

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

LC-1148
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

London

Dated May 14, 1945

15

Rec'd 10 a.m.

Secretary of State,

Washington.

4791, May 14, 2 p.m.

COMEIA 249.

In view of my statement in the May 10 meeting of the EAC concerning the press statement to be issued by the Secretary of War on United States plans for military government in Germany, reported in my 4707, May 10, 10 p.m., I have today sent to my colleagues on the commission, for their information, copies of the Department's bulletin of May 11 containing that statement.

I note that the concluding sentence of the statement announces unilaterally the basis of censorship policy in the American zone, as it affects foreign press and radion correspondents. The Department will recall that a draft agreement on the status of press, radio and other foreign correspondents in Germany, transmitted with my despatch No. 21150 of February 21, has not

-2-#4791, May 14, 2 p.m., from London

has not (repeat not) been cleared in Washington for negotiation in the EAC. My 3083, March 24, 9 p.m., made clear my view that, while we may eventually have to fall back on a separate press policy operative only in the United States zone, it is wise and tactically necessary first to make a strong effort to arrive at a satisfactory joint agreement in EAC on this subject with the other governments participating in the occupation of Germany.

In view of the unilateral announcement of a censorship policy for our zone, it is now all the more urgent for the Department to secure immediate clearance of the draft agreement in Washington for submission to the EAC.

WINANT

BB

DEPARTMENT
OF
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INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

GEK-1143

This telegram must be
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London

Dated May 14, 1945

Rec'd 9:50 a.m.

15

Secretary of State,
Washington.

US URGENT

4790, May 14, 2 p.m.

COMEIA 248.

In accordance with Department's 3724 May 12, 1 p.m.,
I have today notified the United Kingdom, Soviet and French
representatives on the EAC that the United States
Government has approved the two agreements recommended
by the commission on May 1 amending the agreement on
the instrument of unconditional surrender for Germany
of July 25, 1944, and the agreement of November 14, 1944,
on control machinery in Germany, to include French
participation in these two agreements.

WINANT

WFS

DEPARTMENT
OF
STATE

INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

PEM-1094
This telegram must be
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London

Dated May 13, 1945

Rec'd 5 p.m.

15

Secretary of State,
Washington.

US URGENT

4786, May 13, 6 p.m.

COMEAL 247

I have noted the desire expressed in Department's 3627, May 9, noon, repeated to Caserta for Erhardt as 449, that the EAC should now resume negotiation of the two protocols on zones of occupation and on control machinery in Austria. I believe the commission can resume discussion of these questions in the next few days. Latest instructions received here were contained in Department's 3400, May 1, 3 p.m., repeated to Caserta for Erhardt as 415.

Unless otherwise instructed I shall assume Department does not (repeat not) intend discussion in EAC to be delayed pending Moscow's report on the renewed remonstrances transmitted in Department's 1035, May 8, 7 p.m., to Moscow (repeated to London as 3622; to Caserta for Erhardt as 446).

Since

-2- #4786, May 13, 6 p.m., from London.

Since the last EAC discussions on zones in Austria reported in my 4125, April 23, 2 p.m., repeated to Caserta as my 92, no new factors have emerged with respect to the Soviet position in EAC except that I have told the Russians privately that all our information about Tulln (repeat Tulln) airdrome indicates that latter is completely inadequate for our needs.

During the past week I have noticed a gradual hardening in the attitude of the UK delegation. Strang indicated informally last night that he now expects his government to insist on adopting the wider boundaries of Gau Vienna and that probably he will not (repeat not) be prepared to continue discussion on the tentative basis of the narrower boundaries of Vienna City, even on presupposition that the Soviet delegation might agree to accept our requirements concerning (one) a suitable airfield under US control (two) recreation and training facilities outside Vienna City and (three) equitable sharing of Innere Stadt.

As I understand our position set forth in Department's 3400, it is also more unyielding inasmuch as I am instructed to insist that a suitable airfield must form an integral (repeat integral) part of the US zone in Vienna. This involves our withdrawing the tentative formula

-3- #4786, May 13, 6 p.m., from London.

formula advanced to me on April 10 (my 85, April 15, 11 p.m. to Caserta for Erhardt, repeated to Department as my 3865) which was designed to assure full US control of Schwechat airdrome and unimpeded access to it without (repeat without) including it as an integral part of the US zone, on condition that the Russians meet all our adjustments in other respects.

Under these circumstances and in light of other developments regarding Austrian affairs, I shall be glad to reexplore the zoning question in EAC, but unless the Soviet delegation has some new instructions, the Department should foresee a continuance of the present deadlock so far as the ability of the EAC to resolve the disagreements on Vienna is concerned.

Sent to Department as my 4786; repeated to Caserta for Erhardt as my 109.

WINANT

JT

DEPARTMENT
OF
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INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

17-1097

This telegram must be
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London

15

Dated May 13, 1945

Rec'd 5:20 p.m.

Secretary of State

Washington

4787, May 13, 7 p.m.

In my 4783 to Department May 13, 1 a.m., repeated to Paris as my 259, I reported my demarche of yesterday informing Massigli of the United States proposal concerning the French zone in Germany. Whatever misunderstanding had arisen regarding the procedure contemplated (Paris 2521 to Department May 11, 2 p.m., repeated to London as 291) has now been removed. Some confusion had in fact arisen because no (repeat no) description or inkling of General Eisenhower's zone proposal of May 3 referred to in Department's 3546, May 5, 7 p.m., to London repeated to Paris as Department's 1869 was received here until May 10 (repeat ten). Even the sketchy description received here on May 10 was forwarded, as stated in Caffery's 289, May 9, 6 p.m., to London merely "to complete the record".

In absence until May 10 of any factual information concerning the new United States proposal, it was natural to assume here that Ambassador Caffery had reverted to

Department's

-2- #4787, May 13, 7 p.m., from London

Department's earlier instructions (Department's 3332, April 28, 3 p.m., to London) directing him to "sound out the French Government" and then to inform me what area would be satisfactory to the French, pending which I was instructed to "await Caffery's report before talking with Massigli". Caffery's 2410 to Department May 6, 1 p.m. repeated to London as 282 seemed in the nature of a preliminary report and not an adequate basis for taking action here.

Sent to Department as my 4787, COMEA 246 repeated to Paris as my 262.

WINANT

CAD

DEPARTMENT
OF
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INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

ASB-1087

This telegram must be
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London

Dated May 13, 1945

15

Rec'd 4:40 p.m.

Secretary of State,

Washington

US URGENT

283, May 13, 5 p.m.

The urgent need for making progress in the
formulation of principles to govern restitution of
cultural property referred to in Department's 3574,
May 7, 3 p.m., is further underlined in a communication
addressed on April 3 to the United Kingdom Government
by the Netherlands Belgian and Luxembourg governments
and now circulated in the EAC by the United Kingdom
delegation as EAC 45/54 COMECA 245. Full text by air.

Covering letter of the Belgian Ambassador urges
the immediate establishment of an inter-Allied organi-
zation representing all looted countries to supervise
the execution of cultural restitution. The memorandum
proposes (one) prohibition of removal or alienation of
cultural objects in Germany except by permission of the
Allied authorities; (two) return of all looted cultural
property; (three) replacement in kind if looted property
is not

-3- #283, May 13, 5 p.m., from London

is not found within six months or if property is not returned intact; (four) taking of similar enemy property as pledges to secure return of looted property; (five) restoration of pre-war Allied property located in enemy territory; (six) full information and technical services to be provided by Germany. Separate proposals will be presented concerning looted scientific material. End of summary.

WINANT

CAD

DEPARTMENT
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CENTRAL SERVICES
TELEGRAPH SECTION

LCP-972

This telegram must be
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London

Dated May 13, 1945

Rec'd 3:35 a.m.

15

Secretary of State

Washington

US URGENT

4782, May 13, 1 a.m.

At tonight's meeting of the EAC I urged that the text of the draft declaration on German defeat, if approved by the Four Governments, be communicated to those United Nations which have actively participated in the defeat of Germany, COME-244. In courteous but insistent form Gousov insisted that the Warsaw Polish Government be included among those Governments.

At a later stage of the discussion, Gousov proposed that the EAC refer to the Four Governments the examination of the question of informing other Allied Governments of the declaration. Since this proposal would have resulted in transferring to the governmental level a question on which the EAC was unable to arrive at any recommendation, I joined with my colleagues on the EAC in agreeing not (repeat not) to make any recommendation on
this

-2- #4782, May 13, 1 a.m. from London

this subject. Accordingly the protocol on the approval of the draft declaration contains no (repeat no) reference to the question of communicating it to other Allied Governments.

In my understanding, this leaves the British Government free to communicate the text, if it is approved by the Four Governments, to the Dominion Governments, and the Soviet Government to communicate it to the Warsaw Polish Government, and the United States Government to communicate it to any of the European Allies, the Dominions and Brazil. In this connection please read my 4709, May 10, 10 p.m.

WIN.LNT

DJ

EH

15

Department
of StateINCOMING
TELEGRAM

MS-973

This telegram must be
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to anyone. (SECRET)

London

Dated May 13, 1945

Rec'd 3:45 a.m.

