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action for some considerable time, and a large expenditure of U.S. Government funds is involved, the Commission stresses the importance of the earliest possible decision on this matter.

Sincerely yours,

/S/ W. W. Smith
Chairman

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APPENDIX

LIST OF NUMBER AND TYPES OF VESSELS PROPOSED FOR SALE TO NON-CITIZENS

50	C1	Vessels
20	C2	Vessels
80	Victory	Ships
50	T2	Tankers
200	Total	

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COPY NO. 76

J.C.S. 1454/5

17 July 1946

Pages 42 - 54, incl.

JOINT CHIEFS OF STAFF

SALE OF MERCHANT SHIPS TO NONCITIZENS
Reference: J.C.S. 1454/1

Report by the Joint Military Transportation Committee
(In collaboration with the Joint Staff Planners)

THE PROBLEM

1. To comment and make recommendations on a request by the United States Maritime Commission that the terms of J.C.S. 1454/1 be reconsidered to permit the sale of a limited number of war-built vessels, with a speed of 14 knots or above, to noncitizens.

FACTS BEARING ON THE PROBLEM AND DISCUSSION

2. See Appendix "B".

CONCLUSION

3. That the sale of some 200 war-built vessels with a speed of 14 knots or above to noncitizens as requested in the Maritime Commission's letter of 21 June is not inimical to the interests of national defense.

RECOMMENDATION

4. That the letter in Appendix "A" be forwarded to the Chairman, United States Maritime Commission.

DECLASSIFIED
Authority NND 760030
By CGD, NARS Date AUG 4 1975

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

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APPENDIX "A"

D R A F T

LETTER FOR THE CHAIRMAN, UNITED STATES MARITIME COMMISSION

The Joint Chiefs of Staff have considered your letter of 21 June 1946 concerning the proposed sale to noncitizens of certain merchant vessels having a speed of 14 knots or above.

It is noted that the Commission has received applications from noncitizens for approximately 150 vessels in this category, and it is further understood that the sale of about 50 more is in prospect. Although the Joint Chiefs of Staff indicated a preference in J.C.S. 1454/1 for the retention of high-speed merchant vessels in the active or laid-up merchant fleet, it was not intended to preclude entirely the sale of such vessels. The Joint Chiefs of Staff consider that this sale of some 200 high-speed cargo and tank ships to noncitizens will not adversely affect the national defense interests, particularly in view of the relatively small tonnage involved. However, in view of the provisions of Section 6 of the Merchant Ships Sales Act of 1946, the Joint Chiefs of Staff believe that the Maritime Commission will desire to consult with the Secretary of the Navy in this matter.

The Joint Chiefs of Staff consider that future problems relating to the sale of ships to noncitizens can be resolved by the Navy Department and the Maritime Commission in accordance with the provisions of Section 6 of the Ships Sales Act. They will appreciate the reference to them of any proposed sale of vessels which would manifestly affect the intent of J.C.S. 1454/1.

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APPENDIX "B"

FACTS BEARING ON THE PROBLEM

1. Up through 31 May 1946 the Maritime Commission had received foreign applications for the purchase of 558 vessels. One hundred seventy-five vessels, which include 106 C-type, 55 Victory-type ships, and 14 tankers, have speeds in excess of 14 knots.

2. As a result of the Navy Department's letters of 19 February and 24 May 1946 (Annexes "A" and "B" to Appendix "B"), the Maritime Commission has interpreted J.C.S. 1454/1 as precluding the sale to noncitizens of any vessels with a speed of 14 knots or more, which includes practically the entire war-built merchant fleet except Liberty and coastal vessels.

3. By the terms of the Merchant Ships Sales Act of 1946, all the vessels referred to in paragraph 1, above, subject to certain provisions, may be sold to noncitizens.

4. In J.C.S. 1454/1, the Joint Chiefs of Staff indicated the most desirable types and speeds of vessels (in order of preference) to be retained. The higher speed vessels were given preference over the slower types. There is no provision in J.C.S. 1454/1 which prevents selling ships having a speed of 14 knots or above.

5. The Maritime Commission estimates that an excess of 2500 ships would have to be retained in a laid-up status if sale to noncitizens of certain types is forbidden.

6. The sale of 558 vessels to noncitizens represents a very small percentage of the available United States tonnage, and the remaining number of ships and tonnage would still be far in excess of the total requirements set forth in J.C.S. 1454/1.

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7. Agreements were made with certain foreign governments during the war, providing in general terms for aid in replacement or rehabilitation of their merchant fleets.

DISCUSSION

8. Since J.C.S. 1454/1 was approved, the Ships Sales Act of 1946 has become law and other developments have transpired which necessitate consideration of the merchant shipping which should be made available for sale to noncitizens.

9. By the enactment of the Ships Sales Act of 1946, Congress recognized that the United States at the end of the war had a large surplus of merchant shipping, whereas virtually all other nations were in need of shipping. It became highly desirable, therefore, to sell surplus shipping to noncitizens. The Congress in the Act also recognized the necessity for retaining an adequate merchant marine in active or laid-up status in the interest of national defense. J.C.S. 1454/1 sets forth these requirements.

10. The total number of ships and deadweight tonnage recommended by the Joint Chiefs of Staff to be retained is as follows: 3,404 ships; 38,765,400 deadweight tons (DWT). The total United States owned shipping is approximately 55,000,000 DWT. The tonnage in excess of the total requirements set forth in J.C.S. 1454/1 is made up almost entirely of the Liberty-type ship which has a speed of less than 12 knots. The Joint Chiefs of Staff recommended that in the retention of ships preference should be given to the faster types. As a result, the Maritime Commission has interpreted this to mean that it precludes the sale of anything but Liberty-type ships in the dry cargo type category and all serviceable tankers of 12 knots and over.

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11. It does not appear that such an interpretation as indicated above was intended. It would require that the Maritime Commission lay up about 2500 ships in excess of the requirements for national defense, because there is only a very small demand from buyers for these ships which are mostly of the Liberty type. Furthermore, because of the considerations discussed below, the sale of at least a limited number of ships capable of making 14 knots and above should be made to noncitizens.

12. As already indicated, the enactment of the Ships Sales Act was for the express purpose of disposing of surplus tonnage. This surplus is approximately 15,000,000 DWT and is the tonnage in excess of merchant shipping requirements for national defense. The amount of shipping for which noncitizens have applied represents approximately one third of the excess.

13. During the war a number of our allies, such as Great Britain, Holland, and Norway, lost much of their shipping resources, including shipbuilding facilities. At the same time, these countries made available to the United States some of their shipping to sustain our war effort. The United States, therefore, would seem to have a moral obligation to help these nations regain in part, at least, their former maritime strength by offering to sell to them some of our surplus ships. In fact these countries, and many others, are very desirous of obtaining shipping from us, but so far the Maritime Commission has been hesitant to make commitments because of the provisions of J.C.S.1454/1. If the ships which foreign governments and noncitizens are seeking to obtain from us are not forthcoming in the near future, there is a strong possibility that they will abandon their efforts in this direction and either rely on their own resources or look elsewhere for assistance. Should this occur, the United States will be faced with the

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loss of the revenue from the sale of these ships, the added cost of keeping them in a state of preservation, and in a few years a huge surplus merchant fleet on its hands for which there will be no market because of its age and obsolescence. In the meantime, other nations will have started up their shipbuilding industries to relieve their deficiency in shipping.

14. Some of the applications for shipping have come from Latin American countries. Agreements were made with certain of these governments during the war which provided in general terms for aid in replacement of shipping. It was for this reason that the Ships Sales Act contains a provision for the prompt sale of 10 C-type vessels to noncitizens. The Department of State takes the view that the above agreements should be honored in their spirit, and that the absence of similar arrangements with our other allies who have likewise lost tonnage in the common war effort should not preclude reasonable consideration of their merchant marine problems.

15. The selling of ships to noncitizens would tend to stimulate the shipbuilding industry in this country and at the same time maintain our shipyards in a healthy condition. A large surplus of laid-up shipping would certainly be a deterrent to Congress to make funds available to the Maritime Commission for the construction of new ships. It should be the national policy to seek a market for our surplus fleet, either foreign or domestic, not only to reduce the surplus, but also to provide an incentive for new construction and development in the field of ocean transport.

16. As a result of informal discussions between the Navy Department and the Maritime Commission, it was agreed that the following vessels having speeds of 14 knots or more could be excluded from retention in the active or laid-up fleet without

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adversely affecting the interests of national defense:

a. Dry Cargo Ships

150 C-1, C-2, and VC-2 types, and provided that, when practicable, C-2 type be retained in preference to VC-2 types.

b. Tankers

50 T-2 type.

The ships listed above represent less than 6 percent of the total recommended to be retained for national defense. The sale of the 558 ships for which foreign application had been made up to 31 May 1946 would still leave the United States with a surplus of shipping greatly in excess of the total requirements for national defense.

17. In view of the provision of the Ships Sales Act which requires the Commission to consult with the Secretary of the Navy, and because a huge surplus of shipping exists, a procedure for resolving future problems relating to the sale of ships to noncitizens without the necessity of referring to the Joint Chiefs of Staff in every case is highly desirable. It is felt that such matters can properly be referred to the Joint Navy-Maritime Commission Plans Committee for decision. In cases where the proposed sale of vessels to noncitizens would manifestly affect the intent of J.C.S. 1454/1, the Navy Department should refer the matter to the Joint Chiefs of Staff.

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ANNEX "A" TO APPENDIX "B"

(SC)A16-3/EN
Serial 020P421

NAVY DEPARTMENT
Office of the Chief of Naval Operations
Washington 25, D. C.

19 February 1946

Captain Edward Macauley,
Acting Chairman, U.S. Maritime
Commission

My dear Captain Macauley:

The Secretary of the Navy has referred to me for reply your predecessor's letter of 4 January 1946.

The policy of the Navy with respect to the position of the Merchant Marine fleet in the post war period is predicated in the retention of sufficient shipping either in an active or reserve status to meet fully both the estimated requirements for national defense and the maximum commercial shipping needs. The consideration of all the factors which involve the relationship between the Merchant Marine and the requirements for national defense has been embodied in J.C.S. 1454/1 (of higher classification) wherein is stated the number of ships, the tonnage, and, by types, the order of preference desired for retention. A copy of this paper has been forwarded to the Maritime Commission.

The disposal of any vessels to noncitizens must be predicated on first fulfilling the requirements as set forth in the above-mentioned paper. The desired order of preference would preclude (except an individual and special instances) the disposal of any ships having a speed through the water of fourteen knots or better and the special types; i.e., Z-EC-2 (aircraft transports), refrigerated ships and seatrains. The

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balance remaining in the shipping pool, consisting of the older and/or slower types may be made available to noncitizens provided that a sufficient number are retained in either the active or reserve fleet to fill the total remaining in each category estimated as required for national defense.

Subject to such provisions as may be incorporated in the final version of the Ship Sales Bill, the Navy desires that it be consulted in the disposal of any special type ships, regardless of age or speed, and all those having a speed of fourteen knots or better. No prior consultation with the Navy is deemed necessary in connection with the possible disposal to noncitizens of those older and/or slower types provided for in the last sentence of the preceding paragraph.

With reference to such consultation procedure as may be necessary, the Office of Assistant Chief of Naval Operations (Transportation) (Op-42) is the agency specifically responsible within the Navy Department for liaison with the Maritime Commission on all policy matters relating to merchant shipping.

Sincerely yours,

/s/ D. C. Ramsey
Vice Chief of Naval Operations

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ANNEX "B" TO APPENDIX "B"

Op-421-C-mg

Serial 1121P421

NAVY DEPARTMENT
Office of the Chief of Naval Operations
Washington 25, D. C.

24 May 1946

Mr. Raymond McKeough,
Temporary Chairman,
U.S. Maritime Commission

My dear Mr. McKeough:

This will acknowledge receipt of Captain Macauley's letter of 7 May 1946.

In his letter of 4 January 1946, Admiral Land requested the Navy's views on the most satisfactory procedure to be employed in complying with that part of the then-proposed Merchant Ship Sales Act which permits the sale of certain types of United States Government-owned merchant vessels to non-citizens "if the Commission determines, after consultation with the Secretary of the Navy that such vessel is not necessary to the defense of the United States". To prevent lengthy negotiations with respect to such sales, information was also requested on what types of merchant vessels and merchant type military auxiliaries the Navy did not consider as necessary to the defense of the United States. My reply, dated 19 February 1946, endeavored to suggest such a procedure and to indicate the types which were of particular importance to the Navy.

Inasmuch as J.C.S. 1454/1 is the basic authority on merchant ship requirements for national defense, it must necessarily be the guide to the policy of the Navy in such matters, together with such legislation, along similar lines, as may be now or later enacted. The Navy has consistently advocated

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an active merchant marine composed of modern ships and of a size commensurate with commercial needs. Similarly, the reserve merchant fleet considered essential for national defense should consist, insofar as practicable, of the most modern and suitable vessels available from time to time and not required in active service.

With respect to the specific types of vessels desired for the reserve fleet, the Navy is fully cognizant of the fact that under specified conditions, noncitizens may make application for and purchase certain types of vessels, and it was not contemplated to attempt to modify or deny these privileges in any way. The intent of my letter of 19 February was to indicate that because of the order of preference shown in J.C.S. 1454/1, and the particular interest of the Navy in the special or high-speed types, it was desired that their proposed sale should in each case be the subject of individual and special consideration with a view to balancing fairly the requirements of foreign trade, as well as foreign relations and policy, against those of national defense, thereby serving the best interests of the nation. Such consultation procedure, therefore, would be in distinct contrast to that with respect to the sale of the slower and less efficient or desirable types. In such cases the Navy would be concerned only with the retention of sufficient tonnage in these classes to fill out the figures given J.C.S. 1454/1 and such consultation procedure as was deemed necessary would be of routine nature.

The questions raised in Captain Macauley's letter concerning the number of ships to be laid up and the problems therein involved cannot properly be discussed or justified unilaterally by the Navy, but rather should be referred to the Joint Chiefs of Staff for study and review. Provision is made

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in J.C.S. 1454/1 for an annual review of the requirements therein contained, and, without doubt, should the occasion require, questions could be entertained at more frequent intervals. Therefore, it is suggested that the problems referred to be presented to the Joint Chiefs of Staff for reply.

