

-5-#6741, July 4, 8 p.m. from London.

the attention of the four govts to the great importance of effecting as full and as prompt restitution as possible of property which has been looted by the Germans from occupied Allied countries. It points out the urgency of providing the Allied representatives in Germany with guidance concerning the principles and procedures which should govern the restitution of looted Allied property, in accordance with the declaration made at London on Jan 5, 1943 on enemy acts of dispossession.

Four. During the consultations which the EAC has carried on, under instructions of the four govts, with representatives of the European Allied GOVTS concerning the declaration of June 5, 1945, these govts have expressed, both in wording and orally, their great interest in the additional requirements which are to be imposed upon Germany. In view of this concern, the commission recommends that the four govts instruct it to communicate the agreement on additional requirements, upon its approval by the four govts, to the interested Allied govts. In so doing the commission would point out to the representatives of those govts that these additional requirements do not purport to be complete and will be supplemented by specific orders and instructions to be issued by the Allied representatives.

(END OF TEXT).

WINANT

WTD



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

EAS-995

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated July 4, 1945

Rec'd 8:30 p.m.

15

Secretary of State,  
Washington.

US URGENT

6737, July 4, 7 p.m.

Final text agreement on additional requirements  
agreed today EAC preparatory to signature. COMEIA 314  
(Sent DEPT as 6737, rptd Paris as 432 secret for Murphy)  
Following changes should be inserted in semi-final draft  
(sent Riddleberger airmail June 20; handed Beam for  
Murphy June 27):

(One). Agreed title as follows: "agreement between  
GOVTS of the UK, USA and USSR and Provisional GOVT of  
French Republic on certain additional requirements to  
be imposed on Germany".

(Two). Omit heading "draft general order: preamble".  
Insert new introductory paragraph: "The GOVTS of the UK,  
USA and USSR and Provisional GOVT of French Republic have  
reached the following agreement regarding instructions to  
be issued by the Allied representatives in Germany:"

(Three)



-2-#6737, July 4, 7 p.m., from London

(THREE). Wording of preamble remains unchanged.

(FOUR). In paragraph four insert "of" before "all measures involving injury".

(FIVE) Paragraph SEVEN (C) reads as follows:

"All German diplomatic, consular, commercial and other officials and members of German service missions abroad are hereby recalled. The control and disposal of the buildings, property and archives of all German diplomatic and other agencies abroad will be prescribed by the Allied representatives."

(SIX). Last part of paragraph 14 (D) reads as follows: "subject to the provisions of sub-paragraphs 19 (B) and (C) below and to the provisions of the declaration or of any proclamations, orders, ordinances or instructions issued thereunder."

(SEVEN). Paragraph 16 (B) reads as follows: "All property assets, rights, titles and interests in Germany held for or belonging to private individuals, private enterprises and companies of those countries, other than Germany and the countries referred to in sub-paragraph (A) above, which have at any time since first September 1939, BEEN at war with any of the United Nations, will be taken under control and will be preserved pending further



-3-#6737, July 4, 7 p.m., from London

further instructions."

(Eight). Paragraph 16 (C) reads as follows:

"The German authorities will take all necessary steps to ensure the execution of the provisions of sub-paragraphs (A) and (B) above, will comply with any instructions given by the Allied representatives for that purpose, and will afford all necessary information and facilities in connection therewith."

(Nine). First sentence of sub-paragraph 17 (B) reads as follows: "There shall be no destruction, removal, concealment, suppression or alteration of any documents, records, patents, drawings, specifications, plans or information, of any nature, affected by the provisions of this document."

(Ten). Sub-paragraph 26. (A) reads as follows:

"Merchant ships, including fishing and other craft of the United Nations (or of any country which has broken off diplomatic relations with Germany) which are in German hands, wherever such ships may be, will be surrendered to the Allied representatives, regardless of whether title has been transferred as the result of Prize Court proceedings or otherwise. All such ships will be surrendered in good repair and in seaworthy condition in ports and at

times to be



-4-#6737, July 4, p.m. from London

times to be specified by the Allied representatives, for disposal as directed by them."

(ELEVEN). In paragraph 45 omit "on the defeat of Germany" following "the declaration".

(TWELVE). In paragraph 48 omit "regarding the defeat of Germany" following "the declaration".

WINANT

RB



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

EDW-989

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated July 4, 1945

Rec'd 8:45 p.m.

15

Secretary of State

Washington

6736, July 4, 6 p.m.

REURTEL 5389, July 3.

See MYTEL 6545 June 28.