Secretary of State,

Washington.

US URGENT

4781, May 13, 1 a.m.

ATTENTION MR MATTHEWS

Tonight I talked with Ambassador Murphy by telephone
and informed him of the completion of the draft declaration
on German defeat and assumption of supreme authority in
respect to Germany by the Four Powers. COMEIA 243. I
am holding copies of the declaration ready for signature
and also copies of the certified German translation ready
to send to Ambassador Murphy by messenger at such time
as the Department considers appropriate.

WINANT

DJ

EH

DEPARTMENT
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

JRL-811

This telegram must be
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London

Dated May 12, 1945

Rec'd. 4:56 p.m.

15

Secretary of State

Washington

US URGENT

NIACT 4778, May 12, 11 p.m.

Tonight the EAC signed the official protocol
approving the draft declaration regarding the defeat
of Germany and the assumption of supreme authority with
respect to Germany by the four powers, officially at
7:30 p.m., London Time, actually at 9 p.m., for submission
to the four governments for their consideration and
approval. COMEA 242. Original texts by air.

WINANT

JRL

DEPARTMENT
OF
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

RP-949

This telegram must be
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London

Dated May 13, 1945

Rec'd 12:30 a.m.

15

Secretary of State

Washington

US URGENT

NIACT 4783, May 13, 1 a.m.

In accordance with Department's 3690, May 11,
4 p.m., repeated to Paris as Department's 2005, I
informed Massigli this afternoon of the proposed
French zone to be formed out of the United States
zone of occupation in Germany. COMEA 241. I had
Mosely hand Massigli a description of the proposed
French area as follows. Beginning of text.

One. The territory of Germany south and west
of a line drawn as follows: from the point at which
the southern boundary of Regierungsbezirk Karlsruhe
leaves the Rhine River along the southern and eastern
boundaries of Regierungsbezirk Karlsruhe to the point
where the eastern boundary of Regierungsbezirk
Karlsruhe meets the western boundary of Kreis Leonberg
in the State of Wurttemberg; thence along the western
and southern

... . -2-NIACT 4785, May 13, 1 a.m., from London

and southern boundaries of Kreis Leonberg, Kreis Boblingen and Kreis Nürtingen to the point where the southern boundary of Kreis Nürtingen meets the southern boundary of Kreis Munsingen thence along the northern boundary of Kreis Munsingen to the point where that boundary meets the Reichsautobahn; thence along the southern boundary of the Reichsautobahn to the point where the latter meets the eastern boundary of Kreis Munsingen; thence along the eastern boundaries of Kreis Munsingen, Kreis Ehingen, Kreis Biberach and Kreis Wangen to the point at which the eastern boundary of Kreis Wangen meets the eastern boundary of Kreis Lindau in the State of Bavaria; thence along the eastern boundary of Kreis Lindau to the point where the latter meets the 1937 boundary of the German Reich with Austria; thence west and north along the 1937 boundaries of the German Reich with Austria, Switzerland and France respectively to the point of departure.

Two. An area east of the Rhine River near Koblenz comprising the Kreis of Unterwesterwald, Unterlahn and Sankt Goarshausen. End of text. Mosely handed Massigli a map marked "unofficial" setting forth

-3-NIACT 4783, May 13, 1 a.m., from London

forth the two areas.

In presenting this description of the two areas to Massigli, we stressed (one) United States need for Frankfurt and Kassel as principal centers in its zone; (two) United States need of full transit facilities to low countries ports as well as to Bremen; (three) unimpeded access to and use of the River Rhine; and (four) full right of transit across the proposed French zone.

Massigli's immediate reaction was favorable. He put forward the personal (repeat personal) suggestion that the French Zone be extended northward in Baden to include the Kreis of Freudenstadt, Baden-Baden and Rastatt. We offered to take this suggestion under advisement.

Sent to Department, repeated to Paris as my 259. Please show to Ambassador Murphy.

WINANT

HTM

DEPARTMENT
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DIVISION OF
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TELEGRAPH SECTION

LC-741
This telegram must be
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London

15

Dated May 12, 1945

Rec'd 2:31 p.m.

Secretary of State,
Washington.

US URGENT

NIACT 4767, May 12, 6 p.m.

The protocol of the official meeting of the
European Advisory Commission to approve the draft
"declaration regarding the defeat of Germany" is
transmitted below. COMEA 240.

Beginning of text.

The commission (A) approved the text of the
declaration regarding the defeat of Germany and the
assumption of supreme authority with respect of Germany
by the Governments of the United States of America,
the Union of Soviet Socialist Republics and the United
Kingdom, and the Provisional Government of the French
Republic, as agreed between the delegations of the USA
the Union of Soviet Socialist Republics, the United
Kingdom and the French Republic, (The text of the

declaration

-2- NIACT #4767, May 12, 6 p.m., from London

declaration in English, Russian and French is annexed).

(B) Decided to submit the above mentioned declaration to the Governments of the USA, the USSR and the UK, and the Provisional Government of the French Republic, for consideration and approval.

(C) Decided to transmit to the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and to the Provisional Government of the French Republic, a German translation of the above mentioned declaration, which the Secretary General of the European Advisory Commission has certified a true translation of the declaration.

End of text.

See also my 4766, May 12, 6 p.m.

WINANT

RR

DEPARTMENT
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

LC-735

This telegram must be
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London

Dated May 12, 1945

Rec'd 2:08 p.m.

15

Secretary of State,
Washington.

US URGENT
NIACT 4766, May 12, 6 p.m.

At today's meeting of the European Advisory
Commission the draft "declaration regarding the
defeat of Germany and the assumption of supreme
authority with respect to Germany by the Governments
of the USA the USSR and the UK, and the provisional
government of the French Republic" was approved in
final form, for submission to the four governments
for their consideration and approval. COMEA 239.
The formal signature of the protocol will take place
at 7:30 p.m., London time tonight.

The preamble to the declaration reads as transmit-
ted in my 4708, May 10, 10 p.m., with the inclusion
(repeated inclusion) of the two (repeat two) passages
which were set off in parentheses in the first
paragraph and in the last paragraph of the preamble.
The two passages set off in parentheses were accepted
by Gousov

-2-NIACT #4766, May 12, 6 p.m., from London

by Gousev tonight, thus enabling the commission to complete the draft declaration.

The main body of the draft declaration reads as set forth in the US draft of March 30, transmitted in my despatch No. 22112 of April 2, with the changes set forth in my 4670, May 10, 2 p.m.

A German translation of the draft declaration has been approved by experts of the four delegations; printed copies of the German translation will be available on Monday.

WINANT

RR

DEPARTMENT
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CENTRAL SERVICES
TELEGRAPH SECTION

15

ASB-497
This telegram must be
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London

Dated May 11, 1945

Rec'd 9 p.m.

Secretary of State,

Washington

US URGENT

NIACT 4727, May 11, 9 p.m.

ATTENTION OF MR MATTHEWS

The United Kingdom delegation to the EAC has today circulated a memorandum concerning arrangements for signature by the four Allied representatives in Germany of the Allied declaration on German defeat, in case the latter is used in place of the surrender instrument of July 25. COMEIA 238. Summary follows:

(One) Each Allied representative to be furnished with appropriate full power by his Government.

(Two) Four copies only of declaration to be signed, in Russian, French, American and British versions; each representative to retain signed copy in his own version.

(Three) Each representative would hand to each other representative a copy of the text in his own version certified by him as a true copy.

(Four) Each representative to be responsible for producing

-2- NIACT 4727, May 11, 9 p.m., from London

producing at ceremony of signature requisite number of copies in his version.

(Five) All copies in any one version, i.e., American or Russian, to be exact copies of each other; for example, all copies in the American version, whether the one original signed and retained by the US representative or the certified copies to be handed by him to the other three Allied representatives, would have the name of the US Government first in precedence. End of summary.

WINANT

JRL

DEPARTMENT
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INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

PEM-147

This telegram must be
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London

Dated May 10, 1945

Rec'd 7:25 p.m.

15

Secretary of State,

Washington.

US URGENT

NIACT 4709, May 10, 10 p.m.

COMEA 237

Department's 3449, May 2, 7 p.m., has been most helpful in discussion of consultation with the Allied Governments concerning the declaration on Germany's defeat. At May 4 meeting of the European Advisory Commission I objected to the wording of paragraph four (repeat four) of the preamble to the declaration as tending to place the fifteen or so Allied Governments on the same footing as the four major powers, and proposed the following wording: "Acting by authority of their respective governments and with the concurrence of others of the United Nations which have actively participated in the defeat of Germany and in the interests of the United Nations". This draft drew a clearer line between the four powers, the "active" United Nations and the rest of the United Nations. It was accepted

-2- NIACT #4709, May 10, 10 p.m., from London.

was accepted by Strang, but Gousev raised various objections to it until today, when he expressed a willingness to accept either this US wording or the words of the original instrument.