There are, however, certain statements in Captain Macauley's letter on which it is desired to comment specifically. The Navy does not concur in the belief that the cost of maintaining a reserve fleet could be obviated by dependence on the construction potential of the shipbuilding industry in the event of an emergency. The tremendous cost of such a spasmodic effort as well as the industrial dislocation has been thoroughly demonstrated. In addition, no consideration of the nation's security could safely envisage the allowance of sufficient time for the necessary construction of the required tonnage or the prospect of its accomplishment unhindered. The Navy also does not concur in the opinion that the proposed lay-up program will deprive world trade of needed tonnage, thereby stimulating foreign ship construction programs. It is questionable if the approval of all the applications of noncitizens would greatly affect such programs since the shipping industry, in the majority of instances, is too basic a part of many foreign nations' economy to be so readily and simply contained. The shipping requirements for national defense are of such importance that they should not be prejudiced by unrestricted sale of vessels to noncitizens either for the purposes of partial recapture of the capital invested or for the debatable objective of an early build-up of foreign shipping potential.

For your information the following Navy representatives have been appointed for the Joint Navy-Maritime Commission Plans

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Committee:

Rear Admiral William M. Callaghan, U.S.N.
Captain Burton B. Biggs, U.S.N.
Captain Stanley M. Alexander, U.S.N.
Captain William N. Mansfield, U.S.N.R.
Lieutenant Comdr. Robert F. Andree, U.S.N.R.

Although, as previously stated, any proposed changes in J.C.S. 1454/1 must be referred to the Joint Chiefs of Staff, nevertheless, it is considered that the problems of implementing the requirement therein contained should be the subject of early discussion by the Committee as well as such other matters as may be currently appropriate.

Sincerely yours,

/s/ D. C. RAMSEY

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~~RESTRICTED~~

COPY NO. 68

J.C.S. 1454/4

25 June 1946

Pages 39-41, incl.

JOINT CHIEFS OF STAFF

SALE OF MERCHANT SHIPS TO NONCITIZENS
Reference: J.C.S. 1454/1

Note by the Secretaries

The enclosed letter from the United States Maritime Commission has been referred to the Joint Military Transportation Committee for comment and recommendation, in collaboration with the Joint Staff Planners.

A. J. McFARLAND,
C. J. MOORE,
Joint Secretariat.

DECLASSIFIED
Authority NND 760030
By CGD NARS Date AUG 4 1975

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

~~RESTRICTED~~

E N C L O S U R E

United States Maritime Commission
Washington, D.C.

June 21, 1946

Dear Admiral Leahy:

The Maritime Commission has been charged with the administration of the Merchant Ship Sales Act of 1946, dealing with the disposal of the war-built fleet of merchant type vessels of 1500 gross tons or over. Section 6 of this Act includes a provision that no merchant vessel be sold to a noncitizen unless "the Commission determines, after consultation with the Secretary of the Navy, that such vessel is not necessary to the defense of the United States".

The Navy Department, by letters of February 19, 1946 and May 24, 1946, has stated that it will be guided in such consultation, except in certain cases to be given "individual and special consideration", by J.C.S. 1454/1. If the Commission has correctly interpreted this document, it appears to preclude the sale to noncitizens of any vessels with a speed of 14 knots or more, which includes practically the entire war-built merchant fleet except Liberty and coastal vessels.

As indicated in the attached tabulation (Appendix), the Commission has received through May 31, 1946, noncitizen applications for the purchase of 558 vessels, 174 of which may not be sold if the Commission abides by the recommendations set forth in J.C.S. 1454/1.

While in general the Commission does not favor the sale to noncitizens of the C2 and C3 types, since, as now appears probable, nearly all will be required by American operators,

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

it would certainly approve the sale of Victory ships, a number of which are clearly surplus to American merchant marine requirements, such C1 vessels as may likewise be surplus, and a few tankers which would otherwise be laid up. From present indications, it appears that approximately 150 of such vessels might be sold, with a return to the Government of nearly $150,000,000. If, on the other hand, these vessels are not sold, they would necessarily be placed in permanent lay-up, at a large and continuing cost to the Government.

In view of these considerations, the Commission hereby requests that the Joint Chiefs of Staff reconsider the terms of J.C.S. 1454/1 to permit the sale of a limited number of war-built vessels, with a speed of 14 knots or above, to noncitizens. Since applications for the purchase of such vessels are now awaiting Commission action, your early reply will be appreciated.

Sincerely yours,

/s/ W. W. Smith
Chairman

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

~~RESTRICTED~~

APPENDIX

FOREIGN APPLICATIONS TO PURCHASE RECEIVED THROUGH MAY 31, 1946

(1 photostat)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

EXHIBIT D

FOREIGN APPLICATIONS TO PURCHASE RECEIVED THROUGH MAY 31, 1946
(NOTE: Cit: Citizen Applications - Govt: Government Applications)

NATION		C1	C2	C3	EC2	VC2-S AP2	VC2-S AP3	N3	C1-M AV1	C1-MT BU1	Total Dry Cargo	T2	T3	T
Argentina	Cit.	3	4	-	-	-	8	-	-	-	15	-	-	-
Canada	Cit.	-	-	-	-	-	-	-	-	-	-	4	-	-
Chile	Cit.	-	4	-	-	-	-	-	-	-	4	-	-	-
China	Govt.	-	-	-	20	16	-	55	68	-	159	-	-	-
	Cit.	-	-	-	-	-	-	2	-	-	2	-	-	-
Denmark	Cit.	8	3	-	-	-	-	-	-	-	11	-	1	-
France	Govt.	-	10	-	75	-	-	-	-	-	85	-	-	-
Great Britain	Cit.	4	15	2	-	5	-	-	1	-	27	-	-	-
Greece	Cit.	-	-	-	8	-	-	-	2	-	10	-	-	-
Honduras	Cit.	-	-	-	7	3	-	-	-	-	10	-	-	-
India	Cit.	-	12	-	-	-	-	-	-	-	12	-	-	-
Italy	Govt.	-	-	-	50	-	-	-	-	-	50	-	-	-
Netherlands	Govt.	2	-	-	28	4	6	3	-	-	[illegible]	-	-	-
New Zealand	Cit.	2	-	-	-	-	-	-	-	-	2	-	-	-
Norway	Govt.	9	5	-	10	-	-	-	3	-	27	-	-	-
	Cit.	9	7	-	7	9	-	-	2	-	34	4	-	-
Panama	Cit.	1	-	-	23	1	-	-	7	5	37	4	-	-
Philippine Islands	Cit.	-	6	-	-	-	1	-	1	-	8	-	-	-
South Africa	Cit.	-	-	-	1	2		-	-	-	3	-	-	-
Sweden	Cit.	-	-	-	1	-	-	-	-	-	1	-	-	-
Yugoslavia	Govt.	-	-	-	-	-	-	-	4	-	4	-	-	-
Total Govt. Appl.		11	15	-	183	20	6	58	75	-	368	-	-	-
Total Cit. Appl.		27	51	2	47	20	9	2	13	5	176	12	1	-
GRAND TOTAL --------		38	66	2	230	40	15	60	88	5	544	12	1	-

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

FOREIGN APPLICATIONS TO PURCHASE RECEIVED THROUGH MAY 31, 1946
(NOTE: Cit: Citizen Applications - Govt: Government Applications)

C1	C2	C3	EC2	VC2-S AP2	VC2-S AP3	N3	C1-M AV1	C1-MT BU1	Total Dry Cargo	T2	T3	T1	Total Tankers	Grand Total
3	4	-	-	-	8	-	-	-	15	-	-	-	-	15
-	-	-	-	-	-	-	-	-	-	4	-	-	4	4
-	4	-	-	-	-	-	-	-	4	-	-	-	-	4
-	-	-	20	16	-	55	68	-	159	-	-	-	-	159
-	-	-	-	-	-	2	-	-	2	-	-	-	-	2
8	3	-	-	-	-	-	-	-	11	-	1	-	1	12
-	10	-	75	-	-	-	-	-	85	-	-	-	-	85
4	15	2	-	5	-	-	1	-	27	-	-	-	-	27
-	-	-	8	-	-	-	2	-	10	-	-	-	-	10
-	-	-	7	3	-	-	-	-	10	-	-	-	-	10
-	12	-	-	-	-	-	-	-	12	-	-	-	-	12
-	-	-	50	-	-	-	-	-	50	-	-	-	-	50
2	-	-	28	4	6	3	-	-	[illegible]	-	-	-	-	43
2	-	-	-	-	-	-	-	-	2	-	-	-	-	2
9	5	-	10	-	-	-	3	-	27	-	-	-	-	27
9	7	-	7	9	-	-	2	-	34	4	-	-	4	38
1	-	-	23	1	-	-	7	5	37	4	-	1	5	42
-	6	-	-	-	1	-	1	-	8	-	-	-	-	8
-	-	-	1	2		-	-	-	3	-	-	-	-	3
-	-	-	1	-	-	-	-	-	1	-	-	-	-	1
-	-	-	-	-	-	-	4	-	4	-	-	-	-	4
11	15	-	183	20	6	58	75	-	368	-	-	-	-	368
27	51	2	47	20	9	2	13	5	176	12	1	1	14	190
38	66	2	230	40	15	60	88	5	544	12	1	1	14	558

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

~~CONFIDENTIAL~~

J.C.S. 1454/3

14 June 1946

Pages 25 - 38, incl.

COPY NO. 69

JOINT CHIEFS OF STAFF

MERCHANT SHIPPING REQUIREMENTS FOR NATIONAL DEFENSE

Reference: J.C.S. 1454 Series

Report by the Joint Military Transportation Committee
(In collaboration with the Joint Staff Planners, concurred in by the Joint Strategic Survey Committee)

THE PROBLEM

1. To draft a reply, as a matter of priority, to a letter from the United States Maritime Commission to the Chief of Staff, U.S. Army (J.C.S. 1454/2), wherein the Commission requests comments on the advisability of direct testimony by the highest officials of the military forces at hearings before the Interstate Commerce Commission (ICC) to insure the maintenance in peacetime of a merchant marine adequate for the national defense.

2. In presenting figures as to the scale and timing of estimates of Army and Navy requirements for merchant shipping in case of a national emergency, the Maritime Commission refers to J.C.S. 1454/1. However, a review of J.C.S. 1454/1 indicates that a misunderstanding exists in the Maritime Commission as to the interpretation of the estimates presented in that paper since a serious discrepancy exists between the Maritime Commission figures and those given in J.C.S. 1454/1. A reconciliation of the two sets of data is presented in the Discussion (Appendix "B").

DISCUSSION

3. See Appendix "B".

RECOMMENDATION

4. That the letter in Appendix "A" be forwarded to the United States Maritime Commission.

DECLASSIFIED
Authority NND 760030
By CGD NARS Date AUG 4 1975

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

APPENDIX "A"

D R A F T

LETTER TO THE UNITED STATES MARITIME COMMISSION

1. The Joint Chiefs of Staff have studied the matters referred to in your letter to General Eisenhower, dated 24 April 1946, concerning the advisability of direct testimony by the highest officials of the military forces at hearings before the Interstate Commerce Commission to ensure the maintenance in peacetime of a merchant marine adequate for the national defense.

2. The Joint Chiefs of Staff are in full accord with the views of the Maritime Commission that a healthy domestic (coastwise and inter-coastal) merchant marine, which would be the principal source of shipping immediately available to meet military requirements in the event of a national emergency, is of vital importance in the interests of national defense, and they will be glad to provide testimony to that effect. Naturally, the Joint Chiefs of Staff do not desire to become involved in any controversy concerning freight rates.

3. As to the scale of military requirements for shipping in case of national emergency, and the timing and other problems incident to those requirements as discussed in your letter, the Joint Chiefs of Staff note that a misunderstanding apparently exists in the interpretation of the enclosure to their letter to you of 10 January 1946 on this subject*. A recent committee study of these matters is therefore being forwarded to you under separate cover**.

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* letter forwarded a copy of J.C.S. 1454/1.
** a study based on Appendices "B" and "C" to this paper will be forwarded by the Joint Military Transportation Committee when this paper is approved.

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APPENDIX "B"

DISCUSSION

1. Representatives of the Maritime Commission who collaborated in the preparation of this report submitted the information in the following subparagraphs in clarification of the basic letter (J.C.S. 1454/2).

a. The Acting War Shipping Administrator and the Acting Chairman, United States Maritime Commission, jointly addressed the respective Chiefs of the Services suggesting the importance to the national defense interests of competent technical testimony before the imminent ICC investigation in the competitive rate situation as between water and rail.

b. All forms of transportation have to contend with greatly increased costs of operation, but pre-war rate structures built up during the highly competitive depression years are still in effect and require adjustment.

c. The Interstate Commerce Act was amended in 1940 to put all forms of domestic transportation (except air) under a single regulatory body and single standard of regulation.

d. That standard, expressed as a declaration of national transportation policy in the 1940 amendments, reads:

> "It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and

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maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to cooperate with the several States and the duly authorized officials thereof; and to encourage fair wages and equitable working conditions: -- all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. All of the provisions of this Act shall be administered and enforced with a view to carrying out the above declaration of policy."

e. What is asked by the Maritime Commission is expert testimony that the national defense interest requires a healthy "coordinated national transportation system by water, highway, and rail" and a definition of the elements, including water service, that would make it "adequate for the national defense".

2. The importance of having a large part of the American merchant fleet near at hand (engaged in coastwise and intercoastal services) in case of emergency is readily apparent. The fact that the figures used by the Maritime Commission to illustrate this importance are in error, as discussed in subsequent paragraphs, does not alter the situation except in degree.

3. a. With regard to the statement in the Maritime Commission letter that no mention was made in the Joint Chiefs of Staff estimates (J.C.S. 1454/1) as to the importance of the peacetime operation of the merchant marine fleet, it is noted that one of the Conclusions of

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that paper states, "The interests of national defense will best be served by a large active merchant fleet supplemented by a laid up reserve ...."

b. Although an estimate of the probable requirements for an active United States merchant fleet was included in that study for the purpose of rounding out the overall United States shipping picture, no attempt was made to indicate the distribution of that fleet between overseas and domestic services, for the reason that such distribution was considered beyond the purview of the Joint Chiefs of Staff. However, in view of the importance attached by the Maritime Commission to this matter, the Joint Chiefs of Staff can with propriety state that from a national defense point of view a healthy domestic merchant fleet is of vital importance.