WINANT

WTD



DEPARTMENT  
OF  
STATEOUTGOING  
TELEGRAMDIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

July 4, 1945

4 pages

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

15

URGENT

LONDON

LONDON

5416

Now that SAC has reached complete agreement on both control  
machinery and zones for Austria, with sole exception of question  
of two versus three airfields, can you telegraph text of tenta-  
tively agreed protocols and covering notes so that DEPT can  
initiate pre-clearance here to avoid mechanical delays after  
formal recommendations?

It would suffice if you cited messages from which we could  
construct texts; for example, does COMEA 305 contain all (repeat  
all) amendments of text of control machinery protocol under  
despatch 20639 January 26? If so, only text of covering note  
need be telegraphed.

If several alternative formulas for airfields are under  
consideration it would be helpful to have them also for pre-  
clearance.

BYRNES  
( )

C: Warrent: s: tvt

7/3/45

CMA/N



DEPARTMENT  
OF  
STATE

OUTGOING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

V  
This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

July 3, 1945

4 p.m.

15

AMEMBASSY,

LONDON.

5389

Please repeat your 6501, June 27, COMEA 302,  
to Moscow for Ambassador Pauley.

BYRNES  
(JJR)

FN:WStibravy:rk

7/2/45



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

ASB-780

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated July 3, 1945

Rec'd 10:25 p.m.

15

Secretary of State,  
Washington

US URGENT

6713, July 3, 11 p.m.

SECRET FOR MURPHY

EAC today agreed text agreement zones in Austria  
except Article Five (RPT Five) re Vienna air fields.  
COMEA 313. Sent DEPT, RPTD AUSPOLAD 13 and Paris 431.  
Some indication dispute re two versus three air fields  
may be settled one way or the other tomorrow with  
signature agreement possible for July 5. Text of agree-  
ment follows: Agreement between GOVTS US UK and USSR  
and Provisional GOVT French Republic on zones of occu-  
pation in Austria and the administration of the City  
of Vienna.

(One) The GOVTS US, UK and USSR and Provisional  
GOVT French Republic have agreed that the territory of  
Austria within her frontiers as they were on 31 Dec  
1937 will be occupied by armed forces of the US, UK,  
USSR and French Republic.

(Two) For the



-2- #6713, July 3, 11 p.m., from London

(Two) For the purposes of occupation Austria will be divided as follows into four zones one of which will be allotted to each of the four powers and a special Vienna area which will be jointly occupied by armed forces of the four powers: Northeastern (Soviet) zone (as shown on the annexed map "A"): The Province of Lower Austria with the exception of the City of Vienna that part of the Province of Upper Austria situated on the left bank of the Danube and the Province of Burgenland which existed prior to the decree of 1 Oct 1938 concerning boundary changes in Austria will be occupied by armed forces of the USSR or the eastern (US) zone (as shown on the annexed map "A"): the Province of Salzburg and that part of the Province of Upper Austria situated on the right bank of the Danube will be occupied by armed forces of the US; western (French) zone (as shown on the annexed map "A"): The Provinces of Tirol and Vorarlberg will be occupied by armed forces of the French Republic; southern (UK) zone (as shown on the annexed map "A"): The Province of Carinthia including Osttirol and the area of the Burgenland as it existed before the decree  
of 1 Oct



-3- #6713, July 3, 11 p.m., from London

of 1 Oct 1938 will be occupied by armed forces of the UK; City of Vienna: The territory of the City of Vienna will be divided into the following parts as shown on the annexed map "B": The districts of Leopoldstadt Brigittenau Floridsdorf Landstrasse and Simmering will be occupied by armed forces of the Soviet Union; the districts of Neubau, Josefstadt, Hernales Alserg, Rundwahring and Döbling will be occupied by armed forces of the US; the districts of Mariahilf Penzing, Fünfhaus (including the district of Rudolfsheim) and Ottakring will be occupied by Hietzing Margarten, Meidling, Weiden and Favorited will be occupied by armed forces of the UK; the district of Innerstadt will be occupied by armed forces of the four powers.

(Three) Boundaries between the zones of occupation with exception of the boundaries of the City of Vienna and the Province of Burgenland will be those obtaining after the coming into effect of the decree of 1 Oct 1938 concerning boundary changes in Austria. The boundaries of the City of Vienna and of the Province of Burgenland will be those which existed on 31 Dec 1937.

(Four) An



-4- #6713, July 3, 11 p.m., from London

(Four) An interallied governing authority (Komendatura) consisting of four commandants appointed by their respective commanders-in-chief will be established to direct jointly the administration of the City of Vienna.

Article Five omitted.

(Six) The present agreement will come into force as soon as it has been approved by the four GOVTS.