On further consideration today of the possible procedures for consulting the "active" Allies and for securing their concurrence, the Commission came to the conclusion that time does not (repeat not) permit of awaiting such concurrence. It was accordingly agreed to omit the reference to concurrence and to revert to the wording of the original instrument. In accordance with Department's 3449 I urged that Governments which have contributed military forces be invited to adhere to the declaration by communicating it to them in advance of publishing it to the Germans.

With regard to the Allied Governments to be consulted, Strang proposed the following: (one) the European Allies already consulted concerning the summary of the surrender instrument; (two) British Dominions and India; (three) Brazil. Gousev at once proposed inclusion of the Polish Government in Warsaw among the adhering governments. He argued that absence of diplomatic relations between that government and several of the Allied Governments was no obstacle to informing it, as it was no bar in the case of
India,

-3- NIACT #4709, May 10, 10 p.m., from London.

India, with which the USSR has no diplomatic relations.

I put forward the suggestion, not (repeat not) as a proposal, that each of the four Allied Governments decide to which Governments, among those which had participated actively in Germany's defeat, it wished to communicate the declaration individually and which it wished to invite to adhere to the declaration. To Gousev's objection that this procedure would represent individual action rather than joint action by the four governments, Strang pointed out that it represented individual action taken on the basis of joint agreement. Massigli supported my suggestion. Gousev expressed objection to it without making any counter suggestion.

I believe that the injection of the Polish question into the discussion of concurrence by other Allies, in addition to the time factor, makes it wise to abandon the effort to include in the preamble to the declaration any reference to the "active" United Nations. Since the EAC cannot agree on a list of adherences which would include Poland, I assume that (one) my suggestion of individual communication by each major ally will be recommended to the four governments, or (two) the EAC will forward the draft declaration to the four governments without any agreed recommendation regarding procedure for communicating

-4- NIACT #4709, May 10, 10 p.m., from London.

communicating the text of other Allied Governments and for their adherence to it, thus leaving each government free to invite such adherences as it considers appropriate without reference to the other three governments. Of the two procedures now open, the first seems preferable in all respects.

WINANT

WTD

DEPARTMENT
OF
STATEINCOMING
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TELEGRAPH SECTION

MES-165

This telegram must be
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London

Dated May 10, 1945

15

Rec'd. 8:25 p.m.

Secretary of State,
Washington.

US URGENT

NIACT 4707, May 10, 10 p.m.

COMEA 236

In accordance with Department's 3657, May 9, 7 p.m.

I informed the EAC today that because of the pressure of public opinion, the Secretary of War will make a public statement on May 11 at twelve noon outlining the organization of the United States Group Control Council for Germany, indicating the twelve major divisions and the general functions of each, but not referring to similar arrangements made by other occupying powers. The other three representatives are informing their Governments.

It was agreed that this step makes it even more urgent to transmit to the interested Allied Governments the agreed summary on control machinery in Germany. However, Gousev has not (repeat not) received consent of his Government to make this communication to the European Allies (see my 4599, May 6, 2 p.m.)

Gousev

-2- NIACT 4707, May 10, 10 p.m., from London

Gousev stated that although opinion in the Soviet Union is greatly interested in all questions affecting Germany, his Government believes that joint action in all such questions of publication would give "more positive results".

Strang's view was that the logical sequence of publication would be (one) the instrument of surrender or substitute declaration; (two) an agreed statement on control machinery, on the basis of the summary of the control machinery agreement approved for communication to the European Allies. Strang stated his hope that the United States statement of May 11 would deal mainly with the functions and personalities of the United States element of the Control Council group, rather than with the structure of Allied control. He felt that such a statement by the United States would still leave room for an agreed announcement of the outline of the Control Machinery agreement.

I believe this step has been helpful rather than otherwise.

WINANT

LMS

DEPARTMENT
OF
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INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

PF-161

This telegram must be
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London

Dated May 10, 1945

Rec'd 8:08 p.m.

15

Secretary of State,
Washington.

US URGENT

NIACT, 4708, May 10, 10 p.m.

Following is tentative draft preamble to the pro-
posed "declaration regarding the defeat of Germany and
the assumption of supreme authority with respect to
Germany." COMEIA 235. For the main body of the declara-
tion see my NIACT 4670, May 10, 2 p.m. COMEA 233. The
2 portions on which agreement has not (repeat not) been
reached are set off by parentheses. BEGINNING OF TEXT:

The German armed forces on land, at sea and in the
air have been completely defeated and have surrendered
unconditionally and Germany, which bears responsibility
for the war, is no longer capable of resisting the will
of the victorious powers (The unconditional surrender of
Germany has thereby been effected and) Germany has become
subject to such requirements as may now or hereafter be
imposed upon her.

There is no central Government or authority in
Germany capable of accepting responsibility for the

maintenance

-2- NIACT, 4708, May 10, 10 p.m. from London

maintenance of order, the administration of the country and compliance with the requirements of the victorious powers.

It is in these circumstances necessary, without prejudice to any subsequent decisions that may be taken respecting Germany, to make provision for the cessation of any further hostilities on the part of the German armed forces, for the maintenance of order in Germany and for the administration of the country, and to announce the immediate requirements with which Germany must comply.

The representatives of the Supreme Commands of the United Kingdom, the United States of America, the USSR and the French Republic, hereinafter called the "Allied Representatives," acting by authority of their respective Governments and in the interests of the United Nations accordingly make the following declaration:

The Governments of the United Kingdom, the USA and the USSR and the Provisional Government of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local Government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany.

The Governments

-3- NIACT, 4708, May 10, 10 p.m. from London

The Governments of the United Kingdom, the USA and the USSR and the Provisional Government of the French Republic will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German territory.

In virtue of the supreme authority and powers thus assumed by the four Governments, the Allied representatives announce the following requirements (arising from the complete defeat and unconditional surrender of Germany) with which Germany shall comply: END OF TEXT.

This text is based on the draft circulated by Strang on March 30 as EAC (45) 28. In paragraph one the words "and have surrendered unconditionally" were inserted by United Kingdom proposal. At the end of the first sentence of paragraph one the words "victorious powers" were substituted for "the United Nations" on my proposal, which was made in order to avoid any implication of control of Germany by all (repeat all) United Nations.

Gousev was insistent on a statement of Germany's responsibility for the war, which he wished to have included in paragraph two. On my proposal reference to Germany's responsibility was placed in paragraph one, in which it appears as a simple declaratory statement by the

victors

-4- NIACT, 4708, May 10, 10 p.m. from London

victors and in no (repeat no) sense as a juridical basis for the action of the victor powers.

The words in parentheses in sentence two of paragraph one have not yet been accepted by the Soviet representative. An addition of this character, recognizing the accomplished fact of Germany's unconditional surrender, is essential because of Soviet insistence on adding in the final paragraph of the preamble the words set off in parentheses. Without some such statement in the opening paragraph of the preamble, the additional words in the final paragraph would be left hanging and the juridical basis of the Allied action in Germany would be weakened.

In paragraph two the word "central" was inserted before "government or authority" on my proposal; similarly the words "victorious powers" were substituted for "United Nations."

Likewise in line two of paragraph three I secured omission of the words "for the United Nations" and the substitution of the word "requirements" for "terms" in line four.

The final paragraph of the preamble has been rewritten according to my suggestions, except for the Soviet amendment which I have accepted provisionally on the understanding that the reference to Germany's

unconditional

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STATE

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TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

MD-102
This telegram must be
closely paraphrased be-
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London

Dated May 10, 1945

Rec'd. 5:30 p.m.

