

OFFICE OF U. S. CHIEF OF COUNSEL

November 24, 1945.

MEMORANDUM TO: Gen. Waters
Gen. Mitchell
Col. Andrus
✓ Gen. Donovan
Col. Gill
Col. Amen
Col. Storey
Mr. Dean

SUBJECT: RESPONSIBILITY FOR DEFENDANTS.

It is desirable that a clear definition of responsibilities be settled for the handling of defendants. I understand the situation to be as follows:

1. Responsibility of the Army. All custody, care, physical handling and security regulations of the defendants is the responsibility of the Army.

2. Subject to the security regulations of the Army, entire responsibility for the designation of counsel, for the authorization of times, manners and extent of their access to defendants, and of all other conditions of the relationship between counsel and the prisoners is the responsibility of the Tribunal.

3. The Office of Chief of Counsel has no authority and no responsibility over the two foregoing matters. Subject to those authorities, however, the Office of Chief of Counsel has the right to request delivery of prisoners at the interrogation rooms for interrogation or interview and (except security guards) the right to determine who may be present and who may interrogate and may permit interrogation by the prosecuting staffs of other nations. No defendant may be interrogated against his objection. Subject to the priority of security regulations and Tribunal orders, these requests of the Chief of Counsel will be honored.

If there is any misunderstanding as to this division of responsibility, I ask to be immediately notified of it.

Delivery of defendants for purposes of the Chief of Counsel shall be only in accordance with written requests signed by him and may be general as to defendants or time or may relate to a specific defendant or time.

No member of the Chief of Counsel staff shall have authority to sign requests in his name and any outstanding requests or directions in his name are hereby revoked.

ROBERT H. JACKSON,
Chief of Counsel for the
United States