END OF TEXT

WINANT

WMB  
EMB



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

LG-688

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated July 3, 1945

Rec'd 6:20 p.m.

15

Secretary of State,

Washington

6712, July 3, 10 p.m.

COMEA 312.

Control machinery agreement Austria to be signed  
July 4, 3:30 London time in EAC. (Sent Dept. 6712;  
rptd Auspolad as 12 and Paris 430 secret for Murphy).  
Text as reported my tel 6546, June 28 repeated Auspolad  
8 and Paris 414. US reservation re determination  
Austrian reparation will be made in form letters other  
three representatives.

WINANT

LMS



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

MF-577

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

15

Dated July 3, 1945

Rec'd 2:50 p.m.

Secretary of State

Washington

6677, July 3, 1 p.m.

COMEIA 311

Greek Embassy London addressed letter dated June  
29 to EAC stating Greek Govt present EAC request re ap-  
pointment Greek military mission (Dept's 4912, June 19).

Sent to Dept as 6677; rptd to Paris as 428 (for  
Murphy); rptd to Athens as 28.

Full text by air.

VINANT

JT



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

LG-567

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated July 3, 1945

15

Rec'd 2:42 p.m.

Secretary of State

Washington

6676, July 3, 11 a.m.

Under date June 30 senior deputy director UNNRA  
acknowledges my letter (MYTEL 6272 June 21) re UNNRA  
functions for displaced persons and states has similar  
request from UK and French Govts. COMEIA 310. Full  
text by air.

WINANT

HJF



DEPARTMENT  
OF  
STATE

OUTGOING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

July 2, 1945  
5 p.m.

15

EMBASSY

LONDON

5562

No further action desirable at this time on letter of  
Sudeten German Social Democratic Party. COMMA 293 June 20 and  
Despatch 23803 June 20. Similar letter addressed to President  
was not acknowledged.

GREW  
(Acting)  
(HPL)

CL:PW Williamson:tvt 7/2/45



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

LC-25

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

1 15

Dated July 1, 1945

Rec'd 12:50 p.m.

Secretary of State,

Washington.

US URGENT

6634, July 1, 3 p.m.

Dept's revised wording re draft letter re  
freedom of passage French zone in Germany (URTEL  
5294, June 29) handed French EAC delegation June 30.  
COMEA 309. Preliminary reaction satisfactory.  
Draft referred Paris.

WINANT

RR



DEPARTMENT  
OF  
STATEINCOMING  
TELEGRAMDIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

MFD-1744  
This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated June 30, 1945

Rec'd 12:05 p.m.

15

Secretary of State,  
Washington.

US URGENT

NIACT 6595, June 30, 3 p.m.

COMEIA 308

SECRET FOR CAFFERY AND MURPHY

I have noted Dept's addition (URTEL 5294,  
June 29) "and the consequent adjustments in zones of the  
other three forces", to draft paragraph of report trans-  
mitting agreement French zone in Germany (MYTEL  
6544, June 28, repeated Paris 412). Dept will  
meanwhile have considered June 29 EAC discussion  
re division greater Berlin (MYTEL 6583, June 29,  
repeated Paris 416) showing clash of UK and Soviet  
views.

Original US draft designed expedite immediate  
settlement French Zone in Germany without prejudicing  
redivision Berlin. From June 29 EAC discussion  
seems probable Soviet representative EAC is

instructed



-2-NIACT 6595, June 30, 3 p.m., from London

instructed insist on either (one) direct statement that French area in Berlin will be formed from US, UK areas by agreement between US, UK, French commanders; or (two) specific definition US, UK, French areas in Berlin for inclusion in draft agreement on French zones leaving Soviet Berlin area unchanged. UK Delegation is instructed insist reconsideration all four areas in Berlin.

(Sent Dept as 6595; reptd Paris as 419)

Since URTEL 5294 crossed MYTEL 6583, US Delegation will await Dept's comments REMYTEL 6583. Before presenting proposed amendment in EAC, important know whether Dept wishes insist on this provision, with likelihood prolonged delay conclusion French zone agreement, or whether I can recede to my orig draft leaving open question redivision Berlin.

WINANT

NPL



DEPARTMENT  
OF  
STATEINCOMING  
TELEGRAMDIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

JED-1571

London

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

Dated June 29, 1945

Rec'd 7:35 p.m.

Secretary of State,  
Washington.

15

US URGENT

6584, June 29, 10 p.m.