15

Secretary of State

Washington

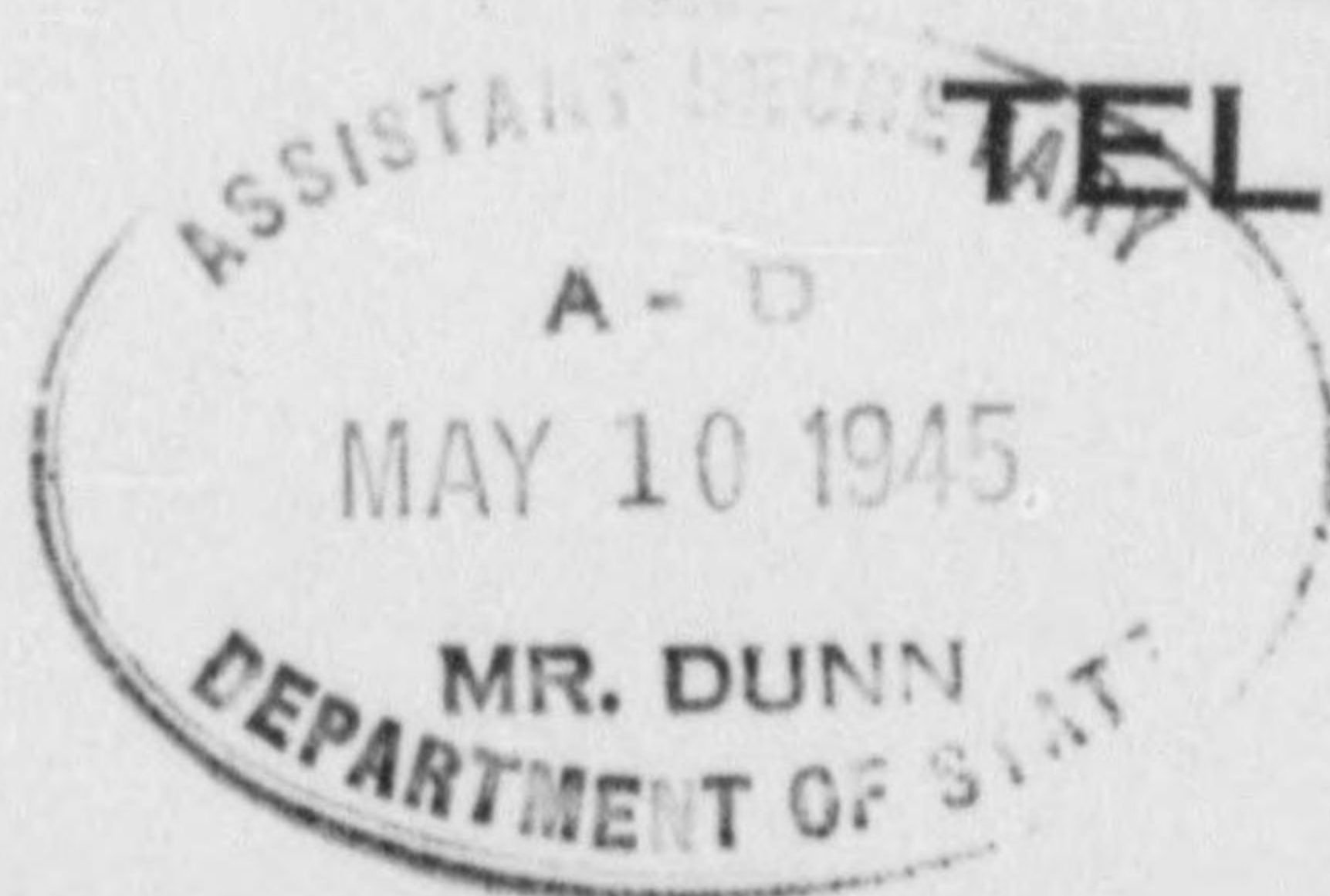
US URGENT

4688, May 10, 8 p.m.

The UK representative on the European Advisory Commission has circulated a memorandum regarding giving effect to paragraph nine of the report of the EAC of Nov. 14, 1944, transmitting the agreement on control machinery in Germany. COMEIA 234. UK proposes that a public statement be made that in connection with the exercise by the four occupying powers of supreme authority with respect to Germany the four Governments intend to consult with the Governments of other United Nations. Suitable modification of wording is proposed, depending on whether the surrender instrument or the surrender declaration is issued by the four Governments. Full text by air.

WINANT

DU

DEPARTMENT
OF
STATEINCOMING
TELEGRAMDIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

RS-1971

This telegram must be
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London

Dated May 10, 1945

Rec'd 11:14 a.m.

Secretary of State

Washington

US URGENT

NIACT, 4670, May 10, 2 p.m.

The following are the changes in the main body of
the declaration on unconditional surrender, as agreed
in the EAC to date for submission to the four govern-
ments. COMEIA 233. As basis for inserting changes
please consult United Kingdom draft declaration of
March 30, transmitted in my despatch No. 22112 of
April 2.

Article one reads: "Germany, and all German
military, naval and air authorities and all forces
under German control shall immediately cease hostili-
ties in all theaters of war against the forces of
the United Nations on land, at sea and in the air."
This draft, proposed by the United States delegation,
reproduces more fully the language of the original
instrument.

Article two

-2-NIACT, 4670, May 10, 2 p.m. from London

Article two (A): change "will" to "shall" in line four

Article six (A): omit "concerned" in line one; omit "said" in line six; after "German authorities" in line six add "and people".

In article six (B) omit "concerned" and insert "and people" after "German authorities".

Article six (C) reads: "the German authorities will at the demand of the Allied representatives hand over control of places of detention to such officers as may be designated for the purpose by the Allied representatives." Insertion of "and people", proposed by the United States representative, is designed to strengthen the impact of this article in view of confusion of German administrative authorities. I also proposed new wording of article six (C) in order to remove the trace of contractual language.

Article twelve (A) reads as follows: "in the exercise of the supreme authority with respect to Germany assumed by the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics and the Provisional Government of the French Republic, the four Allied governments will take such steps, including the

complete

-3-NIACT, 4670, May 10, 2 p.m. from London

complete disarmament and demilitarization of Germany, as they deem requisite for future peace and security." This language, which is close to that of the original instrument, was proposed by me.

Article twelve (B): insert "on Germany" after "will impose" in line one; insert "complete" before "defeat of Germany" in line three.

Article thirteen. At end of first sentence replace "immediately" by "at the date and hour set forth below." It was also agreed to reinsert an article fourteen, as follows: "this declaration is drawn up in the English, French, Russian and German languages. The English, French and Russian are the only authentic texts."

The commission has also agreed to recommend insertion of a new article eleven, renumbering the following articles accordingly, to contain without change the text of an article on apprehension and surrender of war criminals, proposed by the United Kingdom delegation as EAC 45/42 and transmitted in full in my despatch No. 22780 of May 1. In discussion of this article, which follows closely the original instructions which I received in February 1944 concerning the inclusion in
the surrender

DEPARTMENT
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JP-1753

This telegram must be
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London

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Dated May 8, 1945

Rec'd 3:32 p.m., 9th

Secretary of State,
Washington.

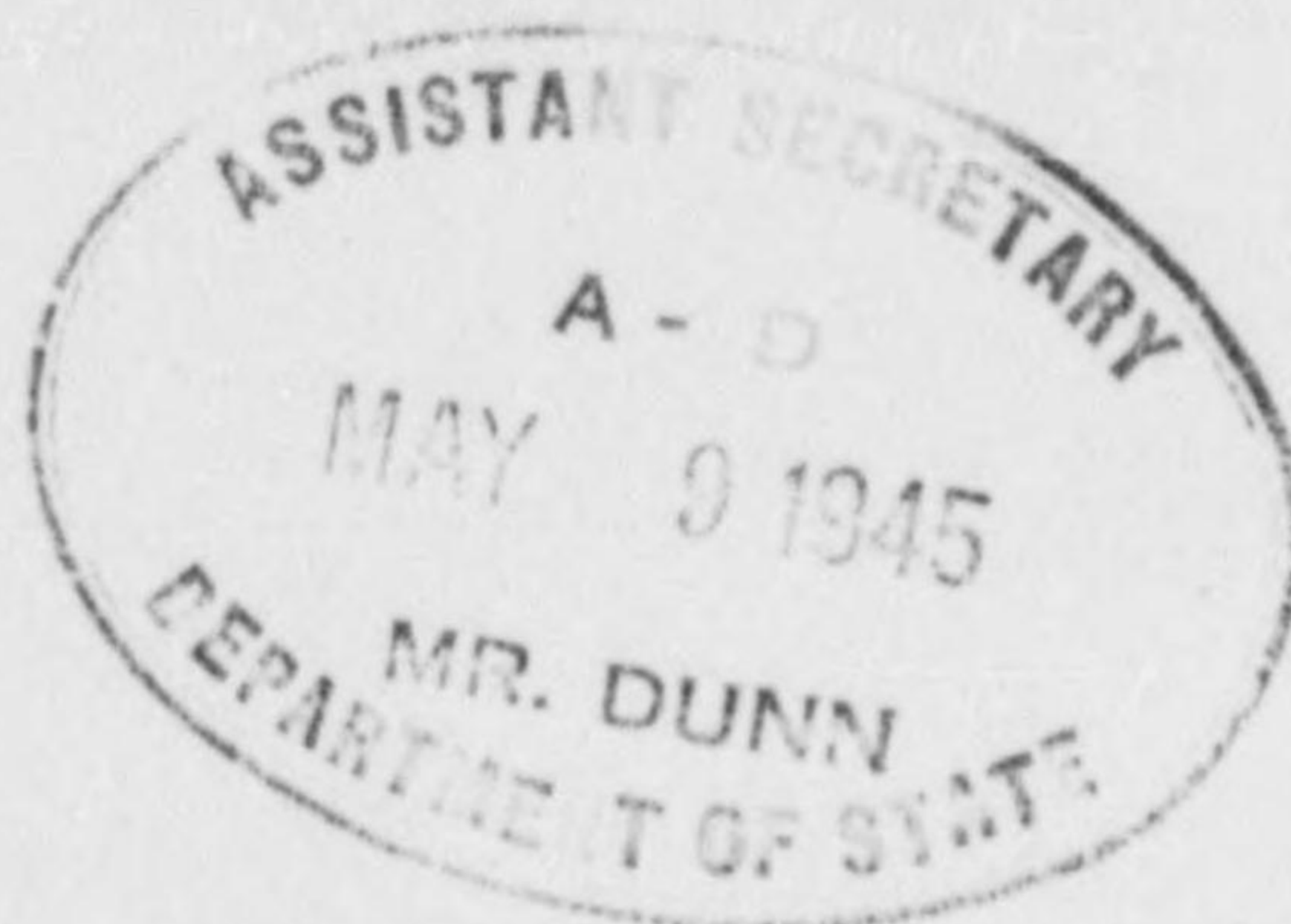
US URGENT

4657, May 8, 6 p.m.