4. The Joint Chiefs of Staff are also concerned that the railroad and highway transportation systems of the United States are maintained in a healthy condition, but since the maintenance of a healthy domestic shipping industry is of such importance to the national defense, the Joint Chiefs of Staff should provide testimony to emphasize this particular phase of our national transportation problem.

5. As indicated in the letter from the Maritime Commission, hearings before ICC will deal with the relationship between existing railroad freight rates and practices, and coastwise and inter-coastal shipping services. Naturally, the Joint Chiefs of Staff do not desire to become involved in any controversy concerning freight rates.

6. With regard to a definition, as mentioned in paragraph 1 e above, of the elements including water service that would make a coordinated national transportation system "adequate for the national defense", military testimony can

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be only to the effect that while each and every form of transportation should be permitted and encouraged to develop to its maximum extent, the American merchant marine must be given every opportunity to so develop with appropriate emphasis on the maintenance of an adequate and active fleet of domestic water carriers. The practical extent of the development of the merchant marine, including the proportion that should be maintained in domestic carrier operations, should be determined by the Maritime Commission. Every effort should be made to ensure fulfillment of the military requirements as set forth in J.C.S. 1454/1 or in subsequent revisions of that document. J.C.S. 1454/1 was furnished the Maritime Commission for the purpose of providing guidance in these related matters.

7. Study reveals that the figures quoted by the Maritime Commission with regard to military requirements for shipping were derived from Chief of Naval Operations Serial Letter 023P001 of 8 February 1946 rather than from J.C.S. 1454/1. The serial letter referred to (Appendix "C") is a Navy Department document dealing with certain planning matters which pertain to naval responsibilities in connection with the over-all United States merchant fleet. It is to be noted that the totals set forth in that letter take into account losses, which must be included in the requirements for arming and equipping for wartime operation. The totals of 4,432 vessels of 50,024,400 deadweight tons (DWT) arrived at in that letter therefore do not represent the totals required to be on hand at the end of 24 months from the declaration of war, but rather the totals that it will have been necessary to activate, arm, and equip during those 24 months in order that there might remain available at the end of that period the total requirements as determined in J.C.S. 1454/1. The totals shown in the cited letter were derived from and in no

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way modify the estimates set forth in J.C.S. 1454/1 (and further summarized and explained in paragraph 9 below) as to shipping required to be on hand at the end of 24 months from the declaration of war.

8. There seems to be a misunderstanding in the minds of the Maritime Commission regarding the purport of the study on merchant shipping requirements for national defense as contained in J.C.S. 1454/1. That paper covered the broad aspects of shipping from a national defense point of view -- and included recognition not only of military shipping requirements but also of the shipping necessary to support the war-making capacity of the United States.

9. A summary of the estimates contained in J.C.S. 1454/1 is repeated in the tabulation below:

a. Estimated total requirements 24 months after a declaration of war

	(1) For military purposes		(2) Civil economy		(3) To allow for Repairs and losses	
	Ships	DWT (millions)	Ships	DWT (millions)	Ships	DWT (millions)
Dry Cargo	1635	17.650	463	5.0	8*	.1*
Personnel Shipping	398#	3.980	-	-	(included in Column (1))	
Tankers	600	9.341	255	3.25	61	.6379
Special Purpose	198	1.265				
Totals	2831	32.236	718	8.25	69	.7379

* This is a net figure arrived at as follows:

Allowance for vessels in repair - - - - - - - - - 185
Deduction for construction in excess of anticipated losses - - - - - - - - - - 177
Net allowance - - - - 8 Vessels

\# Troop capacity - 790,900.
The GRAND TOTAL of requirements for merchant ships for all purposes and in all categories thus would be, after 24 months:

Vessels - - - - - - - - - - -	3,618
Deadweight tonnage - - - -	41,223,900
Troop capacity- - - - - - -	790,900

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In order to complete the reconciliation of the above totals with the Conclusions of J.C.S. 1454/1 it should be noted that in the tanker category the vessels recommended to be retained, either active or laid up, were less than requirements (702 tankers retained as compared to a requirement for 916 tankers).

b. In order to carry the clarification one step further, the following tabulation is extracted from J.C.S. 1454/1 to show estimated requirements after 6 months of a war effort:

Estimated total requirements 6 months after a declaration of war

	(1) For military purposes		(2) Civil economy		(3) To allow for Repairs and losses	
	Ships	DWT (millions)	Ships	DWT (millions)	Ships	DWT (millions)
Dry Cargo	662	7.0	945	10.0	335	3.6
Personnel Shipping	130	1.3	-	-	(included in Column (1))	
Tankers	150	2.1	390	5.0	54	.69
Special Purpose	63*	.415*	-	-	-	-
Totals	1005	10.815	1335	15.0	389	4.29

* Estimated at approximately one-third of total requirement for special purpose vessels.

10. With regard to the time phasing of military requirements for shipping it should be pointed out that one of the basic assumptions stated in J.C.S. 1454/1 was that the threat of an approaching war will be recognized at least six months in advance of its outbreak. This assumption has an important bearing on two of the critical problems posed in the letter from the Maritime Commission:

a. A warning period of six months would permit the initiation of action by the Maritime Commission to procure crews for the vessels needed by the military.

b. Action could be taken to restore to an operating condition large numbers of vessels held in sanctuary in anticipation of the requirements for national defense.

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11. The procedure and logical sequence of events whereby the initial military requirements would be met can be summarized as follows:

a. Vessels serving the Army and Navy in peacetime would continue in such service.

b. During the warning period prior to the outbreak of hostilities and prior to large scale demands on shipping for military purposes, procurement and training programs for crew personnel would be accelerated and vessels in sanctuary would be readied for active service. Also during this period, the expansion of the shipbuilding industry would be begun.

c. Upon the outbreak of hostilities the commercial services in which the United States merchant fleet is engaged in peacetime would be curtailed almost at once, thus making available both vessels and manpower to contribute towards military shipping requirements. If the world situation indicated that commercial services would be but moderately curtailed, a heavy program for restoring laid-up vessels to active service would be required. Conversely, if a large portion of our merchant fleet would be immobilized by hostile activities in major United States trade areas, then the demand for additional shipping and manpower to serve the military would be correspondingly less.

d. Since any large-scale military overseas effort by the United States must be preceded by an appreciable period during which the armed forces are brought to a war basis, it can be anticipated that military requirements for shipping will increase gradually, thus permitting the merchant marine to expand its capabilities by similar progressive stages. It is noted that in the situation under discussion, in contrast to the early phases of World War II, shipping will be in being (in sanctuary) so that the major manpower effort can be devoted to shipping operation rather than to shipping construction.

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e. The larger the size of the active United States merchant fleet the stronger will be the position of the United States at the outset of a possible future war.

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APPENDIX "C"

Op001S/fol
(SC) L21-1
Serial: 023P001

Navy Department
Office of the Chief of Naval Operations
Washington

8 February 1946.

From: Chief of Naval Operations.
To : All Bureaus and Offices, Navy Department, Commandant, U.S. Marine Corps.

Subject: Preparation of Logistic Support Plan No. 1, Merchant Shipping Factors.

References:
(a) J.C.S. 1454/1.
(b) CNO Conf. ltr Op-001 Serial 02P001 dated 28 December, 1945.
(c) CNO Conf. ltr Op-40 Serial 45P40 dated 7 January, 1946.

Enclosure:
(A) Estimated requirements of merchant shipping for a possible future war as determined by reference (a).

1. J.C.S. 1454/1, approved by the Joint Chiefs of Staff on 10 January 1946, sets forth estimated requirements for merchant shipping for a possible future war. These estimated requirements are outlined in Enclosure (A) (Annex to Appendix "C"). The arming of this merchant shipping, and the equipping thereof with special naval material and assignment thereto of special naval personnel required for wartime operation, fall within the objectives of Logistic Support Plan No. 1 and shall be regarded as coming under applicable provisions of references (b) and (c), subject to special assumptions as set forth below:

a. Enclosure (A) (Annex to Appendix "C") defines requirements for support of a total national effort comparable to that achieved at the close of World War II; these requirements will build up at the following rate, expressed in percentage of the total:

By the end of 3 months - 33%
By the end of 6 months - 50%
By the end of 12 months - 65%
By the end of 18 months - 80%
By the end of 24 months - 100%

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b. The arming of merchant shipping and the equipping thereof with special naval material required for wartime operation will conform to the latest standards established for this purpose during World War II, or such standards as may hereafter be established by the Chief of Naval Operations.

c. The assignment of naval personnel to merchant ships as Armed Guards or for other purposes will conform to the latest standards established during World War II, or such standards as may hereafter be established by the Chief of Naval Operations.

/s/ D. C. RAMSEY.

Authenticated by:
/s/ H.B. BELL,
Captain, U.S. Navy,
Secretariat, Op-001.

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ANNEX TO APPENDIX "C"

ESTIMATED REQUIREMENTS OF MERCHANT SHIPPING FOR A POSSIBLE FUTURE WAR AS DETERMINED BY J.C.S. 1454/1

The following tabulation indicates the requirements for merchant shipping which should be maintained, in either active or laid-up status, for a possible future war, plus an allowance for losses which will be replaced by new construction. The requirements are based on total requirements at the end of two years of war, and the allowance for losses is for the same period. The right-hand column indicates the order of preference in which existing merchant shipping should be assigned to a war reserve to meet these requirements.

	Category	No. of Ships	Tonnage (DWT)	Troop Capacity	Most desirable types and speed of vessels (in order of preference) Types	Speed
a.	Major type dry cargo	2,813	30,350,000		C3	16.5
					C2	15.5
					VC2	16.0
	Approximately 42 ships should be suitable for conversion to AKAs.				C4	17.0
					C1	14.0
					EC2	11.0
					Misc - which includes bulk of vessels built prior to 1939.	
b.	Personnel Shipping	398	3,980,000	790,900	P2	19
					C4	17
					C3	16.5
	Approximately 126 vessels should be suitable for conversion to APAs, and 22 should be earmarked for conversion to hospital ships.				VC2	16.5
					Others	14 or better
c.	Tankers	1,023	14,428,900		T2	16 - 14.5
					T3	18 - 15.5
	Includes 48 ships for possible conversion to fleet oilers and 36 for possible conversion to gasoline tankers (small).		(only 702 existing tankers of 10,770,000 DWT are recommended for retention).		Other types - over 12 All serviceable T2 and T3 types and all others of a speed of 12 or more knots and having an expected service life of 7 or more years should be retained.	

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d. Special Purpose Types

Z-EC2 (Aircraft Transport)	44	475,000	This is the number now available.
Refrigerated Ships (Reefers)	50	250,000	Best of the 59 available, or equivalent new reefer ships.
CI-M-AVI (Coastal Cargo)	100	500,000	
Sea Trains	4	40,500	This is the number now available.

e. Grand Total

Ships	Tonnage DWT	Troop Capacity
4,432	50,024,400	790,900

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COPY NO. 70

J.C.S. 1454/2

6 May 1946

Pages 22 - 24, incl.

JOINT CHIEFS OF STAFF

MERCHANT SHIPPING REQUIREMENTS FOR NATIONAL DEFENSE

Reference: J.C.S. 1454 Series

Note by the Secretaries

At the request of the Acting Chief of Staff, U.S. Army, the enclosed letter from the United States Maritime Commission, has been referred as a matter of priority to the Joint Military Transportation Committee to draft a reply in collaboration with the Joint Staff Planners and submit it through the Joint Strategic Survey Committee.

A. J. McFARLAND,

C. J. MOORE,

Joint Secretariat.

DECLASSIFIED
Authority NND 760030
By CGD NARS Date AUG 4 1975

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

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ENCLOSURE

UNITED STATES MARITIME COMMISSION
WASHINGTON

April 24, 1946

General Dwight D. Eisenhower
Chief of Staff
War Department
Washington, D.C.

Dear General Eisenhower:

With reference to the estimates of merchant ships which the Navy and the Army would require in the case of a national emergency (as outlined in J.C.S. 1454/1 approved January 10, 1946) it is noted that 4432 vessels of 50,024,400 deadweight tons with a troop carrying capacity of 790,900 would be the maximum required at the end of 24 months from the declaration of war.

As you know, the Maritime Commission and War Shipping Administration jointly petitioned the Interstate Commerce Commission on March 21, 1946, to investigate the legality and reasonableness of existing railroad freight rates and practices that threaten to cut back the operations of the domestic water lines coastwise and intercoastal services well below pre-war levels. We feel that the petition should receive strong support in order to insure the maintenance in peacetime of a modern merchant marine adequately manned which would be ready for immediate military use in the event of a national emergency.

The importance of coastwise and intercoastal shipping cannot be too greatly emphasized; in fact, it is no exaggeration to say that a healthy domestic merchant marine is an absolute essential to the maintenance of military self-sufficiency. Since only one-third of the total United States merchant fleet is normally engaged on foreign trade routes, any decrease in the

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merchant fleet employed in domestic commerce might well be regarded with concern on the part of the military forces.

The importance of this large part of the American fleet is further emphasized by the fact that the domestic fleet is always within a few hours steaming distance of American ports, rather than subject to seizure or internment in foreign harbors half-way around the world. All of this was vividly illustrated by the events of World War II when for many months after Pearl Harbor our military forces had to rely in great part on vessels drawn from the coastwise and intercoastal services.

Present estimates of the Maritime Commission of United States flag ships which would be required on overseas (foreign and non-contiguous) trade routes total about 460 vessels of 4.5 million deadweight tons. Prior to World War II, the merchant ships engaged on domestic coastwise and intercoastal routes totaled about 700 ships of approximately six million deadweight tons, making an aggregate of 1160 ships of 10.5 million deadweight tons of 1,000 gross tons and over in the entire American merchant marine fleet, assuming that the post-war domestic fleet is no smaller than the pre-war fleet.

The Chief of Naval Operations' estimated requirements as outlined in serial letter 023P001 of February 8, 1946, of about 1500 ships totaling nearly 17 million deadweight tons to be mobilized for service within three months obviously would not be met by this estimated supply of 1160 ships of 10.5 million deadweight tons. Furthermore, this deficit may be materially increased unless substantial relief to the water carriers is granted promptly by the Interstate Commerce Commission. Otherwise, many of the 700 ships in the domestic target above will never make their first sailing.