Re proposal Tulln, Schwechat and Gotzendorf airfields  
near Vienna be under US UK French control respectively.  
(NYTEL 6372, June 23; repeated AUSPOLAD 6) Soviet EAC  
rep today made counter-offer of Tulln and, Schwechat.  
COMEA 307. US UK French delegations continued urge  
provision three airfields and reserved comment on Soviet  
counter-proposal. Sent DEPT 6584; repeated AUSPOLAD 9.  
(Secret for Erhardt) and Paris 417 (Secret for Murphy).  
French delegation consulting Paris tonight.

Gousev accepted UK proposal place Wieden and  
favorited districts in UK Vienna area and place  
Landstrasse and Simmering in Soviet Vienna area.  
This completes zoning of Vienna City.

Two additional provisions approved for inclusion  
in report transmitting control machinery agreement:  
(one) "the Soviet Commander-in-Chief will allocate areas  
in the territory of the Soviet zone necessary for the  
small



-2- #6584, June 29, 10 p.m., from London

small unit training and recreation of the Allied occupation forces stationed in the City of Vienna"; (two) "Living accommodation outside the City of Vienna will be found in special cases for senior officers and officials by arrangements agreed between the respective commanders." Next EAC meeting, June 30.

WINANT

RB



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

MEW-1535

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated June 29, 1945

Rec'd 5:10 p.m.

Secretary of State,  
Washington.

15

US URGENT

6583, June 29, 9 p.m.

COMEIA 306

Today delineations of UK and French zones in  
Germany as stated in draft EAC agreement were approved  
UK and French delegations. (Sent Dept 6583; rptd Paris  
416 - - secret for Caffery and Murphy.) Draft agreement  
and report presented EAC today.

Re provision in report transmitted NYTEL 6544,  
June 28 (repeated Paris 412) for four commanders decide  
French area in Berlin, Soviet Rep stated in EAC this  
matter no concern Soviet commander and that UK, US and  
French commanders should agree to French area formed  
from US and UK areas; he added Soviet area defined in  
agreement Sept 12, 1944 and was satisfactory to Soviet  
Govt.

US delegation pointed out that wording draft para  
left decision on French Berlin area to four commanders,  
who would decide it on spot under instructions their

govts



-2- 6583, June 29, 9 p.m., from London  
govts. UK Rep urged reconsideration all Berlin areas  
(one) in light French participation; (two) in view  
destruction in Berlin. No decision could be reached  
today.

Dept will recall informal UK and French proposals  
re redivision Berlin provided for Soviet giving up  
one district in order equalize loss of area by US,  
UK and Soviet forces.

WINANT

JT



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

REC-1232

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

15

Dated June 28, 1945

Rec'd 9 p.m.

Secretary of State

Washington

US URGENT

6546, June 28, 9 p.m.

SECRET FOR MURPHY

Final text EAC agreement control machinery  
Austria approved tonight preparatory to signature.  
COMEA 305. (Sent DEPT, RTD AUSTOLAD 8 and Paris  
414). All changes based on UK draft Jan 25 EAC  
45/7, transmitted despatch 20639 Jan 26.

One. In preamble omit two words "and that  
they considered themselves ...15th Mar 1938".

Two. After "independent Austria" insert  
"and in view of the subsequent declaration issued  
at Algiers on 16th Nov 1943 by the French Committee  
of National Liberation concerning the independence  
of Austria".

Three. Last pgh preamble follows: "Have  
reached the following agreement with regard

to the Allied



-2- 6546, June 28, 9 p.m., from London

to the Allied Control machinery which will operate in Austria until the establishment of a freely elected Austrian GOVT recognized by the four powers".

Four. Omit 2 (B); renumber 2 (C) and 2 (D).

Five. In 4 (A) insert "reparation, deliveries and restitution" after "finance" insert "and" before "transport".

Six. Change "their" to "a" before "personal capacity" in 4 (C).

Seven. In 5 (A) insert "as a whole" after "affecting Austria".

Eight. In 8 (A) omit "instrument of surrender of Germany"; insert "provisions of the declaration regarding the defeat of Germany signed at Berlin on June 5, 1945".

Nine. In 8 (E) insert "satisfactorily" after "to be carried on".

Ten. In 9 omit "occupying forces" in first sentences; insert "occupation authorities", in second sentence omit "the occupying forces" and substitute "those authorities".

Eleven. Omit last sentence Article 9.

Twelve. In first sentence Article 10

omit "have been



-3-#6546, June 28, 9 p.m. from London

omit "have been sufficiently established";  
insert "are in a position to operate satisfactorily".

Thirteen. "In last sentence 10 insert "of the Allied Commission" after "duty of the divisions".

Fourteen. In 11 (A) and (B) substitute "the city of Vienna" for "greater Vienna".

