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10.04

26 October 1945

Memorandum for Justice Jackson:

As a further step in the negotiations with Warlimont a request came from the General Officers here as witnesses to give testimony for "the whole of the German Army" in the trials before the Court. The intention is "to represent the influences of the Reich during the last 12 years upon the army and the consequences to the Army."

I told them that you had granted permission for the presentation of a paper submitting their views at this time - and what should further be done would be deferred. Accordingly, von Brauschitsch as the last Commander in Chief of the German Army will with Field Marshal von Manstein Army General & older and Warlimont will ~~immediately~~ prepare such a paper -

I felt it my duty to point out to Warlimont the allegations in Appendix B concerning the General Staff. Since all of those who are preparing that paper together with them expected

(over)

to concur came within the definition of
that allegation. I am sure you agree that as
a matter of fairness as well as of wisdom
they should have a copy of the indictment
and an opportunity to obtain counsel.

Donovan
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