In the Joint Chiefs of Staff estimates, no mention was made, nor do we have in any of the documents received from the military forces any mention of the importance of the peacetime

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operation of this fleet. It is obvious that no fleet of this size could be manned in three months' time due to the lack of trained men, operating personnel and management, if the ships had to be taken out of sanctuary. Furthermore, within six months of the declaration of a national emergency the military would want more than 700 additional ships, many of which would have to come from sanctuary. Thus, proper concern for the national defense requires the immediate availability of a large domestic merchant fleet adequately supported by auxiliary operations such as repair, dry-dock, terminal, harbor, and other facilities, and experienced management thoroughly capable of operating the same.

The matter seems of such urgent importance to the national defense interests as to suggest the advisability of direct testimony by the highest officials of the military forces at the hearings. Your comments are respectfully solicited.

Sincerely yours,

/s/ Edward Macauley
Acting Chairman

/s/ Granville Conway
Acting Administrator

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Please return to Source Rm 2225

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COPY NO. 73

5 April 1947

JOINT CHIEFS OF STAFF

DECISION AMENDING J.C.S. 1454/1

MERCHANT SHIPPING REQUIREMENTS FOR NATIONAL DEFENSE

Note by the Secretaries

1. On 4 April 1947 the Joint Chiefs of Staff approved the recommendation in J.C.S. 1454/8 amending paragraph 8, page 5 of J.C.S. 1454/1.

2. Revised page 5 of J.C.S. 1454/1 incorporating the amendment is attached.

ADD 8 1947

3743

STATE WAR & NAVY COORDINATING COMMITTEE

A. J. McFARLAND,

W. G. LALOR,

Joint Secretariat.

Aug. 5, 1946

DECLASSIFIED
Authority NND 760030
By CGD NARS Date AUG 4 1975

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~~SECRET~~

COPY NO. 73

J.C.S. 1454/1

29 December 1945.

Pages 2 - 21, incl.

JOINT CHIEFS OF STAFF

MERCHANT SHIPPING REQUIREMENTS FOR NATIONAL DEFENSE

Reference: J.C.S. 1454

Note by the Secretaries

The enclosed report, prepared in accordance with paragraph 2 of J.C.S. 1454 by the Joint Military Transportation Committee in collaboration with the Joint Staff Planners and approved by the Joint Strategic Survey Committee, is submitted for consideration.

A. J. McFARLAND,

C. J. MOORE,

Joint Secretariat.

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ENCLOSURE

MERCHANT SHIPPING REQUIREMENTS FOR NATIONAL DEFENSE

Report by the Joint Military Transportation Committee
(In collaboration with the Joint Staff Planners, and approved by the Joint Strategic Survey Committee)

THE PROBLEM

1. To determine the amount of shipping which should be retained, either active or laid up, for a possible future war, including both the total tonnage required and the speeds and types of vessels most desirable to be retained for purposes of national defense, having due regard for the types that will be available after the present war.

FACTS BEARING ON THE PROBLEM

2. An inventory of the U.S. controlled merchant fleet by type of vessel is given in Appendix "B".

DISCUSSION

3. See Appendix "C".

CONCLUSIONS

4. The amount of merchant shipping which should be retained under the U.S. flag or effective U.S. control, either active or laid up, for a possible future war is as follows:

Category	No. of Ships	Tonnage (Deadweight) (DWT)	Troop Capacity	Most desirable types and speeds of vessels (in order of preference) Types	Speed
Major type dry cargo	2,106	22,750,000		C3	16.5
Amounts include requirements for military purposes, estimated requirements to support the war making capacity of the U.S., and an allowance for construction, losses and repair. Approximately 42 ships should be suitable for conversion to AKA's.				C2	15.5
				VC2	16.0
				C4	17.0
				C1	14.0
				EC2	11.0
				Misc. - which includes bulk of vessels built prior to 1939	-

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Category	No. of Ships	Tonnage (Deadweight) (DWT)	Troop Capacity	Most desirable types and speeds of vessels (in order of preference) Types	Speed
b. Personnel Shipping					
Amounts include requirements for troop transports, approximately 126 vessels which should be suitable for conversion to APA's, and 22 which should be earmarked for conversion to hospital ships.	398	3,980,000	790,900	P2 C4 C3 VC2 Others	19 17 16.5 16.5 14 or better
c. Tankers Amounts include requirements for military purposes, the war making power of the U.S. and allowance for construction, losses and repair; also includes 48 ships for possible conversion to fleet oilers and 36 for possible conversion to gasoline tankers (small).	916	13,228,900 (Only 702 tankers of 10,770,000 DWT recommended for retention and included in grand total below)		T2 T3 Other types-over Other types All serviceable T2 and T3 types and all others of a speed of 12 or more knots and having an expected service life of 7 or more years should be retained. It is estimated that these categories represent approximately 702 tankers or 77% of the inventory in Appendix "B".	16 - 14.5 18 - 15.5 14.5 -
d. Special Purpose Types					
Z-EC2 (Aircraft Transport)	44	475,000		These ships are presently available. They may be operated as cargo carriers or laid up.	
Refrigerated Ships (Reefers)	50	250,000		Best of the 59 available or equivalent new reefer ships	
C1-M-AV1 (Coastal Cargo)	100	500,000			
Sea Trains	4	40,500		These ships are presently available. They may be operated as cargo carriers or laid up.	
GRAND TOTAL	Ships 3,404	Tonnage(DWT) 38,765,400	Troop Capacity 790,900		

f. The total merchant shipping of major types recommended to be retained, either active or laid up, for a possible future war represents the following percentages of the amounts available

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as shown in the inventory (Appendix "B"):

	Percent of Inventory Retained
Dry Cargo	65%
Personnel Shipping	90%
Tankers	77%

5. a. The interests of national defense will best be served by a large active merchant fleet supplemented by a laid-up reserve to provide the totals shown in paragraph 4 above. The maximum number of fast vessels should be retained within the two groupings.

b. Vessels laid-up as a reserve against military requirements should as a matter of general policy be in such condition at the time of lay-up as to require no more than 60 days to render them sea-worthy. Exceptions to this policy are acceptable in the case of troop transports, APA's and other special type vessels the replacement of which would be especially costly or time consuming.

6. The term "effective United States control" as applied to shipping is considered to include all shipping which can be expected to be available for requisition by the United States Government in time of national emergency even though such shipping may not be under the United States flag. When ships earmarked for the National Defense pool are chartered by agencies other than United States nationals, agreements should be made to return these ships to United States Government control if required for war or emergency purposes.

7. As ships are retired from the active merchant fleet due to the construction of faster and more modern vessels, such retired vessels should be examined with a view to their re-

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placing older ships in the laid-up reserve if their characteristics and prospective service life make them a better investment for national defense purposes.

8. The above conclusions should be reviewed annually by the Joint Military Transportation Committee in collaboration with the Joint Logistics Committee and the Joint Staff Planners.

RECOMMENDATIONS

9. a. That the Joint Chiefs of Staff approve the conclusions in paragraphs 4, 5, 6, 7 and 8 above.

b. That copies of this report be forwarded for information to the Chairman, U.S. Maritime Commission and Administrator, War Shipping Administration.

c. That Appendix "A" be forwarded to the Secretaries of War and the Navy.

(Page revised by Decision Amending - 5 April 1947)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

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APPENDIX "A"

DRAFT

MEMORANDUM FOR THE SECRETARIES OF WAR AND THE NAVY

Legislation affecting the disposition of war-built merchant ships expected to be surplus after the end of the war is now before the Congress (H.R. 3603).

A copy of the Joint Chiefs of Staff report on this subject is enclosed for the information of Congress.

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APPENDIX "B"

(1 Photostat)

SHIPPING INVENTORIES - U.S. MERCHANT TYPE TONNAGE

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

APPENDIX "B"

SHIPPING INVENTORIES - U. S. MERCHANT TYPE TONNAGE
(Excluding vessels bareboat to British and Russians)

	Speed	Inventory 1 July 1945			Construction 3d Quarter 1945			Construction 4th Quarter 1945			Projected Inventory	
		Ships	DWT (Thous)	Troop Capacity	Ships	DWT (Thous)	Troop Capacity	Ships	DWT (Thous)	Troop Capacity	Ships	DWT
1. Dry Cargo Ships												
C1	14	(113)	919.5			0			0		(113)	9[illegible]
C2	15.5	(120)	1,117.7		(14)	149.2		(17)	166.9		(151)	1,4[illegible]
C3	16.5	(14)	168.2		(13)	154.5		(13)	157.5		(40)	4[illegible]
C4	17.0		0		(3)	40.5		(10)	135.0		(13)	1[illegible]
Total C Types		(247)	2,205.4		(30)	344.2		(40)	459.4		(317)	3,00[illegible]
VC2	16.0	(327)	3,404.9		(81)	878.9		(12)	130.2		(420)	4,4[illegible]
EC2	11.0	(2051)	21,451.2		(11)	116.6		(1)	10.6		(2063)	21,5[illegible]
Misc. incl. Navy conversions (largely built prior to 1939)	Var.	(767)	5,739.5			0			0		(767)	5,75[illegible]
Total		(3392)	32,801.0		(122)	1,339.7		(53)	600.2		(3567)	34,74[illegible]
2. ZEC2	11.0	(28)	271.1		(13)	140.4		(3)	32.4		(44)	44[illegible]
3. Reefers: R Types	18.5	(3)	19.1		(1)	6.5		(1)	6.5		(5)	3[illegible]
Reefers: R Types	15.5	(5)	40.5		(1)	8.1					(6)	4[illegible]
Misc. incl. Navy conversions (largely built prior to 1939)	Var.	(48)	218.9								(48)	21[illegible]
Total		(56)	278.5		(2)	14.6		(1)	6.5		(59)	29[illegible]
4. C1-M-AV1	11.0	(109)	512.3		(73)	365.0		(26)	130.0		(202)	1,07[illegible]
5. Miscellaneous Minor Types (Constructed after 1939)	Var.	(75)	304.7			0			0		(75)	30[illegible]
6. Total Dry Cargo Types		(3654)	34,167.6		(210)	1,859.7		(83)	769.1		(3947)	35,79[illegible]
7. Tankers: T2	15.5	(446)	7,414.8		(37)	621.6		(9)	151.2		(492)	8,187.[illegible]
Tankers: T3	16.5	(22)	230.0		(1)	16.6		(1)	16.6		(24)	263.[illegible]
Tankers: Z-ET1	11.0	(59)	625.4								(59)	625.[illegible]
Misc. incl. Navy conversions (largely built prior to 1939)	Var.	(340)	4,129.6		(1)	23.1					(341)	4,152.[illegible]
8. Total Tanker Types		(867)	12,399.8		(39)	661.3		(10)	167.8		(916)	13,228.[illegible]
9. Troopships (in capacities) Built prior to 1939	Var.	(64)	640.0	166,132							(64)	640.[illegible]
C1	14.0	(24)	240.0	33,743							(24)	240.[illegible]
C2	15.5	(29)	290.0	46,870							(29)	290.[illegible]
C3	16.5	(44)	440.0	92,686							(44)	440.[illegible]
C4	17.0	(39)	390.0	118,497	(2)	20.0	6,499	(15)	130.0	42,800	(54)	540.[illegible]
EC2	11.0	(17)	170.0	19,858							(17)	170.[illegible]
P2	19.0	(18)	180.0	89,855				(1)	10.0	4,843	(19)	190.[illegible]
APAs relinquished by Navy		(146)	1,460.0	204,400							(146)	1,460.[illegible]
Total		(381)	3,810.0	772,041	(2)	20.0	6,499	(14)	140.0	47,643	(397)	3,970.[illegible]
10. Hospital Ships (in capacities)		(39)	390.0	25,721							(39)	390.[illegible]
11. Total Personnel Types		(420)	4,299.0	797,762	(2)	20.0	6,499	(14)	140.0	47,643	(436)	4,360.[illegible]
12. Total all Types		(4941)	50,767.4	797,762	(251)	2,541.0	6,499	(107)	1,076.9	47,643	(5299)	54,385.3

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APPENDIX "B"

SECRET
Asst. Ch/Trans. Corps
Initials
Date 11 Oct. 1945

SHIPPING INVENTORIES - U. S. MERCHANT TYPE TONNAGE
(Excluding vessels bareboat to British and Russians)

Speed	Inventory 1 July 1945			Construction 3d Quarter 1945			Construction 4th Quarter 1945			Projected Inventory 1 January 1946		
	Ships	DWT (Thous)	Troop Capacity	Ships	DWT (Thous)	Troop Capacity	Ships	DWT (Thous)	Troop Capacity	Ships	DWT (Thous)	Troop Capacity
14	(113)	919.5			0			0		(113)	919.5	
15.5	(120)	1,117.7		(14)	149.2		(17)	166.9		(151)	1,433.8	
16.5	(14)	168.2		(13)	154.5		(13)	157.5		(40)	480.2	
17.0		0		(3)	40.5		(10)	135.0		(13)	175.5	
	(247)	2,205.4		(30)	344.2		(40)	459.4		(317)	3,009.0	
16.0	(327)	3,404.9		(81)	878.9		(12)	130.2		(420)	4,414.0	
11.0	(2051)	21,451.2		(11)	116.6		(1)	10.6		(2063)	21,578.4	
[illegible] non-[illegible] built												
Var.	(767)	5,739.5			0			0		(767)	5,739.5	
	(3392)	32,801.0		(122)	1,339.7		(53)	600.2		(3567)	34,740.9	
11.0	(28)	271.1		(13)	140.4		(3)	32.4		(44)	443.9	
18.5	(3)	19.1		(1)	6.5		(1)	6.5		(5)	32.1	
15.5	(5)	40.5		(1)	8.1					(6)	48.6	
[illegible] non-[illegible] built												
Var.	(48)	218.9								(48)	218.9	
	(56)	278.5		(2)	14.6		(1)	6.5		(59)	299.6	
11.0	(103)	512.3		(73)	365.0		(26)	130.0		(202)	1,007.3	
[illegible] Types ([illegible] 1939)												
Var.	(75)	304.7			0			0		(75)	304.7	
[illegible] Types	(3634)	34,167.6		(210)	1,859.7		(83)	769.1		(3947)	36,796.4	
15.5	(446)	7,414.8		(37)	621.6		(9)	151.2		(492)	8,187.6	
16.5	(22)	230.0		(1)	16.6		(1)	16.6		(24)	263.2	
11.0	(59)	625.4								(59)	625.4	
[illegible] non-[illegible] built												
Var.	(340)	4,129.6		(1)	23.1					(341)	4,152.7	
[illegible]	(867)	12,399.8		(39)	681.3		(10)	167.8		(916)	13,228.9	
[illegible] capacities)												
[illegible] 1939 Var.	(64)	640.0	166,132							(64)	640.0	166,132
14.0	(24)	240.0	33,743							(24)	240.0	33,743
15.5	(29)	290.0	46,870							(29)	290.0	46,870
16.5	(44)	440.0	92,686							(44)	440.0	92,686
17.0	(39)	390.0	118,497	(2)	20.0	6,499	(13)	130.0	42,800	(54)	540.0	167,796
11.0	(17)	170.0	19,858							(17)	170.0	19,858
19.0	(18)	180.0	89,855				(1)	10.0	4,843	(19)	190.0	94,698
[illegible] built by Navy	(146)	1,460.0	204,400							(146)	1,460.0	204,400
	(381)	3,810.0	772,041	(2)	20.0	6,499	(14)	140.0	47,643	(397)	3,970.0	826,183
[illegible] (in capacities)	(39)	390.0	25,721							(39)	390.0	25,721
[illegible] Type	(420)	4,299.0	797,762	(2)	20.0	6,499	(14)	140.0	47,643	(436)	4,360.0	851,904
[illegible]	(4941)	50,767.4	797,762	(251)	2,541.0	6,499	(107)	1,076.9	47,643	(5299)	54,385.3	851,904

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APPENDIX "C"

DISCUSSION

1. In the establishment of requirements for the U.S. Merchant Marine as an instrument of national defense no consideration should be given to the use of the fleets of potential allies or captured shipping derived from potential enemies.