Fifteen. In 11 (B) omit "to serve" and insert "for"; omit "these local" and insert "the"; omit "which are"; substitute "services" for "undertakings".

Sixteen. In 14 insert "recognized by the four powers" after "Austrian GOVT"; approved text control machinery agreement Austria ready signature as soon as zones agreement also completed.  
No Soviet reply so far re US UK French proposal  
June 23 Vienna airfield.

WINANT

WMB



DEPARTMENT  
OF  
STATE

INCOMING  
TELEGRAM

DIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

MS-1150

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

15

Dated June 28, 1945

Rec'd 5:35 p.m.

Secretary of State,  
Washington.

US URGENT

6545, June 28, 8 p.m.

Substance MYTEL 6501, June 27 transmitted Moscow  
MYTEL 226, June 28 (secret for Harriman and Pauley);  
repeated Paris MYTEL 413 (secret for Caffery and  
Murphy).

WINANT

JT



DEPARTMENT  
OF  
STATEINCOMING  
TELEGRAMDIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

HM-1149  
This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

15

Dated June 28, 1945

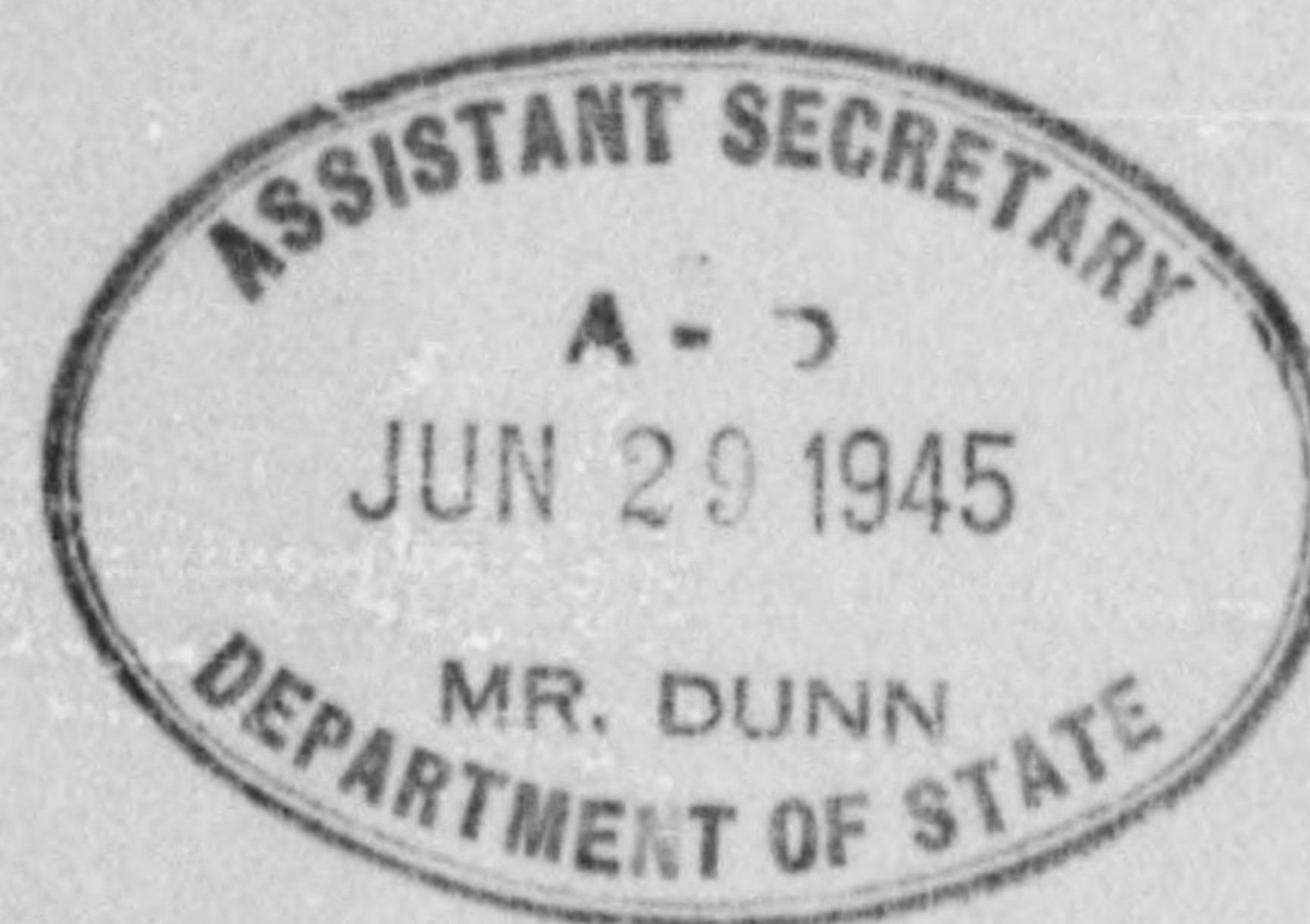
Rec'd. 5 p.m.

