

TRANSLATION
by
Mrs. Plummer

8/

5 November 1945

TO: General Donovan

FROM: Dr. von Schlabrendorff

SUBJECT: Defense of the Accused.

On Saturday, 3 November 1945, the official gazette of the Military Government appeared in Buremberg. This gazette reprinted Proclamation No. 3 of the Inter-Allied Control Council. Under paragraph II the Proclamation states as follows:

"No German may be punished for a deed unless an existing penal law provides punishment therefor."

The indictment before the International Military Tribunal demands the punishment of deeds which represent a notation of international law, but not a violation of an existing penal law. This contradiction in interpretations of law is so obvious that doubtlessly defense counsel will refer to Proclamation No. 3 in order to bring about the downfall of the indictment.

s/s v. Schlabrendorff