On receiving Department's 3582, May 7, 5 p.m., I
consulted Gousev urgently about an immediate public
statement on control machinery arrangements for Germany.
COMEA 232. Gousev has consulted his Government since
I raised the question on May 4. He feels strongly
that while hostilities are still continuing against
the Red Army according to his information, it is pre-
mature to go beyond the statement on control machinery
contained in the Yalta communique. He also feels that
the Allied declaration which is nearly completed should
be issued prior (repeat prior) to any additional
statement on control machinery. He also stated his
belief that such a statement on control machinery
should follow very shortly upon issuance of the proposed
Allied declaration on German surrender. I hope to
complete the declaration, with full agreement by all
four powers, by tomorrow.

WINANT

EDA



AMT-519

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

London

Dated April 23, 1945

Rec'd 4:40 p.m.

Secretary of State,
Washington.

15

US URGENT

NIACT 4160, April 23, 10 p.m.

At tonight's meeting of the European Advisory Commission the Soviet representative introduced formally his new proposal for the division of the city of Vienna, which I reported in my 4125 to Department April 23, 2 p.m., repeated to Caserta as my 92. The grounds advanced were that a large part of the proposed Soviet area, particularly Floridsdorf, had been destroyed in the capture of Vienna. This new proposal and the reason advanced in support of it seem added grounds for looking over the zoning and facilities at Vienna on the spot. I also hope that an officer from the Air Service will be assigned to the mission.

Sent to Department as 4160; repeated to Caserta as 93.

WINANT

JT

GEK-405

This telegram must be
closely paraphrased be-
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London

Dated April 23, 1945

Rec'd 11:10 a.m.

Secretary of State,
Washington

15

US URGENT

NIACT 4125, April 23, 2 p.m.

SECRET FOR MR. MATTHEWS (WASHINGTON) MR. ERHARDT
(CASERTA)

Two important factors emerged from Saturday night's long meeting of the EAC on Austria. The Soviet representative stated that he had not (repeat not) been informed by his Government of Marshal Stalin's invitation for US UK and French representatives to proceed to Vienna to "establish" the zoning of Vienna on the spot. Apparently Gousev first learned of this invitation from Strang just before the meeting. A second factor is that Gousev now has somewhat more flexible instructions.

I have been waiting to report to you until I found out what the British position was. Strang has just informed me that his Government wishes to delay further discussion on Vienna in the commission until there is a reply from Stalin confirming his invitation to send representatives

-2- # NIACT 4125, April 23, 2 p.m., from London

representatives to Vienna. Think it is important to know whether Stalin's invitation referred only to assignment of area within the city of Vienna or whether it would include a consideration by the military representatives of the larger Vienna gau.

Since Gousev suggested in Saturdays discussions that Tulln (repeat Tulln) airdrome, which lies outside the boundaries of greater Vienna and in the Russian zone, be substituted for Schwechat airdrome, the representatives who proceed to Vienna should also be able to inspect Tulln or any other suggested air facilities. Neither the British air authorities nor our own feel that Tulln is adequate to meet the joint needs of the three other occupying forces. The British, and I believe also the French, would accept US administrative and operational management of the airdrome assigned to joint use.

With regard to Innere Stadt Gousev on Saturday accepted provisionally the US formula of April 10 providing for joint occupation and use (text transmitted in my 85 April 15, 11 p.m., to Caserta, repeated to Department as my 3865).

The Russian

-3- # NIACT 4125, April 23, 2 p.m., from London

The Russian argument in asking for greater all-round facilities in Vienna is based on their use of Vienna as the administrative center of their zone.

This morning one of Gousev's assistants, Saksin, gave Mosely informally a new Soviet proposal for division of the city of Vienna, drafted on the assumption of joint occupation and use of Innere Stadt. Under this new proposal the Soviet zone would consist of districts of Floridsdorf, Eresgwtenu, Leopoldstadt, Favoriten and Widsen; French forces would occupy Landstrasse and Simmering; US forces would occupy Döbling, Alsergrund, Währing, Hernals, Ottakring, Josefstadt, Fünfhaus and Rudolfsheim; UK forces would occupy Geitzing, Meidling, Neubau, Mariahilf and Margareten.

On Saturday I further insisted that, if the city of Vienna rather than greater Vienna was to be accepted, facilities for training and recreation should be provided for US forces outside the city itself and in the adjacent areas of the Soviet occupied zone. The British and French joined in supporting this position.

If freedom of inspection is given to the military representatives and they report to the commission, we would be in a much better position to make final

recommendations

-4- # NIACT 4125, April 23, 2 p.m., from London

recommendations on the arrangements for Vienna. I should like to point out that although we appear to be close to agreement on control machinery, this agreement cannot be finally concluded as Article II must refer either to "greater Vienna" or to "the city of Vienna".

Sent to Department as 4125; repeated to Caserta

as 92.

WINANT

JMB

DEPARTMENT
OF
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

HP-1315
This telegram must be
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London

15

Dated May 7, 1945

Rec'd 11:11 p.m.

Secretary of State

Washington

U S URGENT

4629 May 7, 10 p.m.

Further discussion of US General Directive in May 3
meeting of the European Advisory Commission. See my
4628, May 7, 10 p.m. to Department, repeated to Paris
for Murphy as my 248.

Paragraph Two of the General Directive. Gousev
objected to the first sentence on grounds that it implies
retention of the German administrative machine in its
present Nazi form and says nothing about Yalta decisions
to abolish Nazi laws and institutions. I pointed out
that these points were covered in Paragraphs Six, Eight and
Nine of the General Directive and offered to include the
Yalta wording. COMEA 231. Massigli expressed French
support for the principle of decentralization or federali-
zation of the German political structure. He felt it
would be a mistake to restore the completely centralized
political structure which had been built up under both
the Republic

-2- #4629, May 7, 10 p.m., from London

the Republic and Hitler, especially since that structure had disintegrated in defeat.

Strang proposed that the Directive begin with a statement of the purposes of occupation, based on the Yalta declaration and on Paragraph Three (repeat Three) of the United Kingdom draft Directive No. One.

Strang asked about the reference to "foreign affairs" in this paragraph, and questioned whether Germany would have any "foreign affairs". I interpreted this to mean "international relations" including economic relations and control of German Nationals and property abroad, but not (repeat not) "foreign affairs" in the usual sense of foreign political policy.

Massigli asked if the "controls" referred to in this paragraph were Allied or German controls. I stated that Allied controls were meant but that some controls might be exercised more directly and others more indirectly. Strang asked whether the list of purposes for which controls were permitted, as set forth under A, B and C, is exclusive or illustrative in character. I stated that these controls would probably be essential from the beginning. Strang proposed that the second sentence read: "shall permit or establish" instead of "may permit or establish", and that the words "in particular" be inserted after the words

"establish

-3- #4629, May 7, 10 p.m., from London

"establish central control", in order to indicate that the enumeration is not intended to be exhaustive. Gousev questioned the meaning of the words "German economy shall also be decentralized". He asked whether this meant decentralization of the economy itself or decentralization of the administration of the economy. I explained that these words did not envisage geographical redistribution of industry which he had at first understood, but rather a long term policy of decentralizing the control or economy, removing the power of great concentrations, monopolies and cartels to dominate German economy, eliminating as many as possible of the central economic controls established by the Nazis.

Strang asked whether economic decentralization implied decentralization of the economic administration parallel with the decentralization of the political structure and whether each federal political unit would have a corresponding economic unit. He asked whether in place of a single central control there would be a number of federal or regional economic controls. In reply I again stressed the need for breaking up dangerous concentrations of economic power. The United Kingdom delegation asked whether it was intended merely to abolish the objectionable parts of

-4- #4629, May 7, 10 p.m., from London

parts of centralized control or also to transfer any useful functions of control to regional and local authorities. I stated that some controls would be abolished as they had been created for war purposes; others might be placed under the control of the component federal states to serve civilian needs. Strang restated the objectives of Paragraph Two as follows: Economic decentralization to follow political decentralization; breaking up industrial associations which had gathered too many industries under their control. Massigli requested the United States delegation to provide an explanatory memorandum to facilitate consideration of this part of the General Directive.

Paragraph Three of the directive met with no comment.

Paragraph Four. Gousev took strong exception to the words "controls may be imposed". He stated that the word "may" implied that controls "may or may not" be imposed. In his opinion, the Yalta declaration, which called for the elimination or control of all production that can be used for war purposes, is much more definite. He pointed out that a very large part of industry can be used for war purposes, and stated that these industries must be controlled.

On instructions

-5- #4629, May 7, 10 p.m., from London

On instructions from his Government, Massigli proposed that Paragraph Four begin with the following words: "German economy will be subjected to all necessary controls, particularly" those enumerated under A and B.

Strang asked whether Allied controls were meant in Paragraph Four. I indicated that Allied controls were meant in Paragraph Four and, generally speaking, German controls in Paragraph Five.