Secretary of State

Washington

US URGENT

NIACT 6544, June 28, 8 p.m.

COMEIA 304.

Re my draft letter re US right free passage  
across and over French zone in Germany (MYTEL 6509,  
June 28 rptd Paris 410), French EAC delegation reports  
French Govt has approved draft.

In US-UK-French discussions re French zone  
have considered various UK and French proposals  
for division greater Berlin in four parts and con-  
cluded impossible determine division without full  
knowledge local conditions. Draft report transmitting  
draft agreement to four govts contains following  
recommendation:

"In view of the physical conditions prevailing  
in the area of greater Berlin, the commission has not  
attempted



-2-, NIACT, #6544, June 28, 8 p.m., from London attempted to delineate an area in greater Berlin to be occupied by forces of the French Republic. It recommends that the four govts instruct their respective commanders in chief in Germany, acting jointly, to determine the area in greater Berlin to be assigned to occupation by forces of the French Republic."

DE LEUSSE states French Govt willing approve this recommendation in draft report but fears failure to define in agreement French area in Berlin may result in failure French forces enter Berlin with US, UK forces and in Soviet insisting French forces wait until French Berlin area is defined.

DE LEUSSE states French Govt would like assurance US military authorities intend a French force should accompany other Allied forces on first entering Berlin. US delegation replied it is without information regarding military matter operational character and would inform govt re French anxiety on this score. There is no indication in EAC whether Russians would actually raise this question in absence of specific provision in French zone agreement for French area in Berlin.

Sent



-3-, NIACT, #6544, June 28, 8 p.m., from London

Sent Dept 6544; repeated Paris 412, secret for  
Caffery and Murphy.

WINANT

JT



EK-1070

This telegram must be closely paraphrased before being communicated to anyone. (SECRET)

London

Dated June 28, 1945

Rec'd 2:12 p.m.

15

Secretary of State,

Washington.

US URGENT

6509, June 28, 3 p.m.

French delegation EAC has approved text draft letter re access to archives at Karlsruhe (URTEL 5177, June 26; text transmitted MYTEL 6399, June 25 repeated Paris 399). COMEIA 303.

US and French delegations EAC have agreed following text public statement re future review French zone: "in connection with the announcement of the respective Allied zones of occupation in Germany, the US Govt has informed the Provisional Govt French Republic that it will be prepared, at a later stage in the Allied occupation of Germany, to review with the Provisional Govt of the French Republic the assignment of areas of occupation between the French and US zones, in the light of the then prevailing conditions of occupation and the requirements of the respective forces of occupation". French and UK delegations suggest including UK Govt in this statement.



-2-#6509, June 28, 3 p.m., from London

this statement. If Dept sees no objection to this procedure, I will modify agreed public statement accordingly. Presumably time of announcement will be when EAC agreement delimiting French zone has been approved by four govts.

Re Murphy's 62, June 27 to Dept (repeated 10 London) French delegation has repeatedly offered freedom of passage through zone. I have given French delegation following draft letter to be addressed by French Amb to me on date of signature of EAC agreement: "In signing today, on behalf of my Govt, the draft agreement on zones of occupation in Germany and the administration of greater Berlin, recommended to the four govts by the EAC, I will so inform you, on instruction of my Govt, that the French Military authorities in Germany will assure to the US forces of occupation the right of free passage across and above the French zone of occupation. Detailed arrangements regarding the exercise of the right of free passage will be worked out by mutual agreement between the French Commander-in Chief and the US Commander-in Chief in Germany" (sent Dept as 6509, June 28; repeated Paris 410 secret for Caffery and Murphy).

De Leusse hopes for Paris approval this draft

tonight.



-3-#6509, June 28, 3 p.m., from London

tonight.

Text draft agreement re French zone being reviewed today French and UK delegations. When the three delegations are satisfied with text it will be handed, probably tomorrow, to Soviet delegation. If Soviet delegation has authority sign it with reference Moscow, signature may be July 2.

WINANT

EDA



DEPARTMENT  
OF  
STATEINCOMING  
TELEGRAMDIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

JED-861

This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

Dated June 27, 1945

Rec'd 6:30 p.m.

Secretary of State,  
Washington.

