipt of the list, requests for further interrogation in outline form, including questions if possible (copy to the Board of Review). If the requests are approved by Colonel Amen, they will be forwarded to the responsible interrogator at once, and thereafter direct contact may be made between the interrogator and the Section Chief involved. Further requests for interrogation to be handled in same manner.

(c) Section Chiefs may contact Colonel Amen's secretary late in the afternoon of each day and obtain the list of interrogations for the following day, together with the general subjects. However, in some instances, the final lists may not be prepared until the morning of the interrogation. In any event, the Section Chiefs are to obtain information concerning further interrogations from Colonel Amen's secretary.

2. CHIEF PROSECUTORS' MEETINGS.---At the meetings of the Chief Prosecutors held on 26 and 27 October 1945, the following decisions were made of interest to Section Chiefs:

(a) Proposed Amendment to the Indictment: Mr. Justice recommended that the indictment be amended to substitute Alfred Krupp in lieu of Gustav Krupp because of defendant Gustav Krupp's physical condition; after thorough discussion emphasizing the necessity for the trial to start on 20 November, it was finally determined that no amendment to the present indictment will be presented.

(b) Translations: It appeared that the Soviet and French Delegations had not translated their documents into German, and after general discussion, Mr. Justice Jackson advised the Soviet and French Delegations that the U. S. could not assume this responsibility. At the last meeting, the Soviet and French Delegations agreed to assume such obligation to translate all of their documents to be offered in evidence into German.

(c) Trial Briefs: Mr. Justice Jackson emphasized that in view of the language difficulties, the trial briefs should be self-proving as much as

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possible and to include "just as little talk and as many documents as possible".

(d) Documents to Be Furnished to Defendants: It was agreed (a) that a combined list of documents to be offered in evidence should be completed by all Prosecutors and filed in the Defendants' Information Center on 1 November and (b), that six copies in German of each document on the list should be filed in the Defendants' Information Center on or before 5 November.

(e) Defendants' Information Center: The Committee appointed to operate the Defendants' Information Center is composed of the following:

British Prosecutor	- Capt. Wurmser
U.S.S.R. Prosecutor	- Lt. Col. Osoll
U. S. Prosecutor	- Lt. Barrett
French Prosecutor	- Prof. Handrich

The U. S. member of the Committee is to be Chairman. All requests from defendants to the Court upon which action of the Prosecutors will be required shall be transmitted to the Chairman of the above Committee who will see that appropriate action is taken and, if policy is involved, that such questions are submitted to the Prosecutors for appropriate **solution**.

3. AUTHENTICATION OF DOCUMENTS:---The Documentation Division is charged with the responsibility of all further authentication of documents as required. All Section Chiefs shall make their requests directly to the Chief of the Documentation Division, and no messages concerning authentication shall be sent without the approval of the Chief of the Documentation Division.

4. WARNING TO DEFENDANTS.---Consideration was given to General Donovan's suggestion that the defendants be more adequately warned when giving further testimony. The form of notice now given to defendants since the indictment was served reads as follows:

"You have now been served with a copy of the Indictment in this case in which you are accused, as a Defendant, of the commission of various crimes.

"It is expected that you will continue to be interrogated from time to time unless you expressly object thereto. Please state whether you have any objection to being further interrogated, or whether you consider that your interests will be better protected by refusing to be interrogated further."

The above form has been approved by Mr. Justice Jackson. In view of the warning given and the fact that the interrogation has continued with reference to most of the defendants since the indictment, it was deemed unwise at this time to change the form of warning.

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5. STENCIL COPIES OF BRIEFS.--All Section Chiefs are required to cut stencils for the final briefs so that adequate copies may be available.

6. APPOINTMENT OF VICE-CHAIRMAN.--Mr. Thomas J. Dodd, Room 325, was named Vice-Chairman of the Board of Review.

7. NIGHT SESSIONS.--The Board will hold a meeting each evening at 2030 hours. The Library and Document Room will be open each evening from 2030 to 2230. The same facilities will be available every Sunday until further notice.

Robert G. Storey
ROBERT G. STOREY,
Chairman,
Board of Review.

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