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

BOARD OF REVIEW

MEMORANDUM NO. 3

1 November 1945.

GENERAL ACTION TAKEN

1. UNIFORM METHOD OF PREPARATION OF TRIAL BRIEFS: The Board agreed that the following procedures should be followed by the sections in the preparation of trial briefs:

a. The integration of interrogations into the briefs will be accomplished by

i. specific reference to appropriate admissions of defendants or witnesses by page and date of testimony, and

ii. reduction of the same into final evidentiary form through affidavit or single complete interrogation.

Adequate notice should be given to the Interrogation Division inasmuch as this second step is likely to require a certain amount of time in certain cases.

This procedure is subject to the desire of Mr. Justice Jackson that the emphasis in the trial briefs be ordinarily laid upon documents instead of the record of interrogations because of the possibility that the introduction of excerpts from interrogations might furnish grounds for a demand by the defense for the introduction of the entire record of interrogation.

b. In the preparation of exhibits for attachment to the briefs, the use of summaries or of translations of pertinent points only of documents should not be made. No attachments will be made except in the form of fully translated documents.

c. The Board refused a request of Section 2 for an extension of the ~~10 November deadline for the completion of the trial briefs~~. The request was made on the grounds of inadequacy of typing facilities. The Board recommended as the only possible solution that the documents to be attached as exhibits be reduced to the absolute minimum.

d. The translation or reproduction of excerpts from books or publications referred to will not be required. Citation alone will be sufficient. In the interest of standardizing English editions of German works, Doctor Kempner will circulate to the section chiefs bibliographical advice on Mein Kampf and certain other leading German publications.

2. LIST OF DOCUMENTS FOR DEPOSIT IN DEFENDANTS INFORMATION CENTER; (Room 54, Ground Floor): After consultation with the Board and the Consultant Members of the International Committees, the Committee on the Defendants' Information Center has accepted, for reasons of urgency, the list of documents as presented and

(2)

revised by section chiefs. The American list of documents which are offered on Count One aggregate approximately 500. The list of documents is to be accompanied by a notice that the list is tentative only and is without prejudice to the production at the trial of other documents or to the omission of any document listed. Supplementary lists will be prepared from time to time. The first list represents only those documents considered necessary to make out a prima facie case. The list has been translated and will be furnished to the defendants today. The documents listed will be furnished to the defendants, in German, on 5 November.

3. AUTHENTICATION OF PHOTOSTATS: It was the view of the Board that one general certification of all photostatic copies of an original document, executed by the reproduction technician, will suffice, and that a certificate on each photostatic copy will not be necessary.

4. AUTHENTICATION OF TRANSLATIONS: The Board referred to Major Coogan, Chief of the Documentation Division, the question of designating such enlisted men or civilians as may be deemed necessary to assist Lt. Niebergall in certifying the correctness of translations.

5. DESIGNATION OF WITNESSES FOR USE AT TRIAL: In addition to the recent request of the Board that Section Chiefs name witnesses desired for pre-trial interrogation, the Board is presently circulating a memorandum to Section Chiefs, Consultants, and the Interrogation Division requesting the names of all persons considered desirable for use as witnesses at the trial itself, either by way of affirmative proof or impeachment. This request does not alter the policy of laying principal emphasis in the trial briefs on documents but is for the purpose of filling in gaps in the proof and providing dramatic emphasis to matters otherwise proved. In view of the fact that some of the witnesses desired may have to be brought from some distance and all will have to be thoroughly interviewed before the trial, all addressees of the memorandum are urged to submit their lists for the Board's consideration at the earliest possible time.

6. ADMINISTRATIVE MATTERS: All requests for typewriters, stenographic help, and other matters of an administrative nature should be addressed to Lt. Col. Kimball, who, because of the November 10th deadline, is devoting first priority to the needs of the sections.

Because of the press of work, Section Chiefs and Consultants should feel no hesitancy in requesting civilian or military staff members to work nights or on Sundays. Since civilian employees are allowed overtime pay for 8 hours of the 48-hour week now in effect, no extra compensation will be authorized for additional overtime.

Lt. Col. Kimball has requested each division and the Board of Review to name an officer to sit on a Board of Officers to consider the recommendations for promotion of enlisted personnel who are assigned to the OCC's 6827th Military Detachment. Divisions and sections have been requested to submit the names of all officers eligible for promotion and the order in which the names are recommended for consideration for promotion. Names submitted will be forwarded to the Office of the Adjutant General in Washington for consideration pursuant to special arrangement with the Office of Chief of Counsel.

(3)

7. SPECIAL PROJECTS:

a. All Section Chiefs are requested to consult with Commander Donovan and to suggest charts, graphs, models and other types of visual presentation for evidentiary use at the trial. The Presentation Unit of the Special Projects Division will consult with the Board for the purpose of eliminating duplication of material.

b. A collection of over 1,500,000 still photographs has been assembled and indexed by the Photographic Evidence Section of the Special Projects Division. Section Chiefs are requested to send representatives to review index headings, to inspect the collection, and to select photographs for use as evidence.

The Photographic Evidence Section is at present completing a film on Count One entitled, "The Nazi Plan". The Board has agreed to view the film and make suggestions. Since there is a lack of photographic material on certain of the defendants, the project of making a separate film on each defendant will not be undertaken.

8. TRANSLATING AND INTERPRETING: Colonel Dostert has arrived from Washington to take charge of the pool of interpreters and translators for use at the trial. Replacements will be furnished for any translators or interpreters transferred from their present assignments and chosen for trial training by Colonel Dostert. In order to meet the November 10th deadline, translation of all documents save those needed for use in the trial briefs has been altered and a night shift has been instituted in the translators pool.

9. TRIAL BRIEF ON GENERAL STAFF AND HIGH COMMAND: Responsibility for the trial brief on the General Staff and High Command has been undertaken by Colonel Taylor who will work in consultation with Wing Commander Calvocoressi.

10. RETURN OF INTERNEES TO LOCALITIES: The Board will shortly confer with Section Chiefs, Consultants, and Colonel Amen in an effort to recommend to Mr. Justice Jackson the localities to which internees should be returned for trial and the crimes with which they are likely to be charged upon their release from the Nurnberg jail. Suggestions of the same nature will be requested concerning the defendants as well in the event that the Tribunal for any reason refuses to hear their case.

Robert G. Storey
Chairman
Board of Review

OFFICIAL:

William E. Jackson

William E. Jackson,
Secretary,
Board of Review.

(4)

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Lt. Barrett - 2
Extras - 50