US URGENT

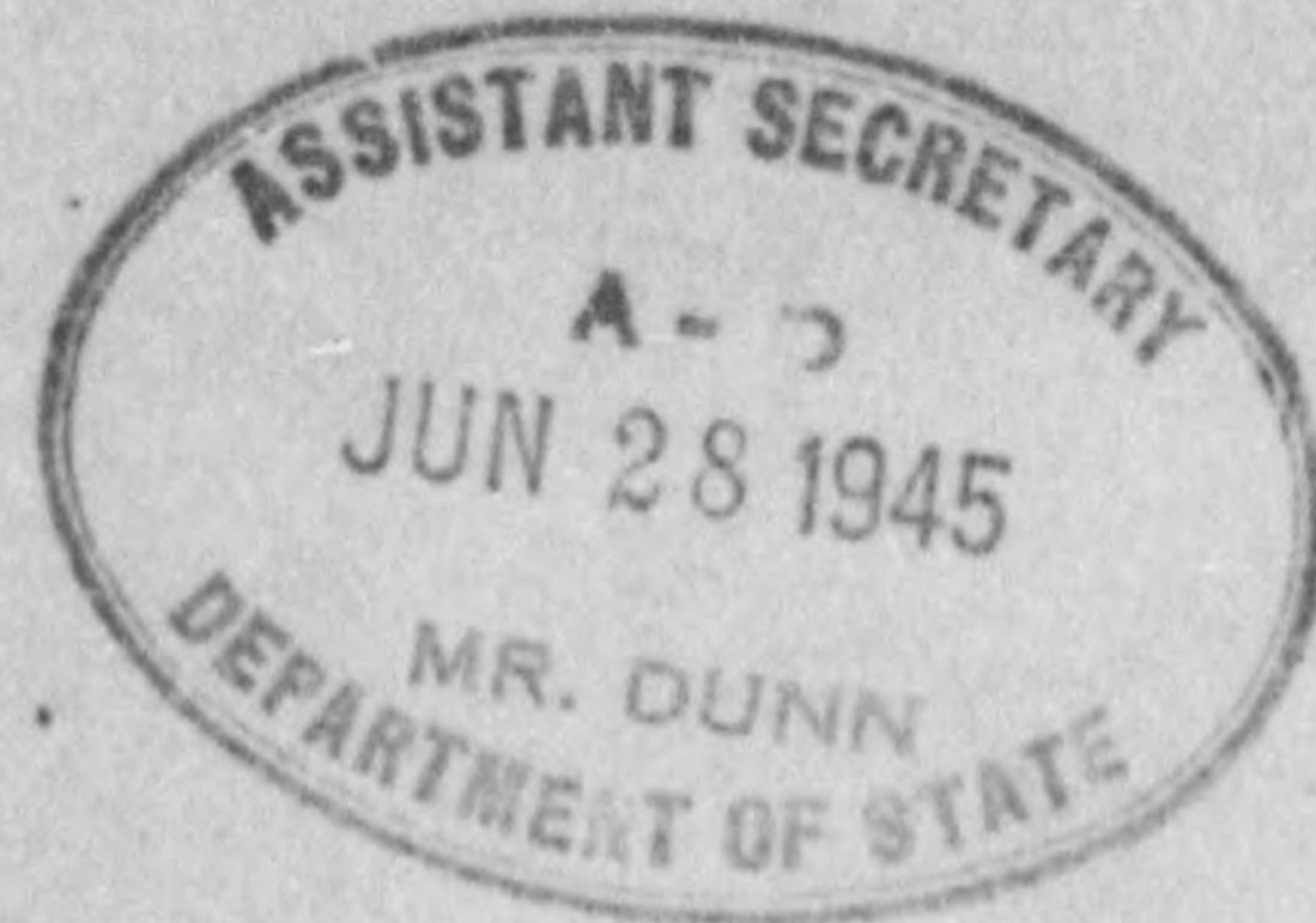
6501, June 27, 9 p.m.

COMEA 302

On initiative Soviet representative ELC discussed  
at length June 26 problem of restitution. In view DEPT  
5109, June 23 US delegation took no (repeat no) part in  
discussion.

United Kingdom and French representatives stressed  
urgent need for Restitution Commission to receive claims  
from Allied GOVTS and decide conflicting claims; time  
and method of actual return to be decided by Allied  
control machinery. Hood urged Restitution Commission  
contain representatives all (repeat all) interested  
Allied GOVTS. Massigli suggested permanent membership  
four occupying powers and ad hoc membership other Allied  
GOVTS in cases concerning them.