2. To be effective as an instrument of national defense U.S. merchant shipping should be under U.S. flag or effective U.S. control and should be of such capacity that it is able to absorb substantial initial losses which may be occasioned by either a surprise attack or an efficient submarine and air interdiction of sea lanes, or both, and still perform the following services:

a. Provide logistic support for forces of the U.S. which may be overseas at the time of the emergency.

b. Transport U.S. forces to overseas destinations and maintain such forces.

c. Matain the economic war making capacity of the country.

3. In order to arrive at the minimum shipping tonnage necessary to support the functions described above certain assumptions as to the possible scope of requirements must be made. In arriving at these assumptions, experience data from World War II was used as a guide.

4. The scale of a possible national defense task, with assumptions and the resulting requirements, is outlined in Annexes "A" to "F" of Appendix "D". The disposition of special purpose type shipping is discussed in Annex "G" to Appendix "D".

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APPENDIX "D"

DISCUSSION OF SCALE OF POSSIBLE NATIONAL DEFENSE TASK, ASSUMPTIONS AND REQUIREMENTS

1. Any forecast of a possible future military effort by the United States involves so many imponderables that only broad assumptions as to its scope and requirements are justified.

2. The surest anchor is the past; and in this study it has been assumed that the United States should be prepared to exert an effort comparable to World War II, but that its forces would be brought to bear against a possible aggressor at a more rapid rate. It is further assumed that the threat of an approaching war will be recognized at least six months in advance of its outbreak.

3. The concept includes the reinforcement of overseas bases, the capability to launch amphibious operations by the end of the second year at latest from these bases on a scale comparable to that contemplated for the initial invasion of Japan, a naval effort comparable to that at the close of World War II, and the maintenance of an adequate national economy.

4. The relationship among shipping in being, ship construction, and shipping requirements has been analyzed in general as follows:

a. Sufficient shipping must be retained, as a minimum, to care for the needs of national defense in a possible future war during the interim period while the shipbuilding industry is expanding from peace to a war status. A large portion of the shipping needed to meet national defense requirements will accrue from the peacetime operating fleet.

b. An amount of shipping over and above calculated requirements should be retained to allow for substantial initial losses to the operating merchant fleet and for vessels in repair, as set forth in Annexes "E" and "F" to Appendix "D".

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c. The volume of tonnage which this study recommends be retained either in operation under the U.S. flag or effective U.S. control or laid up in condition to promptly be available is based upon the consideration that if a major war should develop within the next twenty years it will prove more economical to retain the present tonnage, as outlined, rather than be forced to use manpower and critical materials which can well be diverted to war making efforts other than shipbuilding. However, it is considered that a shipbuilding program on a scale approximating one half of the effort in World War II should be undertaken promptly upon the outbreak of war since ships of modern types and designs will be needed.

d. Despite strengthening of the shipbuilding industry in the late 1930's, a substantial expansion of the shipyards of the nation did not occur until 1940. Ships were built slowly at first. These yards were unable to attain sizable production until 1942 (53 merchant ships in 1940, 95 merchant ships in 1941, 728 merchant ships in 1942, and 1693 merchant ships in 1943).

e. The statement of requirements not only should include basic types of shipping, but also should recognize the existence of special purpose types, the need for which was demonstrated in World War II and the construction of which called for considerable expenditure of resources. Retention of these types would tend to avoid duplication in a future war program.

f. The greater the number of fast types of vessels of latest design that can be made available for emergencies the less will be the effect of obsolescence and the stronger will be the position of the U.S. at the outset of a possible future war.

g. The availability of air lift for the movement of troops, equipment, and supplies should be considered as supplementary to the shipping requirements developed in this report.

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5. The application of the above principles to the inventory of shipping in Appendix "B" and to the requirements calculated in Annexes "A" to "G" of this Appendix provides the following summary of shipping that should be retained, either active or laid up, for a possible future war.

a. Dry Cargo Shipping

(1) Requirements

	Ships	Tonnage (DWT)
For military purposes	1,635	17,650,000
To allow for repair	185	2,000,000
To support the war making capacity of the U.S. (This tonnage is in addition to the total required for military purposes and represents an estimated 1/2 of the peace-time active merchant fleet)	463	5,000,000
Total Dry Cargo Requirement	2,283	24,650,000
Less Construction in excess of anticipated loss	177	1,900,000
Total Dry Cargo	2,106	22,750,000

(2) Types and Speeds

The types and speeds of major type dry cargo vessels most desirable to be retained for purposes of national defense are as follows in the order of desirability:

Type	Speed
C3	16.5
C2	15.5
VC2	16.0
C4	17.0
C1	14
EC2	11

Miscellaneous including the bulk of the vessels built prior to 1939 ---

b. Personnel Shipping

(1) Requirements

	Ships	Troop Capacity	Tonnage
Potential capacity either operating as commercial passenger carriers or laid up as troop transports	250	600,000	2,500,000
Potential capacity either operating as commercial passenger carriers or laid up as suitable for conversion to assault ships	126	176,400	1,260,000

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(Experience indicates losses in personnel ships will not be material; repair time allowed for in turn-around calculations) Troop transports earmarked for conversion to hospital ships	22	14,500 (Patients)	220,000
Total personnel shipping	398	790,900	3,980,000

(2) Types and Speeds

The types and speeds of personnel ships most desirable to be retained for national defense are as follows in the order of desirability:

Type	Speed
P2	19
C4	17
C3	16.5
VC2	16.5
Others	14 or better

c. Tankers

(1) Requirements	Ships	Tonnage (DWT)
For military purposes (exclusive of fleet oilers in commission or retained in reserve as Naval auxiliaries but including 84 ships for conversions to fleet oilers and gasoline tankers)	600	9,341,000
To support the war making power of the U.S. (assumed to be C and D types*).	255	3,250,000
To allow for shipping in repair	21	187,900
To allow for losses in excess of estimates construction	40	450,000
Total Tankers	916	13,228,900

* C Type - Can regularly sustain a speed of 12 to 14.4 knots.
D Type - Can regularly sustain a speed of 14.5 knots (or better.)

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(2) Types and Speed

The types and speeds of tankers most desirable to be retained for national defense are as follows in order of desirability:

Type	Speed	
T2	16 - 14.5	All serviceable T2 and T3 type and all others of a speed of 12 or more knots and having an expected service life of 7 or more years should be retained. It is estimated that these categories represent approximately 702 tankers or 77% of the inventory in Appendix "B".
T3	18 - 15.5	
Other Types	Over 14.5	
Other types built after 1939	under 14.5	
Other types built prior to 1939	under 14.5	

d. Special Purpose Shipping

Z-EC2 (Aircraft Transports)	44	475,000
Refrigerated Ships (Reefers)	50	250,000

Types and Speed

59 Reefers are available. The best 50 (or their equivalent in new ships) should be retained.

C1-M-AV1 (Coastal Cargo)	100	500,000
Sea Trains	4	40,500

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ANNEX "A" TO APPENDIX "D"

ARMY CARGO CALCULATIONS

DRY CARGO SHIPPING REQUIRED TO SUPPORT A POSSIBLE FUTURE OVERSEAS EFFOR

World War II (Army Forces Overseas)	Period after US Entry into War	Assumed Army Forces Overseas at End of Period	Rate of Movement per Month	Dry Cargo Shipp by End of Eac	
				Initial Movement	Maintena
500,000	1st 6 Months	600,000	100,000	195	144
1,000,000	6 to 12 Months	1,200,000	100,000	195	288
1,700,000	12 to 18 Months	2,000,000	133,000	261	480
2,600,000	18 to 24 Months	3,000,000	167,000	327	720

Factors Used:

Initial Movement = 6.5 Measurement tons (M/T) per man

Maintenance = .8 " " " " " per month

Turnaround time = 3 months

Average ship = 10,800 DWT

Note:

Maximum US dry cargo tonnage employe military purposes (March '45):

Military	21,800,000
Lend Lease	3,900,000

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ANNEX "A" TO APPENDIX "D"

ARMY CARGO CALCULATIONS

CARGO SHIPPING REQUIRED TO SUPPORT A POSSIBLE FUTURE OVERSEAS EFFORT

Assumed Army Forces Overseas at End of Period	Rate of Movement per Month	Dry Cargo Shipping Employed by End of Each Period			
		Initial Movement	Maintenance	Total	DWT in use
600,000	100,000	195	144	339	3,500,000
1,200,000	100,000	195	288	483	5,000,000
2,000,000	133,000	261	480	741	8,000,000
3,000,000	167,000	327	720	1,047	11,300,000

/I) per man

" " per month

Note:

Maximum US dry cargo tonnage employed in World War II for military purposes (March '45):

Military	21,800,000
Lend Lease	3,900,000

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ANNEX "B" TO APPENDIX "D"

ARMY PERSONNEL SHIPPING CALCULATIONS

PERSONNEL SHIPPING REQUIRED TO SUPPORT A POSSIBLE FUTURE OVERSEAS EFFORT

Period After US entry into a war	Assumed Strengths Overseas at End of Period	Build-up Rate per Month	Replacements per Month	Total Movement per month	Troop Spaces Required	Hospital Ships Required
1st 6 months	600,000	100,000	16,000	116,000	232,000	3
6 to 12 Months	1,200,000	100.000	32.000	132,000	264,000	5
12 to 18 Months	2.000,000	133,000	53,000	186,000	372,000	10
18 to 24 Months	3,000,000	167,000	80,000	247,000	494,000	15

Factors Used:

Replacements = 8% per quarter based on end of period strength (includes rotation)

Turnaround = 2 months

Average troopship capacity = 2400 troops

Hospital ship factor = 5 per million men overseas (Army ended World War II with 26 hospital ships in service for approximately 5,000,000 men overseas)

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ANNEX "B" TO APPENDIX "D"

MY PERSONNEL SHIPPING CALCULATIONS

QUIRED TO SUPPORT A POSSIBLE FUTURE OVERSEAS EFFORT

-up per	Replacements per Month	Total Movement per month	Troop Spaces Required	Hospital Ships Required
00	16,000	116,000	232,000	3
00	32,000	132,000	264,000	5
00	53,000	186,000	372,000	10
00	80,000	247,000	494,000	15

on end of period strength (includes rotation)

oops

men overseas (Army ended World War II with 26 hospital ships in service for approximately 5,000,000 men overseas)

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ANNEX "C" TO APPENDIX "D"

TANKER REQUIREMENTS

TANKERS REQUIRED TO SUPPORT THE TOTAL OVERSEAS EFFORT (EXCLUDES FLEET OILERS BUT 34 SHIPS FOR CONVERSION TO FLEET OILERS AND GASOLINE TANKERS)

Period After U.S. Entry into a war	Number of Commercial Tankers in Use	For Conversion to Fleet AO or AOG	Total
Start	80	0	80
6 Months	140	10	150
12 Months	230	20	250
18 Months	350	50	400
24 Months	510	84	600

It is assumed that black oil storage facilities on share in the Pacific w 11,700,000 barrels, of which 8,350,000 barrels will be in the Hawaiian Sea During the last year of the war the average monthly consumption was about

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ANNEX "C" TO APPENDIX "D"

TANKER REQUIREMENTS

TO SUPPORT THE TOTAL OVERSEAS EFFORT (EXCLUDES FLEET OILERS BUT INCLUDES RESERVE OF 84 SHIPS FOR CONVERSION TO FLEET OILERS AND GASOLINE TANKERS)

of Commercial rs in Use	For Conversion to Fleet AO or AOG	Total	DWT in use
80	0	80	1,120,000
140	10	150	2,100,000
230	20	250	3,688,000
350	50	400	6,175,000
510	84	600	9,341,000

umed that black oil storage facilities on shore in the Pacific will amount to about 0 barrels, of which 8,350,000 barrels will be in the Hawaiian Sea Frontier Area. last year of the war the average monthly consumption was about 12,000,000 barrels.