Massigli asked whether the second sentence of Paragraph Four meant that Germany's standard of living could be equal to that of any neighboring united nation. I stated my understanding that these words mean that Germany's standard may be equal to the lowest neighboring standard, lower than the lowest but in no case higher than the lowest.

With regard to the sentence about treating payment for imports as a first charge on exports, Massigli and Strang asked whether this referred to "authorized imports". I stated that this was the case since both imports and exports would be controlled.

Regarding the last sentence of Paragraph Four Massigli asked whether countries receiving German reparations would not be "dependent on German economy" to that extent. I interpreted these words to mean that future or long range dependence

-6- #4629, May 7, 10 p.m., from London

dependence of other countries on German economy should be avoided.

Paragraph Five. Massigli felt that the expression "assume administration of such controls" gave great power to the German authorities. He suggested that the word "execution" be substituted for "administration".

It was agreed to continue the discussion of the US General Directive at an early meeting of the EAC.

Sent to Department, repeated to Paris (secret for Ambassador Murphy) as my 249.

WINANT

DJ
WMB

MF-1261
This telegram must be
closely paraphrased be-
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to anyone. (SECRET)

London

Dated May 7, 1945

15

Rec'd 8:11 p.m.

Secretary of State

Washington

US URGENT

4628, May 7, 10 p.m.

At its May 3 meeting the European Advisory Com-
mission began the detailed consideration of the US
draft General Directive, circulated as EAC 45/30 of
April 6, with corrigendum of April 20. COMECA 230.
In opening the discussion Gousev and Strang stated
emphatically their views that certain points in the
General Directive are not (repeat not) in accord with
the decisions of the Yalta Conference. I maintained
that the General Directive is based on and drafted to
fall within the scope of the Yalta decisions.

Paragraph One. Gousev stated that this paragraph
was incorporated in Article One (repeat One) of the
control machinery agreement and asked why any new
statement was needed. Strang also felt that the con-
trol machinery agreement had said all that was necessary
on this subject and saw no need for this paragraph. I

replied that

-2- #4628, May 7, 10 p.m., from London

replied that in a directive addressed to the Commanders in Chief it was helpful to have this paragraph included.

Strang contended that Paragraph One was not (repeat not) in accord with Article Three (repeat Three) of the control machinery agreement which states that the Control Council is "to initiate plans and reach agreed decisions". He recalled that the expression "to formulate policy" used in Paragraph One of the General Directive had been proposed during discussion of the agreement on control machinery and had been rejected. He asked whether a difference was intended. I stated that no difference was intended and offered to consider a redrafting of Paragraph One to bring its wording into line with the control machinery agreement.

Strang pointed out that the second sentence of Paragraph One goes beyond the control machinery agreement in that the latter does not (repeat not) provide specifically for the contingency of there being no (repeat no) agreed Allied policy. He recalled that in discussing the provision for unanimous decisions by the Control Council it had been informally understood that if the Control Council failed to reach an agreed policy the Commanders in Chief would refer the matter to their governments. Strang asked whether this sentence gives

complete liberty

-3- #4628, May 7, 10 p.m., from London

complete liberty of action to each government in its zone in absence of agreed policies and whether any one Commander in Chief would then be able to negate agreement in the Control Council and thus to obtain complete liberty of action in his zone.

Massigli felt that failure to agree in the Council would mean that the question in dispute would be referred to the governments and that action would meanwhile be suspended. Strang agreed with this interpretation in so far as it applied to "matters affecting Germany as a whole". I emphasized that in many instances action could not be suspended and that in absence of an agreed policy the Commander would have to act in his zone on instructions from his own government. Massigli felt on the other hand that any matter of principle important enough to come before the Council would thereby require uniform action by all four Commanders.

Strang alleged one important difference between the control machinery agreement and the US General Directive; the former assumes agreed decisions while the latter postulates the case of no (repeat no) agreed decision. He concluded that the US General Directive was "less optimistic". Massigli felt that the US directive erred in not impressing on the Commanders the paramount necessity

for reaching

-4- #4628, May 7, 10 p.m., from London

for reaching agreed decisions and reconciling divergent views. He proposed recording the second sentence to provide that the Commanders must, first, do everything possible to reach agreement in the council and second refer disagreements to their governments; and, third, only later act independently in their zones.

Strang asked whether it was necessary to add anything to what had been said in the control machinery agreement. He proposed omitting Paragraph One entirely, and leaving it to the Commanders in Chief to work the control agreement, consulting their governments in case they cannot agree. In view of Gousev's rather marked non-participation in discussion of Paragraph One I again stated at the close of this part of the discussion that the US Government gives full support of the control machinery agreement as approved and that nothing in the General Directive is intended to contradict or weaken that agreement.

For further discussion of the US General Directive see my following telegram 4629, repeated to Paris for Murphy as my 249.

Sent to Department as 4628, repeated to Paris (secret for Ambassador Murphy) as my 248.

WINANT

MRM

DEPARTMENT
OF
STATE

INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

MB-942

This telegram must be
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London

15

Dated May 6, 1945

Rec'd 10:40 a.m.

Secretary of State,
Washington,

US URGENT

4599, May 6, 2 p.m.

On receiving Department's 3450, May 2, 7 p.m.,
I raised the question of publicity on control machinery
arrangements for Germany as a matter of first priority
in the European Advisory Commission meeting of May 3
stressing the need for an early public statement.
COMEIA 229. At the May 4 meeting the United Kingdom
representative stated that his government agreed in
principle to publication of a summary. Gousev and
Massiglie have not yet received the reactions of their
governments to my May 3 request.

At May 3 meeting it was the unanimous feeling
of the EAC that it is essential to inform the most
interested Allied governments of control arrangements
through the EAC channel prior (repeat prior) to issuing
a public statement. It was agreed that summaries of
the control machinery and occupation zones arrangements
ought to be

-2- 4599, May 6, 2 p.m., from London

ought to be given to the European Allied Governments with whom the EAC Allied Consultation Committee has consulted regarding the summary of the surrender instrument.

At May 4 EAC meeting summaries of the control machinery and one of occupation arrangements were approved for communication to the European Allied Governments and this communication was approved by the United States, United Kingdom and French representatives. Gousev has not (repeat not) received the consent of his Government to transmit these two summaries to the Allies.

I hope the communication of the summaries to the Allies can be carried out within three or four days. I anticipate that the EAC will then approve for publication a summary of control machinery arrangements probably worded somewhat differently in order not to offend the susceptibilities of the Allied Governments.

WINANT

RR

DEPARTMENT
OF
STATE

INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

EOC-1238
This telegram must be
closely paraphrased be-
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London

Dated May 1, 1945

Rec'd 11:16 p.m.

15

Secretary of State,
Washington.

US URGENT

4420, May 1, midnight

At tonight's meeting of the EAC it was unanimously agreed in principle to prepare a draft proclamation which could be issued in place of the surrender instrument in case there should be no central power or authority in Germany capable of signing the surrender. CGMEA 228. It was unanimously reaffirmed that the unconditional surrender instrument remains in force as among the 4 powers.

Strang advanced his draft proclamation, EAC 45/28 transmitted in my despatch No. 22112 of April 2, together with his EAC 45/42 of April 20 proposing an addition regarding apprehension of war criminals. He also proposed addition of words "and have unconditionally surrendered" at end of first (repeat first) sentence of United Kingdom draft preamble to the proclamation. He presented formally an amendment

-2-#4420, May 1, midnight from London.

an amendment, reported in my 4390, May 1, noon to provide for "active" Allies to authorize signature of the proclamation by the 4 powers. Discussion of latter amendment reported in my 4419, May 1, midnight. In the discussion I stressed the urgency of having such a proclamation ready in case there were no German signature, and the desirability of making the substitute proclamation as nearly as possible like the already approved surrender instrument.

At the May 3 meeting the commission plans to consider the draft proclamation and the United States general directive, for whose early consideration I have been pressing on every occasion.

WINANT.

JMS

DEPARTMENT
OF
STATE

INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

EOC-1237
This telegram must be
closely paraphrased be-
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to anyone. (SECRET)

London

Dated May 1, 1945

Rec'd 11:14 p.m.

Secretary of State,
Washington.

US URGENT

4419, May 1, midnight

At tonight's meeting of the European Advisory Com-
mission Strang again made a strong plea for showing the
text of the German unconditional surrender instrument to
the European Allied Governments and securing their ap-
proval of the instrument prior to presenting it to the
Germans. COMEA 227. Strang feels that the 4 Allies
will be in a stronger position if such approval is re-
ceived. Massigli supported the British proposal. Gousev
promised to raise the question again with his government.
In accordance with Department's 244 January 11, midnight
I reserved my position.

Further discussion of the question of consultation
followed later when Strang formally introduced his pro-
posed amendment to the fourth (repeat fourth) paragraph
of the United Kingdom draft proclamation on German sur-
render, transmitted in my 4390, May 1, noon. Asked by

Gousev what

-2-#4419, May 1, midnight, from London.

