

High Command

10 November 1945

MEMORANDUM

SUBJECT: Trial Brief re General Staff and  
High Command Group submitted by  
Major Becker

1. The General Staff and High Command Group as described in the indictment is not a "juridical organization", but is a group of leaders of the German armed forces, defined, it is believed, so as to cover those officers who had the major responsibility for the planning and execution of German military operations. Consequently, the first problem to be dealt with in presenting the case is to show that the group as we have defined it is a legitimate and meaningful grouping, and within the meaning of Articles 9 and 10 of the Charter.

2. The documents and affidavits submitted in support of this trial brief, I believe, constitute sufficient evidence that the group, as defined in the indictment, is a real and functional group, and can be declared to be criminal under Article 9 of the Charter. The brief, I believe, also embodies sufficient data about the high level organization of the German armed forces.

3. The brief only partially embodies the showing which should ultimately be made to support a declaration of criminality under Article 9. Considerable more work remains to be done on this matter, but much of it has already been done in the briefs by other sections cited on pages 14 to 16 inclusive. It seemed important to concentrate efforts on the initial problem of establishing the group as a group within the meaning of Article 6. The personnel working on this subject were made available less than two weeks ago (see my memorandum of 2 November to Colonel Storey).

4. By use of the briefs from other sections cited at pages 14 to 16, and further research and interrogation, it is believed that the case against the German General Staff and High Command can be completed in ample time for presentation.

TELFORD TAYLOR  
Colonel, G.S.C.

cc: Justice Jackson  
General Donovan  
Mr. Alderman  
Mr. Storey, Chairman,  
of Board of Review