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ANNEX "C" TO APPENDIX "D"

TANKER REQUIREMENTS

TANKERS REQUIRED TO SUPPORT THE TOTAL OVERSEAS EFFORT (EXCLUDES FLEET OILERS BUT 34 SHIPS FOR CONVERSION TO FLEET OILERS AND GASOLINE TANKERS)

Period After U.S. Entry into a war	Number of Commercial Tankers in Use	For Conversion to Fleet AO or AOG	Total
Start	80	0	80
6 Months	140	10	150
12 Months	230	20	250
18 Months	350	50	400
24 Months	510	84	600

It is assumed that black oil storage facilities on share in the Pacific 11,700,000 barrels, of which 8,350,000 barrels will be in the Hawaiian Se During the last year of the war the average monthly consumption was about

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ANNEX "C" TO APPENDIX "D"

TANKER REQUIREMENTS

THE TOTAL OVERSEAS EFFORT (EXCLUDES FLEET OILERS BUT INCLUDES RESERVE OF OR CONVERSION TO FLEET OILERS AND GASOLINE TANKERS)

Total	For Conversion to Fleet AO or AOG	Total	DWT in use
	0	80	1,120,000
	10	150	2,100,000
	20	250	3,688,000
	50	400	6,175,000
	84	600	9,341,000

Black oil storage facilities on share in the Pacific will amount to about of which 8,350,000 barrels will be in the Hawaiian Sea Frontier Area. of the war the average monthly consumption was about 12,000,000 barrels.

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ANNEX "D" TO APPENDIX "D"

NAVY, MARINE CORPS AND COAST GUARD MERCHANT SHIP REQUIREMENTS

NOTE: 1. In estimating fleet requirements, mid 1943 requirements are used as the basis for estimating requi the war, in view of the fleet units which will be available in the active and reserve post-war Nav build-up of naval shorebased units, the year 1943 is used as a basis, due primarily to the experie peacetime strength of the Marine Corps before the last emergency was approximately 17,500. An ind 100,000 is used in estimating their requirements for a future war. Estimates for the aforemention

TROOP MOVEMENT REQUIREMENTS - MARINE CORPS

Period After U.S. entry into a war	Initial Movement	Replacements	Lift Used Naval Auxiliaries
Overseas D-Day	21,500		
1st 6 months	122,500	10,000	46,000
6 to 12 months	68,000	30,000	41,000
12 to 18 months	48,000	44,000	26,000
18 to 24 months	3,000	47,500	—

TOTAL TROOPS REQUIREMENTS (EXCLUDING SPACES IN NAVAL AUXILIA

	Navy and Coast Guard	Marine Corps	Total Troop
1st 6 months	118,700	86,500	205,200
6 to 12 months	143,400	57,000	200,400
12 to 18 months	240,000	66,000	306,000
18 to 24 months	270,000	50,500	320,500

	Additional Hospital Ships Required *
1st 6 months	2
6 to 12 months	4
12 to 18 months	6
18 to 24 months	7

* These are in addition to 8 hos Naval Auxiliaries.

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ANNEX "D" TO APPENDIX "D"

S AND COAST GUARD MERCHANT SHIP REQUIREMENTS

1943 requirements are used as the basis for estimating requirements for the first year of hich will be available in the active and reserve post-war Navy. In estimating the oversea he year 1943 is used as a basis, due primarily to the experience gained in this war. The before the last emergency was approximately 17,500. An initial peacetime strength of quirements for a future war. Estimates for the aforementioned services follow:

TROOP MOVEMENT REQUIREMENTS - MARINE CORPS

l Movement	Replacements	Lift Used		Cumulative Total Overseas
		Naval Auxiliaries	Troopships	
,500				
500	10,000	46,000	86,500	144,000
,000	30,000	41,000	57,000	212,000
,000	44,000	26,000	66,000	260,000
,000	47,500	—	50,500	263,000

TOTAL TROOPS REQUIREMENTS (EXCLUDING SPACES IN NAVAL AUXILIARIES)

Coast Guard	Marine Corps	Total	Troop Spaces Continuously in Use
,700	86,500	205,200	68,400
,400	57,000	200,400	66,800
,000	66,000	306,000	102,000
,000	50,500	320,500	106,800

l Hospital Ships ired *
2
4
6
7

* These are in addition to 8 hospital ships to be laid up as Naval Auxiliaries.

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ANNEX "D" TO APPENDIX "D" (Continued)

NAVY AND COAST GUARD DRY CARGO REQUIREMENTS
(Based on actual shipments during 1943 and 1944)

Period after US entry into a War	Units Ashore (M/T)	Fleet (M/T)	Total (M/T)
First 6 months	1,726,000	3,700,000	5,426,000
6 to 12 months	1,929,000	4,700,000	6,629,000
12 to 18 months	2,472,000	5,800,000	8,272,000
18 to 24 months	3,136,000	6,500,000	9,636,000

MARINE CORPS DRY CARGO REQUIREMENTS
Factors Used: 8 M/T per man initial
1 M/T per man per month maintenance

	Initial Supply (M/T)	Maint. (M/T)	Total (M/T)
First 6 months	692,000	526,500	1,218,500
6 to 12 months	456,000	1,035,000	1,491,000
12 to 18 months	528,000	1,410,000	1,938,000
18 to 24 months	404,000	1,711,500	2,115,500

TOTAL DRY CARGO REQUIREMENTS

	Navy (M/T)	Marine Corps (M/T)	Total (M/T)	Ships Required
First 6 Months	5,426,000	1,218,500	6,644,500	323
6 to 12 months	6,629,000	1,491,000	8,120,000	406
12 to 18 months	8,272,000	1,938,000	10,210,000	510
18 to 24 months	9,636,000	2,115,500	11,751,500	588

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ANNEX "D" TO APPENDIX "D" (Continued)

NAVY AND COAST GUARD DRY CARGO REQUIREMENTS
(Based on actual shipments during 1943 and 1944)

Fleet (M/T)	Total (M/T)
3,700,000	5,426,000
4,700,000	6,629,000
5,800,000	8,272,000
6,500,000	9,636,000

MARINE CORPS DRY CARGO REQUIREMENTS

Factors Used: 8 M/T per man initial
1 M/T per man per month maintenance

Maint. (M/T)	Total (M/T)
526,500	1,218,500
1,035,000	1,491,000
1,410,000	1,938,000
1,711,500	2,115,500

TOTAL DRY CARGO REQUIREMENTS

Marine Corps (M/T)	Total (M/T)	Ships Required	Tonnage in Use (DWT)
1,218,500	6,644,500	323	3,500,000
1,491,000	8,120,000	406	4,400,000
1,938,000	10,210,000	510	5,500,000
2,115,500	11,751,500	588	6,350,000

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ANNEX "E" TO APPENDIX "D"

(1 Photostat)

DRY CARGO SHIPPING POSITION

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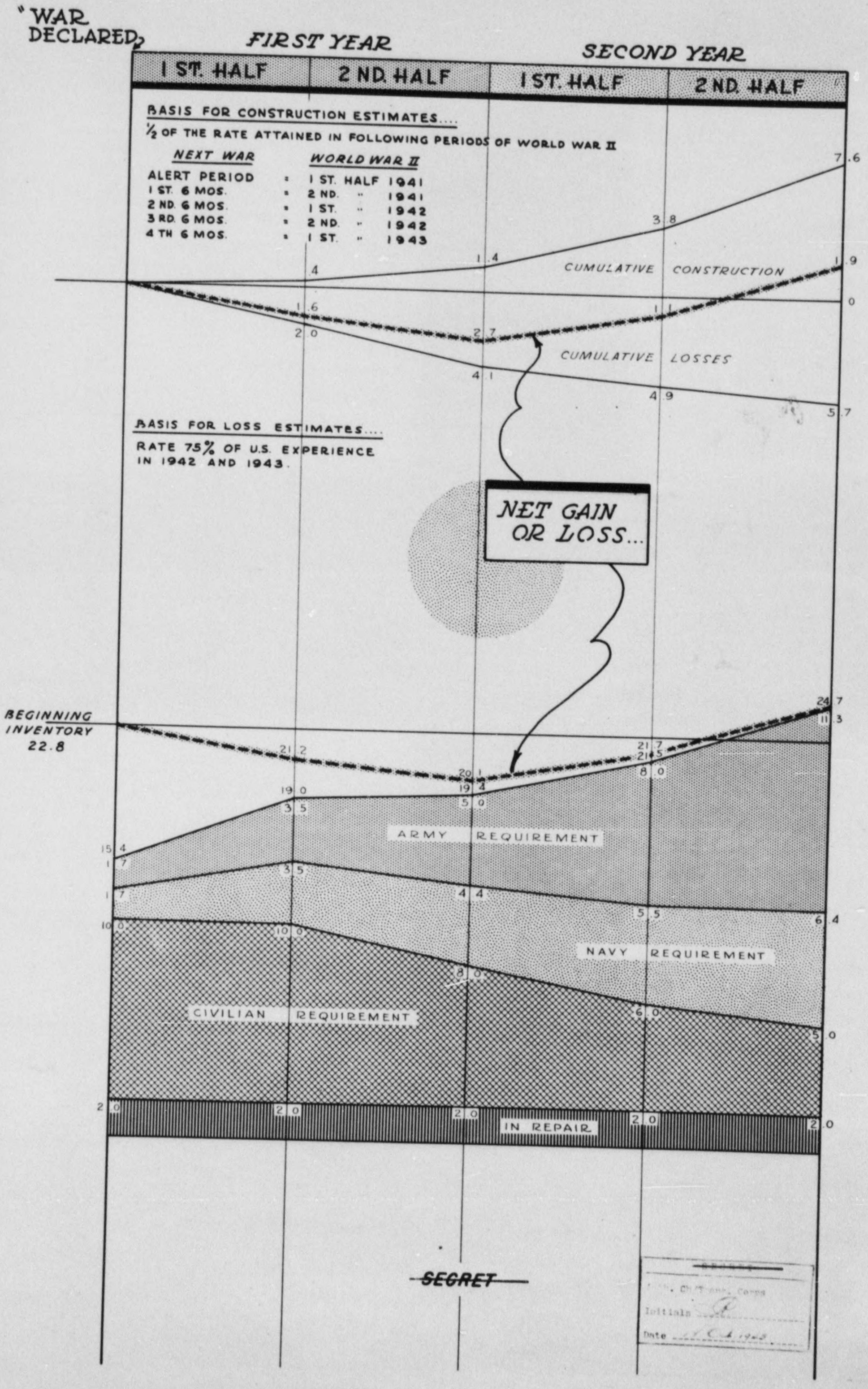
ANNEX "E" TO APPENDIX "D"

SECRET

DRY CARGO SHIPPING POSITION....

(IN TERMS OF MILLIONS OF DWT)



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ANNEX "F" TO APPENDIX "D"

(1 Photostat)

TANKER SHIPPING POSITION

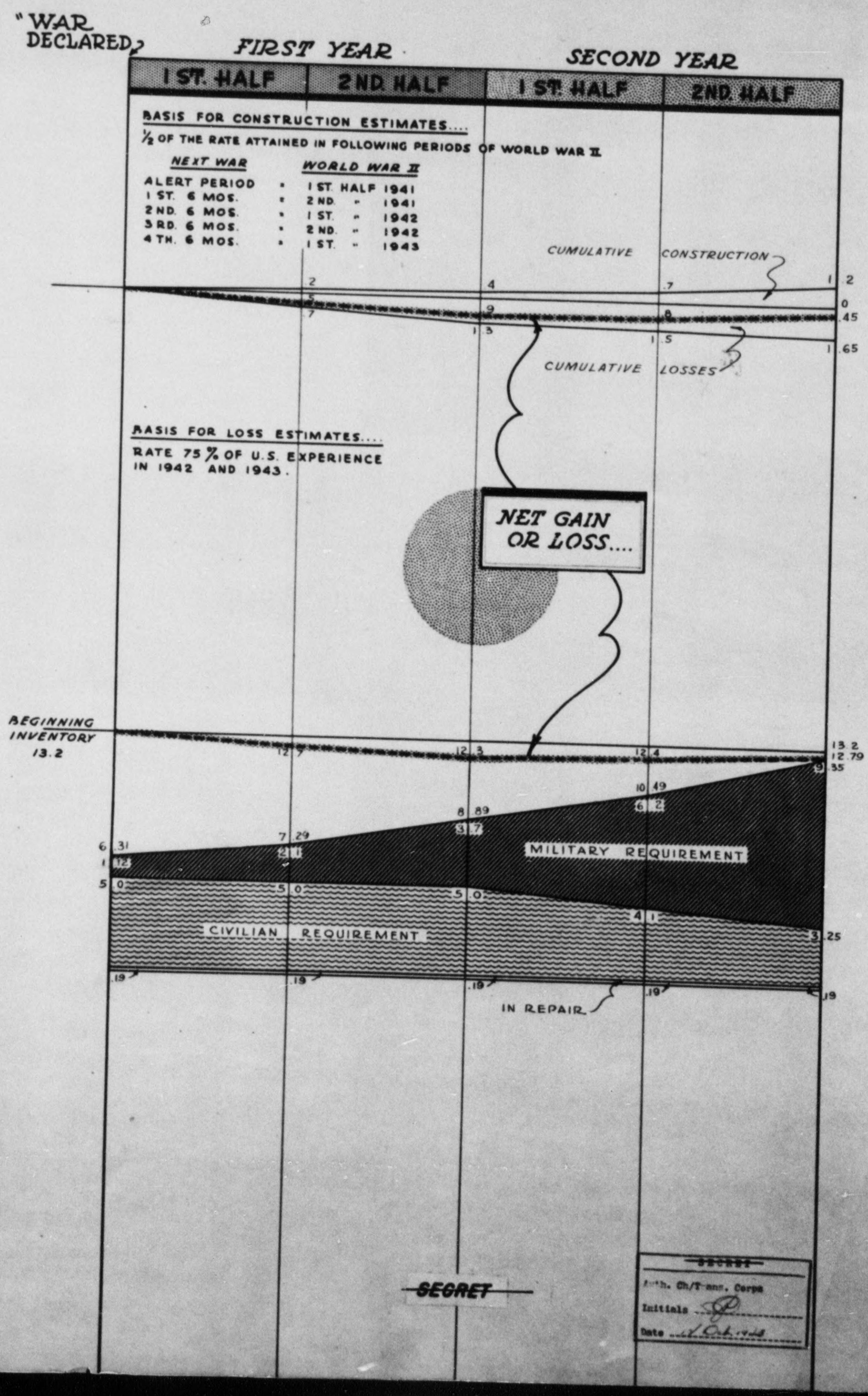
DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

ANNEX "F" TO APPENDIX "D"

SECRET

TANKER SHIPPING POSITION.....