Gousev what Allied Governments would be consulted, Strang listed (one) European Allies with whose representatives the EAC Consultation Committee has been meeting, thus avoiding the Poles who were excluded from such consultation at Gousev's request; (two) British Dominions and India, (three) "maybe" Brazil.

To my question as to whether the "active" Allies would also sign the surrender proclamation, Strang answered in negative. He felt, however, that it would be important for public opinion in such countries as Canada for their governments to be able to say afterwards that they had been consulted on surrender terms and had approved. To my further question regarding position of the 4 governments if any Allied Government, when consulted, refused to approve the instrument, Strang felt sure that their approval would be forthcoming since they had already been consulted on basis of a summary of the instrument.

Asked by Gousev whether a similar amendment would be required in the surrender instrument Strang declined to commit himself, but expressed view that instrument would be "greatly improved" by such an addition. It is apparent that the British are very uneasy over the bad effect among the Dominions and the western European Allies of neglecting

-3-#4419, May 1, midnight, from London.

neglecting to secure their approval of the surrender instrument. On the other hand, the broad language of Strang's amendment to the draft proclamation would open the way for the "active Allies" to demand a direct voice in all future terms and requirements to be imposed on Germany.

WINANT

JMS

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

LC-1019
This telegram must be
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to anyone. (SECRET)

London
Dated May 1, 1945
Rec'd 10:25 a.m.

Secretary of State,
Washington.

US URGENT

4390, May 1, Noon

COMEA 226.

In connection with the UK draft Allied decla-
ration regarding the defeat of Germany, transmitted
in my despatch No. 22112 of April 2, Strang has
informed Mosely informally of an important addition which
he intends to present in the European Advisory
Commission. In the fourth (repeat fourth) paragraph
of the preamble the UK delegation will propose that
the words "acting by authority of their respective
governments and in the interests of the United Nations"
be replaced by the words "acting by authority of
their respective governments and others of the United
Nations which have actively participated in the
defeat of Germany and in the interests of all the
United Nations".

Strang

-2-#4390, May 1, Noon, from London

Strang stated that he is under direct instruction of his government to urge this addition and that this decision was taken under strong Canadian pressure. The Canadian Government, he said, intends to issue a statement of protest if the instrument or proclamation of surrender is issued in its present language, which it feels, gives inadequate recognition to the contribution made by United Nations other than the four major powers to Germany's defeat.

When questioned by Hosely, Strang stated that this additional language would require submitting the actual text of the surrender instrument to the governments of the European United Nations, if the Dominions and Brazil and receiving from them authorization to sign the instrument on their behalf. He was uncertain whether the Government of India would be similarly consulted. Asked whether this amendment meant that the "additional requirements" foreseen in Article 12 (B) of the surrender instrument would have to be similarly approved by all governments authorizing signature of the instrument "on their behalf", Strang stated that this would presumably be the case.

In view of

-3-#4590, May 1, Noon, from London

In view of Department's 2233, March 23, 11 a.m., reporting the representations made by the Canadian Ambassador to the Department, I shall withhold comment on this proposal when it is presented in the European Advisory Commission. The military developments may not permit consideration of this UK amendment; the latter reopens a question which was argued at great length during the negotiation of the surrender instrument and was definitely decided in favor of the present wording.

WINANT

BE

DEPARTMENT
OF
STATE

INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

ALH-1796

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

London

Dated April 27, 1945

Rec'd 7:50 a.m.

15

Secretary of State

Washington

US URGENT

4273, April 27, Noon

COMEA 225

In two recent meetings the EAC has begun a pre-
liminary survey of the problem of restitution. While
the Soviet representative asked a number of questions
no firm Soviet viewpoint emerged.

I hope Department will be able shortly to reply
to my 3381, April 3, 6 p.m., COMEA 203, transmitting
a draft agreement on principles governing restitution
of cultural property. It would greatly assist early
consideration of this important aspect of restitution
if I could circulate this draft agreement at once.

WINANT

BB
NPL

DEPARTMENT
OF
STATE

INCOMING
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DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

EK-1795
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

London

Dated April 20, 1945

15

Rec'd 7:45 p.m.

Secretary of State,
Washington.

4078, April 20, 9 p.m.

Under date of April 14 Norwegian Foreign Minister
Lie has addressed a letter to chairman, European Advisory
Commission, raising certain questions regarding Norway's
relationship to the instrument of unconditional surrender
for Germany. COMEL 224. Full text by air. Summary begins:

Norwegian Government requests that full text of
instrument be submitted to it, instead of summary, as a
basis for adequate expression of its observations thereon.

Norway feels that imposition of terms "in the interests"
of the United Nations other than the principal three powers
leaves doubt regarding position of other United Nations
towards Germany and may be source of juridical and political
conflicts. Lie feels terms should state that in principle
all United Nations are entitled to same rights towards
Germany. Allies who have made valuable contribution to
common victory should take part in notifying terms of
surrender to the Germans. In case of Norway publication
of special

-2-#4078, April 20, 9 p.m., from London.

of special terms to German forces in Norway should be done by authority of Norwegian as well as of the three Governments. Lie draws attention to proposal contained in annex A, attached to his letter of September 2, 1944, to EAC chairman, that a Norwegian plenipotentiary should take part in notifying terms of surrender to German forces in Norway. Letter goes on to propose special terms (1) to concentrate in camps German forces and civilians found in Norway, (2) to prohibit destruction of any object in German possession in Norway, and (3) to hold prisoners of war and displaced persons in camps pending orderly repatriation and asks whether these special matters should be covered in annex to the instrument or in special terms to be notified to the Germans in Norway.

With regard to the "additional requirements" to be imposed on Germany, Norwegian Government hopes to participate in the preparation of these joint demands and in presenting them to Germany in its name and not merely "in the interests" of the United Nations. Norwegian Government would like information about the composition and activities of the Allied Control Commission and the Reparation Commission, with opportunity to present its own observations. It also wishes further an early discussion with the Allied Consultation Committee of the EAC. End of summary.

WINANT

MJF

INCOMING
TELEGRAM

15

DSH-1443
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

London

Dated April 19, 1945

Rec'd 9:25 p.m.

Secretary of State

Washington

3991, April 19, 6 p.m.

TOP SECRET

GONEA 223.

Correction in text of March 23 memorandum, circulated
to the European Advisory Commission as EAC 45/30 on
April 6, has been effected in a memorandum circulated
today, based on Department's 3033, April 18, 7 p.m.

WINART

LMS

C
O
P
YINCOMING
TELEGRAM

15

DMH-441
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

LONDON

Dated April 17, 1945

Rec'd 12:55 p.m.

Secretary of State,

Washington.

US URGENT

3901, April 17, 7 p.m.

I am glad to have the discretion contained in
Department's 2927, April 14, 7 p.m., and Department's
2946 April 16, 4 p.m., to omit the word "naval" from
the draft agreement on control machinery in Austria.
COMEA 222. In the EAC discussions the Soviet represen-
tative has assumed that, in the absence of a naval
division, naval personnel would service in the military
division or, for purposes of dismantling naval equip-
ment factories, in the economic division.

I intend to hold this discretion in reserve for
the present. To give way at this stage of negotiation
on the naval division would make it impossible to keep
the air division. I assume that we must retain the air
division in any case, despite the Soviet proposal to
merge it and the naval staff in the military division.

WIRANT

EDA

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

ASB-1443

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

London

Dated April 13, 1945

15

Rec'd 8:30 p.m.

Secretary of State,

Washington

US URGENT

3800, April 13, 7 p.m.

COMEIA 220

The UK representative on the EAC has circulated
a short draft proposal for an Interim Allied Commission
in Austria to cover the period from occupation of
Vienna to surrender or collapse of Germany. Summary
follows:

Commission to be established in Vienna as soon as
occupied, with functions as follows: (one) Promote
establishment of central Austrian administrative machinery
as soon as possible; during interim period this function
will also apply to local administrative machinery
including Vienna and purging of existing officials.
(two) Supervise such Austrian machinery of administration
local or central as may be established. (three) Give
effect to Allied policy in Austria so far as it is
possible in this period. The Interim Commission to
deal with

-2- #3800, April 13, 7 p.m., from London

deal with administrative and political problems
relieving Commander-in-Chief of responsibility in
such fields. Operational matters will remain sole
responsibility of Commander-in-Chief. END OF SUMMARY.

WINANT

JT

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO :

DATE:

FROM :

SUBJECT: COMEA 219

If it is in the power of Source
something should certainly be done
about getting instructions to Mr. Wisant
about French zone in Germany. At present
with JCS.

WTR

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

SG-1216
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

London
Dated April 13, 1945
Rec'd 11:03 a.m.,

15

Secretary of State,
Washington.

US URGENT

3780, April 13, 2 p.m.

Before last meeting of the EAC Massigli pressed very hard for an early reply to the French proposal concerning a French zone to be carved out of the United States zone in Germany, reported in my 1400, February 8, 9 p.m., COMEA 219. I have refrained from reporting numerous previous inquiries and urgings realizing that the Department was doing all it could to expedite an answer.