Soviet representative stated creation Restitution  
Commission with power to decide ownership would  
undermine supreme authority assumed by four powers re  
Germany



15



-2- #6501, June 27, 9 p.m., from London

Germany. Gousev felt restitution, reparation and deliveries division would thereby become executive organ of Restitution Commission not (repeat not), of Control Council. He asked how Restitution Commission could be set up above control machinery and why it could not be set up within control machinery.

United Kingdom representative described Restitution Commission as inter governmental semi-judicial body; its findings re fact and law would be transmitted to reparation division not as orders but as recommendations; action would be taken by reparation division only on order of authorization of Control Council.

Massigli asked who would decide conflicting claims, for example, to property found in Norway and claimed by France as French property and by Control Council as German property. Gousev stated that in such case, if France proves such property to be French, Control Council can put pressure on Norway to return it to France by withholding Norwegian property found in Germany. Massigli replied under this procedure no property could be returned until all claims have been entered and settled; on other hand looted countries need their property back at once.

Gousev pointed out Restitution Commission would lack apparatus to ascertain if given property still exists;

such



-3- #6501, June 27, 9 p.m., from London

such apparatus and function already provided in reparation division. Reparation division could be effective organ for deciding conflicting claims provided Allies furnished sufficient experts. Reparation division cannot serve as executive apparatus of Restitution Commission because that would violate symmetry of control machinery.

Massigli stated if Control Council is made responsible for deciding conflicting claims it undertakes extremely heavy responsibility towards other Allied GOVTS, especially since these GOVTS would not be represented on body deciding their claims. If France and Belgium had conflicting claim, Control Council could not decide without French concurrence, while Belgium would be unrepresented. Gousev suggested Belgian representative might attend Control Council in such case but without voting.

Gousev envisaged three procedures:

(One) Each of four occupying powers would claim its property directly through Control Council; reparation division would verify existence that property and recommend to Control Council its return. (Two) Other Allied GOVTS would present claims to Control Council through military missions; reparation division would investigate and recommend action. (Three) In cases of conflicting claims reparation division would request claimants to send experts for consultation



-4- #6501, June 27, 9 p.m., from London

for consultation on spot.

United Kingdom representative asked why Control Council should be burdened with adjudication of claims. He preferred decision re ownership by Restitution Commission with participation interested govts and decision by Control Council alone re time and method of return. Hood pointed out reparation division can deal only with property in Germany and asked how property outside Germany would be dealt with, stating that restitution problem is European wide. He felt determination of rightful ownership by Restitution Commission was no (repeat no) derogation to supreme authority assumed by four govts and would be great convenience to Control Council. Soviet representative asked further questions re disposition of German property transferred to occupied Allied countries during war, e.g. German machinery transferred to France or Czechoslovakia. Massigli suggested with touch of irony, if it were found France had gained on balance between removal French property and importation German property, that balance could be credited to France against (\*) that all possible claims had been entered.

Gousev stated Restitution Commission possesses no property and has no means knowing if such property exists. Property is in custody occupying powers, later of Control Council



-5- #6501, June 27, 9 p.m., from London

Council. Other govts must present claims and prove ownership; in this connection Control Council has no responsibility to other govts, which must prove property claimed is rightfully theirs. In conclusion reparation, restitution and deliveries division (\*) reparation. United Kingdom and French representatives felt this type property not involved in restitution problem.

Gousev stated looted property is now in hands occupying powers, later of Control Council, and claims for its return should be directed to them as custodians. Hood felt first step in return is to decide whether a claim is well founded; in absence Restitution Commission, Control Council might return property to first claimant and later receive other claims to same property; alternatively Control Council would have to delay return of given property until satisfied should have exclusive authority over all matters dealing with restitution.

At conclusion discussion other representatives remarked on absence expression United States views.

WINANT

WTD

(\*) apparent omission



DEPARTMENT  
OF  
STATEINCOMING  
TELEGRAMDIVISION OF  
CENTRAL SERVICES  
TELEGRAPH SECTION

EAS-415  
This telegram must be  
closely paraphrased be-  
fore being communicated  
to anyone. (SECRET)

London

15

Dated June 26, 1945

Rec'd 5:55 p.m.

Secretary of State,  
Washington,

US URGENT

6449, June 26, 9 p.m.

COME.. 301

Today EAC reviewed unsettled points re two Austrian agreements and agreed number of less difficult points (NYTEL 6372 June 23, rptd AUSTPOL.D 6). In principal disputed point re 30 from ES Soviet delegation awaiting instructions its govt. (Sent DEPT as 6449, AUSTPOL.D 7) (Secret for ERH.RDT).

WINANT

LMS