(IN TERMS OF MILLIONS OF DWT)



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Auth. Ch/T ann. Corps
Initials
Date 1 Oct. 1948

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ANNEX "G" TO APPENDIX "D"

DISPOSITION OF SPECIAL PURPOSE SHIPPING

1. Z-EC2 (Aircraft Transports)

44 of these vessels have been or are being completed. They were specifically designed to meet military requirements in World War II. All should be retained for possible future use either in commercial operation or laid up in reserve.

2. Refrigerated Ships (Reefers)

59 fully refrigerated ships currently are in use or will shortly be completed. There has been a critical shortage of reefer shipping during the entire course of World War II. A minimum of 50 of the best reefer ships now available (or their equivalent in new reefer ships) should be retained in commercial operation or laid up in reserve.

3. C1-M-AV1 (Coastal Cargo)

202 of these vessels are in service or will be completed.

100 should be retained in commercial operation or laid up in reserve.

4. Sea Trains

4 of these vessels are in service and should be retained in commercial operation or laid up in reserve.

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~~TOP SECRET~~

J.C.S. 1512/5

1 December 1945

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TRIAL OF TOJO AND HIS CABINET
Reference: J.C.S. 1512 Series

Report by the Joint Civil Affairs Committee

THE PROBLEM

1. To consider CA 54646, dated 12 November 1945 (Appendix "C") from the Commander-in-Chief, U.S. Army Forces, Pacific, responding to WARX 82533, dated 10 November 1945 (Enclosure "A" to J.C.S. 1512/3), and to make recommendations to the Joint Chiefs of Staff.

FACTS BEARING ON THE PROBLEM

2. See Appendix "B".

DISCUSSION

3. With respect to category 1A criminals (Appendix "C", J.C.S. 1512), it is the policy of the United States Government to secure a certain uniformity for their trials throughout the world. To this end it is considered desirable that category 1A criminals be tried before International Tribunals. It is desired to establish firmly the precedent that such war criminals are liable to be tried for their offenses before International Tribunals and it follows that it is preferable to try important cases before such a Tribunal even though they have committed category 1B offenses which would permit them to be tried and punished by a National Tribunal.

4. Tojo has already been apprehended and there appears to be no doubt that he could properly be charged and brought to trial for category 1A offenses. Likewise, there seems to be no dispute

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DECLASSIFIED
Authority NND 760030
By CGD, NARS Date AUG 4 1975

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

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FACTS BEARING ON THE PROBLEM

2. See Appendix "B".

DISCUSSION

3. With respect to category 1A criminals (Appendix "C", J.C.S. 1512), it is the policy of the United States Government to secure a certain uniformity for their trials throughout the world. To this end it is considered desirable that category 1A criminals be tried before International Tribunals. It is desired to establish firmly the precedent that such war criminals are liable to be tried for their offenses before International Tribunals and it follows that it is preferable to try important cases before such a Tribunal even though they have committed category 1B offenses which would permit them to be tried and punished by a National Tribunal.

4. Tojo has already been apprehended and there appears to be no doubt that he could properly be charged and brought to trial for category 1A offenses. Likewise, there seems to be no dispute

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By CGD, NARS Date AUG 4 1975

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that he could properly be charged and brought to trial for category 1B offenses, but if he should be thus tried and convicted the precedent desired would not be established.

5. In order to provide personnel for an International Tribunal to be set up in Japan, the State Department has approached all of the United Nations which were signatories to the Japanese instrument of surrender and requested nominations. Later, on 20 November 1945, the State Department requested these United Nations to expedite their nominations. Conversations between the various governments are now under way. The subject of Japanese war crimes is now receiving consideration in the Far East Advisory Commission.

6. The Commander-in-Chief, U.S. Army Forces, Pacific, has repeatedly recommended that Tojo and members of his Cabinet be tried by a commission composed of United States personnel. On 10 November 1945, he was informed by the Joint Chiefs of Staff that Tojo and other persons charged with crimes in category 1A should be tried before an International Tribunal, but in telegram CA 54646 he still recommends that Tojo and his Cabinet be promptly tried before an American Tribunal as category 1B criminals. The Commander-in-Chief, U.S. Army Forces, Pacific, was also advised by the Joint Chiefs of Staff that, if there should be undue delay or if our Allies do not desire to participate in such International Tribunal, that it is probable that the United States would proceed unilaterally along lines suggested by the Commander-in-Chief, U.S. Army Forces, Pacific. This may eventually have to be done. In the meantime, having invited our Allies to participate, it would obviously be embarrassing to the United States Government to authorize the Commander-in-Chief, U.S. Army Forces, Pacific, to proceed with the trial of Tojo before an American Tribunal.

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CONCLUSION

7. Tojo and his Cabinet should not be tried for category 1B offenses before an American Tribunal at this time and the Commander-in-Chief, U.S. Army Forces, Pacific, should be so advised.

RECOMMENDATION

8. That the message in Appendix "A" be dispatched to the Commander-in-Chief, U.S. Army Forces, Pacific.

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APPENDIX "A"

D R A F T

MESSAGE TO THE COMMANDER-IN-CHIEF, U.S. ARMY FORCES, PACIFIC

1. Reference your cable CA 54646, 12 November 1945, it is agreed that under the terms of the directive (J.C.S. 1512) Tojo and members of his Cabinet might be tried under the provisions of 1A and/or 1B and therefore either by an International or United States Tribunal. However, for political reasons indicated in the exchange of recent cables and because of United States position set forth in WAR 82533, 10 November 1945, Joint Chiefs of Staff are unable to approve trial solely by United States at this time, or trial under 1B only. To expedite the trial by an International Tribunal further representations were made by State Department on 20 November to interested governments requesting early nominations in accordance with J.C.S. 1512. Informal conversations are also in process.

2. Reference last paragraph, CA 54646, attention is invited to the remainder of WARX 62612* referring to "a more comprehensive directive" which is (J.C.S. 1512) the directive on war crimes.

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*Appendix "D"

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APPENDIX "B"

FACTS BEARING ON THE PROBLEM

1. In CA 54138, dated 31 October 1945 (Enclosure "B" to J.C.S. 1512/3), the Commander-in-Chief, U.S. Army Forces, Pacific, repeated the recommendation made in CA 52908, dated 7 October 1945, for trial without further delay of former Prime Minister Tojo and members of his Cabinet and emphasized these should be tried by a commission composed of United States personnel.

2. The Chief of Staff, U.S. Army, replied in WARX 81029, dated 2 November 1945 (Enclosure "C" to J.C.S. 1512/3), recognizing the urgency and stating that the United States Government had communicated to Allied signatories of the surrender instrument the statement of United States policy contained in J.C.S. 1512 concerning trial of major war criminals by International Military Tribunal, and that prior to final decision the subject would be discussed with Mr. McCloy on his return from visit to the Commander-in-Chief, U.S. Army Forces, Pacific.

3. In WARX 82533 (Enclosure "A", J.C.S. 1512/3) the Joint Chiefs of Staff advised the Commander-in-Chief, U.S. Army Forces, Pacific, that the position of the United States Government is that Tojo, his Cabinet and other persons charged with crimes in category 1A of Appendix "C" to J.C.S. 1512 should be tried by an International Tribunal, but that if there was undue delay or our Allies do not desire to participate, it is probable that the United States will proceed on a unilateral basis along lines suggested by the Commander-in-Chief, U.S. Army Forces, Pacific.

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4. In reply in CA 54646 (Appendix "C") to WARX 82533 the Commander-in-Chief, U.S. Army Forces, Pacific, suggested that the Joint Chiefs of Staff had misunderstood CA 54138 (Enclosure "B", J.C.S. 1512/3), which was intended to show that Tojo and his Cabinet would be tried under paragraph 1B for criminal action against the United States and not under the international provision paragraph 1A and stated that it was self-evident that no international action can be obtained there in the near future; and that the Tojo case should be the first trial in Japan.

5. WARX 82759, dated 13 November 1945, from Secretary of War Patterson to the Commander-in-Chief, U.S. Army Forces, Pacific, states in view of the suggestion that purely United States trial should be had, a reply would be separately made to that suggestion; and Secretary Patterson "thinks it should be understood that Mr. Keenan will have complete charge for you of the prosecution of the Japanese major war criminals, such as Tojo and his Cabinet, whether tried before an International Court or before a purely American Commission. This, I feel certain, is the desire of the President and the Department of Justice." It also compares the position of Mr. Keenan under the Commander-in-Chief's appointment as a member of his staff as the Far Eastern counterpart of Mr. Justice Jackson in the German war criminal trials.

6. In CA 54916, dated 17 November 1945, to the Secretary of War the Commander-in-Chief, U.S. Army Forces, Pacific, referred to the scope of Mr. Keenan's duties as set forth in the appointment by the President and pointed out that the wording is identical to that which defines category 1A crimes and was interpreted by him as including trials of Tojo and members of his Cabinet either before International Tribunals or American Military Commission and further referred to the position of Mr. Keenan on the staff of the Commander-in-Chief, U.S. Army Forces, Pacific.

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7. In WAR 83844, dated 17 November 1945, Secretary of War Patterson recites to the Commander-in-Chief, U.S. Army Forces, Pacific, that the position of Mr. Keenan as set forth in CA 54916 was satisfactory and presented no controversy; that Mr. Keenan's functions, subject to the Commander-in-Chief's command, would include full responsibility and authority to try category 1A criminals whether tried before International or United States Military Tribunal; that this was essential due to the high political significance and policy of the government to maintain a certain uniformity of approach in this class of war criminals throughout the world; that Mr. Keenan plans to leave San Francisco on 3 December 1945 accompnied by a staff of attorneys and clerical personnel.

8. The draft cable in Appendix "A" has been informally cleared with the State Department (Mr. Garretson).

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APPENDIX "C"

CA 54646

From: Commander in Chief, Army Forces Pacific Advance, Tokyo, Japan

To: War Department

Nr: CA 54646 12 November 1945

Your WARX 82533 (Enclosure "A", J.C.S. 1512/3) leads me to believe that you have misunderstood the intention of my CA 54138 (Enclosure "B", J.C.S. 1512/3) which was to try Tojo and his Cabinet not under the international provisions of the A classification but under the B classification for criminal action against the United States.

My suggested charge against him was drawn accordingly. For this reason I ask that this matter be again considered. I reaffirm my most earnest conviction that one of the gravest possible psychological mistakes will be made in not permitting the immediate trial of this group. It is self-evident that no international action can be obtained here in the near future. This case should beyond all doubt be the first trial in Japan.

In this general connection I invite attention to the discrepancy which exists between this latest directive delaying the trial and the basic directive oxpressive of the desire of the President contained in your WARX 62612 (Appendix "D") reading as follows: "In accordance with the desire of the President you will proceed without avoidable delay with the trial before appropriate military courts or tribunals and the punishment of such Japanese war criminals as have been or may be apprehended."

New subject: Please clarify abbreviations ZOA; no one here understands the reference.

End.

CM-IN-4187 (12 Nov 45)

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~~RESTRICTED~~

APPENDIX "D"

11 September 1945

From: Joint Chiefs of Staff

To: Supreme Commander for the Allied Powers, Advanced Tokyo

INFORMATION:

Commander in Chief, Army Forces Pacific, Command, Rear, Manila, P.

Number: WARX 62612

In accordance with the desire of the President you will proceed without avoidable delay, with the trial before appropriate military courts or tribunals and the punishment of such Japanese war criminals as have been or may be apprehended. A more comprehensive directive and statement of policy based upon the flexible procedure adopted in Europe will be furnished to you shortly.

End.

CM OUT 62612 (Sep 45)

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

Mr Garretson

~~SECRET~~

COPY NO. 73

J.C.S. 1023

1702

26 August 1944

Pages 1 - 29, incl.

JOINT CHIEFS OF STAFF

OBLIGATIONS OF THEATER COMMANDERS IN RELATION TO WAR CRIMES

References: a. C.C.S. 450
b. J.C.S. 752

Note by the Secretaries

At the request of the Chief of Staff, U.S. Army, the enclosure is submitted for consideration by the Joint Chiefs of Staff.

A. J. McFARLAND,
E. D. GRAVES, JR.,
Joint Secretariat.

DECLASSIFIED
~~E.O. 11652, Sec. 3(E) and 5(D) or (E)~~
NND 760030
By CGD NARS, Date AUG 4 1975

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 740132

~~SECRET~~

ENCLOSURE

OBLIGATIONS OF THEATER COMMANDERS IN RELATION TO WAR CRIMES

THE PROBLEM

1. To define the obligations of theater commanders, and to set up uniform policies in the several theaters, in relation to the handling of war crimes.

FACTS BEARING ON THE PROBLEM

2. For facts bearing on problem see Appendix "A" (page 2).

CONCLUSIONS

3. It would be advisable for the Combined Chiefs of Staff to approve a directive which defines the term "war crimes" and establishes a uniform policy as to the obligations of theater commanders in respect to the investigation of war crimes, the routing and lodgment of proof of the commission thereof, and the apprehension, detention, and trial of war criminals, for issuance by the Combined Chiefs of Staff and the United States and British Chiefs of Staff to theater commanders under their respective control.

4. If such directive is approved, it would be advisable to send copies to the British Embassy and the Department of State with a view to arranging for transmission of the directive to the United Nations Commission for the Investigation of War Crimes for its information.

RECOMMENDATION

5. That the memorandum contained in Appendix "B", page 22 be presented to the Combined Chiefs of Staff.

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APPENDIX "A"

FACTS BEARING ON THE PROBLEM

1. In the Moscow Declaration of 1 November 1943 (Annex "A", page 5) the heads of the United States, British, and Soviet Governments took note of the atrocities perpetrated by the Germans, which have come to be generally referred to as "war crimes", and laid down the policy:

a. That at the time of the granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi party who have been responsible for, or have taken a consenting part in, those atrocious acts will be tried and punished by the government and under the laws of the places where such acts were committed.

b. That lists will be compiled in all possible detail from the countries in which the acts referred to were committed.

2. The collection of such lists, the recording of the available supporting proof, and the making of recommendations as to the tribunals to try and the procedure for trying war criminals, have been made the function of the United Nations Commission for the Investigation of War Crimes, which has been set up in London by the governments concerned.

3. The Moscow Declaration does not provide, nor have the governments individually agreed upon, any definition of "war crimes", or any uniform policy as to the obligations of theater commanders in respect to the investigation of war crimes, the routing and lodgment of proof of the commission thereof, and the apprehension, detention, and trial of war criminals.

