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OFFICE OF US CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY
APO 403, US ARMY
OPERATIONS SECTION
INTERROGATION DIVISION

Nurnberg, Germany.
17 November, 1945

SUBJECT : Further Trial of War Criminals.

TO : Major General Wm. J. Donovan, Office of US Chief of Counsel,
Nurnberg, Germany.

1 In compliance with your request, I submit the following opinions on further procedures on the trial of war criminals in Germany. These opinions are based upon my experiences as a lawyer, my beliefs partially established as a result of my observations in the principle case now being prepared against German war criminals and, finally, as a result of previous training both as a civilian and as an officer.

a. The Present Situation:

- (1) The Office of US Chief of Counsel is concerned only with the prosecution of the leading German war criminals before the present existing International Tribunal (present case).
- (2) The US War Crimes Office, as established in the Office of the Judge Advocate General in Washington DC, under the direction of Brigadier General John M. Wier, JAGD, operates in the European Theater.
- (3) The prosecution of German war criminals now in American hands, who are to be brought under American control, other than those now indicted in Nurnberg (24), is the responsibility of the Commanding General of the United States Armed Forces, European Theater. In accordance therewith and under this direction, a Staff Judge Advocate has been operating the War Crimes Office at Wiesbaden, Germany.
- (4) To complete this project, a well begun project by the Staff Judge Advocate, will require a stupendous effort, involving the trial of perhaps 100,000 persons who are, or will be, brought into the custody of the American Armed Forces.
- (5) The successful prosecution of those guilty of war crimes is absolutely necessary to the fulfillment of our national resolve and pledge to win, not only the

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war, but also the peace.

b. Requirements:

- (1) The accomplishment of this monumental project will require:
 - (a) A Table of Organization and a carefully conceived plan in advance of any operation behind which there must exist the authority of the person or persons responsible for its successful conclusion.

c. Outline of Organization:

- (1) A broad outline of the organization should be as follows:
 - (a) Commanding General, USFET.
 - (b) Commanding General, War Crimes Division (To establish and coordinate policy in connection with the Commanding General, United States Armed Forces in Europe).
 - (c) Chief of Staff (To execute such policy)
 - (d) Adjutant (Administrator)
 - (e) Personnel Officer (To requisition and assign personnel).
 - (f) Public Relations Officer (Publicity)
 - (g) Supply Officer.
 - (h) Security Officer (in charge of Jail)
 - (i) Signal Officer (Communications)
 - (j) Provost Marshal (Movement of prisoners)
 - (k) Engineer Officer.
 - (l) Surgeon.
 - (m) Transportation Officer.
 - (n) Headquarters Commandant.
 - (o) Trial Chief (Responsible for organization of evidence and trial of cases).

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- (2) The officer in charge of trials will be responsible for the collecting of evidence, its organization for use in the trial, and the trial of all cases. Upon the efficiency of his organization, the success of the whole project will depend. A study of the Wiesbaden Office of the War Crimes Commission should be made and a detailed plan of organization determined.
- (3) There should be subordinate to the trial chief, an officer who would have the important responsibility of locating and identifying defendants and witnesses and he must work in close coordination with the Provost Marshal.
- (4) It would be impracticable, if not impossible, to concentrate in one camp all German persons suspected of war crimes. For that reason, I propose that each camp now established be utilized as an Interrogation Center and left as it exists. In order to do this, it would be necessary to do two things: 1) to make a temporary survey of each camp to determine ~~if all the~~ ^{what} persons now held there are suspected of war crimes, either by a) reason of belonging to an organization declared by competent authority to be inherently a criminal organization; or b) after screening such camps those persons suspected of actually having committed one of the specified crimes prohibited by International or Common Law.

d. Appointment of Boards:

- (1) Appoint a sufficient number of Boards, composed of legally trained officers to make such interrogations and screening of each of the camps now existing in order that, by the time the principle case has been concluded, those persons belonging to the organizations declared by the Court of first jurisdiction to be criminal, that the proper procedures would be had against those persons immediately.

SUGGESTION

1. I desire to make the following specific suggestions.

a. There, perforce, must be a stability of personnel. The trial of German war criminals requires personnel with knowledge of the history of the German government and its organizations. There must be a continuity to the

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work that is done and, accordingly, the staff should not be subjected to constant changes. Only those who are willing to remain for an extended period should be selected in the first instance.

b. The aim of the Commission should be to close all cases against German war criminals by June 30th, 1946. The establishment of a time limit is good psychology and would be stimulating to the public.

c. Nowhere should non-professional persons be utilized to analyse interrogations while excellent lawyers are handling matters of supply and administration. The staff of the trial chief should be composed principally of lawyers with a limited number of technically qualified persons used therein whenever and wherever needed.

d. There should be but one organization or commission for the trial of German war criminals. The establishment of a headquarters for such Commission could well be in Nurnberg, Germany, where there is now located many of the facilities necessary for the continuance of such Commission's work.

e. Documents relating to German war criminals should be concentrated in one place. Original documents concerning such are now located in Nurnberg, Vienna, Berlin, Frankfurt, Oberursel, Wiesbaden, and even Washington DC. Since every military headquarters manifests a strong tendency to hold on to its own material gathered by it, there should be an extensive search made and every effort expended to collect such material in one place.

f. Interrogations should not be permitted by members of the trial staff until the interrogator has satisfied himself and his superior that he knows the subject matter over which he is to question any witness so well that it can reasonably be said that he has exhausted all original sources concerning any particular witness.

g. Extradiction should be studied carefully. Those guilty of war crimes committed elsewhere than territories now under American jurisdiction should be turned over in accordance with existing international agreements.

h. Staff meetings should be frequent. Every man should know current developments and be made to feel that he is part of a team. This stimulates effort and builds morale.

2. Public relations should be constantly considered. A story in a local newspaper concerning an employee's activity in connection with the trial is important to that person and has its effect upon the public too. The prosecution and confinement of men is an important undertaking, more important yet is the effect such confinement will have upon public opinion and the future peace of the world.



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