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4. a. A definition of the term "war crimes", fixing the nature of the acts to be dealt with, the times within which such acts must have been committed, and the persons by and against whom they must have been committed, is essential as the basis for uniform policies and procedures by military commanders in the field.

b. For the purposes involved herein, all violations of the laws of war are not "war crimes". For example, spying is an offense against the laws of war, but it is not a "war crime" within the language of the Moscow Declaration or the President's statement of 7 October 1942 (Annex "B", page 7). The same thing is true of many other offenses against the laws of war (Appendices "C" and "D" to J.C.S. 752).

c. There has been persistent agitation to include in the term "war crimes" acts committed before the outbreak of hostilities or the existence of a state of war, going back to the beginnings of the Nazi regime. There is also pressure to include atrocious acts committed by Axis authorities against their own nationals and under their own domestic law, such as the persecution of minority groups. The obligations of theater commanders in this regard need to be defined.

d. The definition of the term "war crimes" recommended in this report (Annex "A" to Appendix "B", paragraph 1, page 23) has been approved by The Judge Advocate General of the U.S. Army (Annex "C"), and by the Department of State. The statement of general policy with respect to the powers of military commanders to try war criminals (Annex "A" to Appendix "B", paragraph 7, page 24) has likewise been approved informally by representatives of the Department of State, Navy Department and the British Embassy.

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5. a. Only the Mediterranean Theater commander has received instructions on war crimes; these have not been comprehensive and even these have been differently interpreted by United States and British commanders (Annex "D", page 10).

b. The Deputy Theater commander, European Theater of Operations, has requested instructions in regard to the foregoing.

c. Also, the routing and lodgment of proof of war crimes requires consideration and reorganization (Annex "D", page 10).

6. The United States and British authorities have established the policy in the Mediterranean Theater that in order to avoid reprisals, trials of suspected war criminals by military tribunals should not be held for the duration of hostilities (C.C.S. 450; FAN 260). The Joint Chiefs of Staff (J.C.S. 752) have determined that from the military point of view the United States should not agree to a policy limiting in any degree the jurisdiction of the military commanders in the field over violations of the laws of war, including war crimes, and that such commanders must retain the power to try and punish all offenders subject to their jurisdiction who commit such violations. The action recommended in this report is consistent with the above policies.

7. The times when and tribunals by which war criminals will be tried after cessation of hostilities will, presumably, be determined by agreement among the governments concerned. Those matters are not dealt with in this report.

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ANNEX "A" TO APPENDIX "A"

DECLARATION ON GERMAN ATROCITIES

1 November 1943

The United Kingdom, the United States and the Soviet Union have received from many quarters evidence of atrocities, massacres and cold-blooded mass executions which are being perpetrated by the Hitlerite forces in the many countries they have overrun and from which they are now being steadily expelled. The brutalities of Hitlerite domination are no new thing and all the peoples or territories in their grip have suffered from the worst form of government by terror, What is new is that many of these territories are now being redeemed by the advancing armies of the liberating Powers and that in their desperation, the recoiling Hitlerite Huns are redoubling their ruthless cruelties. This is now evidenced with particular clearness by monstrous crimes of the Hitlerites on the territory of the Soviet Union which is being liberated from the Hitlerites, and on French and Italian territory.

Accordingly, the aforesaid three allied Powers, speaking in the interest of the thirty-two /thirty-three/ United Nations, hereby solemnly declare and give full warning of their declaration as follows:

At the time of the granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi party who have been responsible for, or have taken a consenting part in the above atrocities, massacres and executions, will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free

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governments which will be created therein. Lists will be compiled in all possible detail from all these countries having regard especially to the invaded parts of the Soviet Union, to Poland and Czechoslovakia, to Yugoslavia and Greece, including Crete and other islands, to Norway, Denmark, the Netherlands, Belgium, Luxemburg, France and Italy.

Thus, the Germans who take part in wholesale shootings of Italian officers or in the execution of French, Dutch, Belgian or Norwegian hostages or of Cretan peasants, or who have shared in the slaughters inflicted on the people of Poland or in territories of the Soviet Union which are now being swept clear of the enemy, will know they will be brought back to the scene of their crimes and judged on the spot by the peoples whom they have outraged. Let those who have hitherto not imbrued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three allied Powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done.

The above declaration is without prejudice to the case of the major criminals, whose offences have no particular geographical localisation and who will be punished by the joint decision of the Governments of the Allies.

(Signed): ROOSEVELT
CHURCHILL
STALIN

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ANNEX "B" TO APPENDIX "A"

FOR THE PRESS IMMEDIATE RELEASE OCTOBER 7, 1942

STATEMENT BY THE PRESIDENT

On August twenty-first I said that this Government was constantly receiving information concerning the barbaric crimes being committed by the enemy against civilian populations in occupied countries, particularly on the continent of Europe. I said it was the purpose of this Government, as I knew it to be the purpose of the other United Nations, to see that when victory is won the perpetrators of these crimes shall answer for them before courts of law.

The commission of these crimes continues.

I now declare it to be the intention of this Government that the successful close of the war shall include provision for the surrender to the United Nations of war criminals.

With a view to establishing responsibility of the guilty individuals through the collection and assessment of all available evidence, this Government is prepared to cooperate with the British and other Governments in establishing a United Nations Commission for the Investigation of War Crimes.

The number of persons eventually found guilty will undoubtedly be extremely small compared to the total enemy populations. It is not the intention of this Government or of the Governments associated with us to resort to mass reprisals. It is our intention that just and sure punishment shall be meted out to the ringleaders responsible for the organized murder of thousands of innocent persons and the commission of atrocities which have violated every tenet of the Christian faith.

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ANNEX "C" TO APPENDIX "A"

DEFINITION OF TERM "WAR CRIMES"
APPROVED BY THE JUDGE ADVOCATE GENERAL, U.S. ARMY

* * * * * * * * * * * * *

4. The term "war crimes" is of recent origin. It was apparently first coined by Oppenheim in 1906 (International Law, I, p.263). It has no well-established meaning in military or international jurisprudence. Although a precise and all-inclusive definition, which would be so generally acceptable as to be adopted internationally, probably could not be stated, the term, as now used, can be defined in general terms with reasonable accuracy, based upon military and international practice.

5. For this purpose violations of the laws and customs of war may conveniently be divided into three categories: First, offenses which spring chiefly from patriotic motives, where punishment is designed to promote the security of the armed forces or military operations or occupation; second, offenses of a minor character which stem largely from the negligence of the offender in failing to comply with regulations of a military commander or military governor; third, offenses against person or property which outrage common justice or involve moral turpitude, which are punished not only to prevent similar acts but because they are acts having such a moral taint that they should not go unpunished.

6. War crimes, properly so called, may be defined as those violations of the laws and customs of war which constitute offenses against person or property, committed in connection with military operations or occupation, which outrage common justice or involve moral turpitude.

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7. This definition squares with military and international practice, and has been informally approved by representatives of the State, War, and Navy Departments, and by officials of the British Embassy in Washington. It may be noted, however, that persons, such as spies, saboteurs, and guerrillas, etc. may commit acts, in the first of the foregoing categories, or otherwise, which are subject to the death penalty upon conviction by military tribunal.

8. A typical list of what are regarded as "war crimes", based on practice, is attached hereto.* A copy of this list has heretofore been informally furnished to Lieutenant Colonel Murray C. Bernays, G-1, W.D.G.S.

* * * * * * * * * * *

* Not Attached - The list referred to in paragraph 8 above is substantially identical with that set forth in the proposed directive submitted with this report (Tab to Annex "A" to Appendix "B").

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ANNEX "D" TO APPENDIX "A"

SITUATION IN THE MEDITERRANEAN THEATER

1. In FAN 260, 28 October 1943, to the Commander-in-Chief, Allied Forces, North African Theater of Operations (NATO) (Tab "A"), the Combined Chiefs of Staff made such commander responsible for collecting all available information concerning suspected war criminals and the crimes of which they are suspected while they are detained. To implement that decision there have been issued Circular, Allied Force Headquarters, 27 November 43 (Tab "B"); Circular No. 11, Headquarters North African Theater of Operations, United States Army (NATOUSA), 26 January 44 (Tab "C"); and Allied Force Hq. Circular "War Criminals", 6 February 44 (Tab "D").

2. The above circulars are not uniform in the obligations they impose on military commanders; e.g., in the Mediterranean area the United States forces are required to investigate only those war crimes where the accused is actually held in custody (Tab "C", paragraph 4 b), whereas the British forces are required to investigate all alleged war crimes, without regard to whether or not the accused is in custody (Tab "D", paragraph 3).

3. Brigadier General Adam Richmond, Judge Advocate, NATOUSA, has stated that clarification of policy as to the foregoing matters is urgently needed.

4. Also, the mentioned circulars are not uniform in their definitions of the nature of the acts comprised in the term "war crimes" (cf. Tab "B", paragraph 3 c; Tab "C", paragraph 2; Tab "D", 2d paragraph), and such definitions require restatement and need to be made uniform in regard to such matters as the time of commission of the acts in question and the necessary relations of the parties thereto.

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5. a. Effective enforcement of justice against war criminals will depend upon the speed and comprehensiveness with which they are identified and taken into custody, the charges against them investigated, and the records thereof forwarded to the competent authorities. Theater commanders should be authorized to procure and act upon all available data regarding wanted persons, including that which can be furnished by the War Crimes Commission.

b. The directive of the Combined Chiefs of Staff of 28 October 1943 (Tab "A", page 12) further instructed the Commander-in-Chief, Allied Forces. NATO, to submit evidence on war crimes to the Combined Chiefs of Staff for transmission to the interested Allied nation for forwarding to the United Nations Commission for the Investigation of War Crimes. This procedure has proved impracticable. The Combined Chiefs of Staff Secretariat is not equipped to handle such matters, particularly when, as may be expected in the near future, they become numerous. A more satisfactory procedure would be for theater commanders to forward records of investigations to the governments against whose nationals the crimes were committed for transmission by the governments to the War Crimes Commission, if considered advisable.

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TAB "A" TO ANNEX "D" TO APPENDIX "A"

PARAPHRASE OF TELEGRAM FROM CCS
TO COMMANDER-IN-CHIEF, ALLIED FORCES,
NORTH AFRICAN THEATER OF OPERATIONS

FAN 260 (CM-OUT 12751-2, 28 October 1943)

1. Allied command is responsible for collecting all available information concerning suspected war criminals while they are detained, and violations of the laws of war of which they are suspected. Such information will be submitted to CCS for transmission to the interested allied nation, who will in turn forward it to the United Nations War Crimes Commission presently being established, pursuant to agreements reached in London at a meeting of the Allied Governments. The Commission is expected to review and record information which United Nations Governments may present to it concerning war crimes committed by the enemy against citizens of the United Nations. The Government concerned will be advised by it of all cases in which adequate evidence appears likely to be presented. Consideration will likewise be given by the Commission to the establishing of procedure whereby common policy can be formulated with respect to the kind of judicial body which will be used to try war criminals, the law applied, and the procedure followed in detention and surrender of offenders.

2. You are advised to comply with paragraph 7 of the policy directive of June 1. For the duration of hostilities, trials of suspected war criminals by military tribunals should not be held. Allied Command should hold these individuals in custody pending final determination as to their disposition by United Nations.

3. However, offenses committed by individuals against your command during the occupation period may, of course, be tried by military tribunals which you establish.

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4. Persons of Italian nationality who have committed crimes against Italian nationals should be delivered up for trial to the Italian Government. Crimes of this kind are not properly regarded as war crimes, and would not therefore fall within the jurisdiction of the United Nations Commission.

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TAB "B" TO ANNEX "D" TO APPENDIX "A"

ALLIED FORCE HEADQUARTERS

APO 512

CIRCULAR: 27 November 1943

WAR CRIMINALS

1. The ultimate disposition of persons charged with the commission of war crimes is a matter for consideration by the governments of the Allied Nations.

2. Trials by military courts of persons suspected of war crimes will not be held unless directed by this headquarters. Such persons will be held in custody pending decision as to their disposal. While suspects are under detention all available information about them and about war crimes of which they are suspected will be collected and forwarded to this headquarters.

3. The following procedure will govern:

a. Secret reports, through command channels, will be made to this headquarters containing all possible information concerning the specific individual held under detention as a war criminal suspect and concerning the time, place, character and details of the alleged war crime. It is imperative that each report include not only the names and addresses of witnesses but also the gist of the evidence which each may reasonably be expected to give in any proceedings which may later be resorted to to perpetuate such testimony for trial purposes. In order that these investigations may be kept strictly within command channels, they will be made by persons subject to the direct orders of the Commanding Officer making the report.

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b. Reports submitted to this headquarters shall pertain only to persons then being held in detention.

c. For the purpose of this directive, war crimes are acts committed by persons in violation of the laws and customs of war. Should any doubt exist as to whether reported acts constitute war crimes, the case will be reported as above directed for consideration by this headquarters.

d. When reports are received at this headquarters and further investigation is considered advisable, either unit commanders will be directed to make the supplementary investigation or the supplementary investigation will be carried on directly from this headquarters.

e. When any change in the place of detention of a person upon whom a report has been made is directed by any authority other than this headquarters, an immediate report of such change will be made to this headquarters, in order that any supplementary investigation may be expeditiously carried on.

4. Situations may come to the attention of Commanding Officers in which the alleged war ciminal is not in detention or may even be performing duties not incompatible with the Allied cause. In order that orderly procedure with respect to such situations may be followed, Commanding Officers will report such cases to this headquarters with all available information.

5. Italians who commit crimes against Italian Nationals are not to be considered as war criminals and such persons will be handed over to Italian Government representatives for trial.

6. Persons who commit crimes against members of the Allied Command during the period of occupation of Italian territory may be charged and tried before military tribunals in accordance with established practice.

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7. It is enjoined upon all persons of this command to refrain from giving any publicity whatever to war crimes or war criminals or to any act taken by the military forces with respect thereto.

The release of any information concerning war crimes or war criminals is specifically reserved to this headquarters.

(AG 000.5-1 GAP-AGM)

By command of General EISENHOWER:

W. B. SMITH
Major General, C.S.C., Chief of Staff

OFFICIAL:

T. J. Davis,
T. J. DAVIS,
Brigadier General, United States Army,
Adjutant General.