I must now report that the French are very seriously concerned at this apparent indifference to a question which affects national interests and prestige of France to a high degree. They cannot understand why a decision announced by the President over two months ago has not been implemented. Practical problems are also involved inasmuch as SHAEF wishes the French Army to provide civil affairs teams to work in the areas which will later form the French zone of occupation. I hope you can make whoever is responsible for the delays

understand

-2- # 3780, April 13, 2 p.m., from London

understand that untoward postponement of our reply becomes a political factor in itself and may affect other matters in which we must seek agreement.

WINANT

WFS

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

ASB-1444

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

London

Dated April 13, 1945

Rec'd 8:30 p.m.

15

Secretary of State,

Washington

US URGENT

3783, April 13, 2 p.m.

COMEIA 218

In connection with Soviet insistence on inclusion of a reparation division in control machinery for Austria, discussion turned to principle of Austrian reparation at last night's meeting of the EAC. Gousov requested answer on principle to question reported in my 3477, April 5, 5 p.m. My attitude in the discussion was based on Department's 2794, April 10, 7 p.m.

In reply to Gousov's query Strang stated UK view that Austria should not escape obligation of reparation as matter of right but that Allied political aim of reestablishing independent Austria should be guiding factor; payment for imports regarded by four powers as necessary for Austria should have precedence over reparation transfers. Massigli similarly pointed out need to decide later whether Austria can pay reparation and how

-2- #3783, April 3, 2 p.m., from London

and how much.

Strang asked whether affirmative reply in principle to Soviet query should not be accompanied by reservation of view or how much Austria could pay. In one exchange Gousev asked whether trade or reparation was basis of Allied policy in Austria. At close of discussion Massigli proposed a formula by which Austria as a former component part of the Reich would be bound to make compensation for damage done to the Allies, while the four governments, having in mind their intention to restore an independent Austria, retain complete freedom of judgment regarding the amount and method of such compensation. The Commission agreed to study this formula.

Gousev's insistence on acceptance by EAC of the principle of Austrian reparation has thus for the moment given the French representative an opening for securing discussion of this question at a four power level. Early in the discussion Gousev had stated that the EAC should merely adopt the principle, without entering into negotiation on implementation.

WINANT

JT

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

ASB-1371

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

London

Dated April 13, 1945

Rec'd 5:40 p.m.

15

Secretary of State,

Washington

US URGENT

3782, April 13, 2 p.m.

Last night's meeting of the EAC dealt with the
United Kingdom draft agreement on control machinery
in Austria (EAC 45/7) and the Soviet draft amendments,
reported in my 3450, April 4, midnight. COMEIA 217.

One. In paragraph two of preamble, I objected to
reference to "annexation" instead of "purported annex-
ation", as set forth informally in attachment to
Department's instruction 5310 of April 6. It was agreed
to overcome this difficulty by omitting, in the United
Kingdom draft, the words "and that they considered
*** March 1938".

Two. It was agreed to insert in preamble a
reference to the French declaration of November 16, 1943
(my 3116, March 26, 7 p.m.)

Three. It was agreed to insert at end of preamble
the words "recognized by the four said great powers".

Four

-2- #3782, April 13, 2 p.m., from London

Four. It was agreed to delete article two (B) of the United Kingdom draft.

Five. Strang proposed a new draft of Article nine of United Kingdom draft, to provide for use of local organs after they "have been duly purged". Gousev objected that certain organs might be dissolved or reorganized and that the occupying powers should not bind themselves merely to "purge". After Gousev had made it quite clear that he did not envisage wholesale dissolution of local administrative organs and that he expected the Allied Commanders through the Allied councils to work out a uniform policy of administrative reorganization to apply throughout Austria, Strang withdrew his revised draft and the Commission agreed to omission of last sentence of Article nine.

Six. Longest part of discussion dealt with Soviet proposal to omit "naval" representatives in Article two (A) and to combine three service division into one, in Article four (A). Gousev insisted that no naval division was needed, stating that the work of dismantling naval factories could be carried out by the Economic division. I refused to compromise. No agreement was reached

-3- #3782, April 13, 2 p.m., from London

reached.

Seven. When Gousev again urged a reparation division, I simply suggested to him that I saw little reason for his argument for simplification by omitting the naval service while on an economic matter he wanted to expand the number of divisions. I told him also that we did not agree with his suggestion that dismantling was the work of the Economic division alone, that, for example, we wanted naval representatives to advise in the demolition of naval factories in Austria.

Gousev urged that the Economic division should deal with production, but not with reparation. Both Strang and Massigli expressed a preference for calling it "Restitution and Deliveries division" with "reparation" added later if it should be decided to make Austria pay reparation. Further discussion of principle of Austrian reparation reported separately. No agreement was reached on the proposal to include a Reparation division. Next EAC meeting April 16.

WINANT

LMS

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

MJK-1250
This telegram must be
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fore being communicated
to anyone. (SECRET)

London

Dated April 13, 1945

Rec'd 12:35 p.m.

15

Secretary of State,
Washington.

US URGENT.

3781, April 13, 2 p.m.

COMEN 216.

At the close of last night's meeting of the EAC the French representative distributed to the members a statement urging immediate negotiation on problems of restitution. Full text by air.

Summary of French statement. Referring to United Kingdom, French and United States memoranda on restitution (EAC papers 44/28, 45/3, 44/31 and 45/22) and to press reports of large stocks of gold and art works uncovered by United States forces in Germany Massigli urged EAC to agree urgently on general principles to be adopted in regard to restitution. End of summary.

In the discussion the Soviet representative asked for certain clarifications of the concept of restitution. He asked if restitution covered both property taken by force and property handed over voluntarily to the Germans by persons and organizations; if both state and private property

-2-, #3781, April 13, 2 p.m., from London.

property were included; and if restitution covered the subject of compensation for property not found and recovered. In reply Strang stressed the need for limiting restitution to return of identifiable specific objects, and for returning objects to the governments rather than to individual owners. Massigli brought out briefly the French view that restitution should be extended to cover replacement. It was agreed to discuss restitution at the next meeting of the commission April 16.

WINANT

WFS

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

EAS-1238
This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

London

15

Dated April 13, 1945

Rec'd 12:07 p.m.

Secretary of State,
Washington.

3784, April 13, 2 p.m.

Strang has informed me that the Belgian and Luxembourg Governments had accepted the invitation of the United Kingdom Government to provide contingents of forces to be stationed in the United Kingdom zone of occupation in Germany under the United Kingdom Commander-in-Chief (my 3550, April 7, 7 p.m.) COMEFA 215. The Netherlands and Norwegian Governments are uncertain regarding acceptance of the United Kingdom invitation for their participation.

WINANT

NPL

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

LFG-1060

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

London

Dated April 12, 1945 15

Rec'd 10 p.m.

Secretary of State,

Washington.

3717, April 12, 2 p.m.

COMEIA 214.

The French representative on the European Advisory
Commission has circulated a memorandum on "disposal of
war material". Full text by my despatch 22336 of April
11.

Memorandum proposes following priorities for
distribution of German war material: (1) Return
to each of the United Nations of any material which
originally belonged to it; (2) Requirements for
Pacific War occupying forces and the "initial re-
armament of the liberated countries". War material
"not specifically military in character" and useful
for economic purposes should be allocated among the
United Nations.

Memorandum proposes an "Inter-Allied Commission
on War Material" to allocate war material during control
machinery period. From the memorandum it is not clear
whether the proposed commission would be subordinate

to the control

-2-#3717, April 12, 2 p.m., from London

to the control council, superior to it or advisory to it. However, memorandum proposes that the Commission decide on applications of Allied governments regarding their military requirements and that it allocate "economic war material" after "consulting appropriate divisions" of the control machinery in Germany.

WINANT

MJF

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

CC-798

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

London

Dated April 12, 1945

Rec'd 10:16 a.m.

Secretary of State,
Washington.

US URGENT

3716, April 12, 2 p.m.

COME A 213

Embassy's 3679, April 11, 4 p.m. raises a question
of great importance concerning inter-Allied negotiations
for the interim chartering of German shipping found
in Germany at time of surrender or collapse. I hope
Department will give careful study to it in connection
with United States draft directive on German merchant
shipping (now before the EAC).

WINANT

WFS

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

LC-809

This telegram must be
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to anyone. (SECRET)

London

Dated April 12, 1945

Rec'd 10:58 a.m.

15

Secretary of State,
Washington.

US URGENT

3715, April 12, 2 p.m.

On Tuesday the EAC devoted four hours to
discussion of zones of occupation in Austria and
areas in Vienna. COMEA 212. In order to take Judge
Rosenman to see Mr. Eden I had Mosely sit in for me.

The Soviet representative argued very stiffly
for each point of his amendments (my 3449, April 4,
midnight). The United States delegation gave a
preliminary and tentative acceptance of the Soviet
request to occupy Upper Austria north of the Danube,
conditioned on satisfactory adjustment of other
points under negotiation. Strang gave a similarly
conditional acceptance of the Soviet request for
the southern part of Burgenland.

With regard to greater Vienna the United States
representative first argued strongly in favor of
adopting

-2-#3715, April 12, 2 p.m., from London

adopting the Gau boundaries. At a later stage he asked the commission to explore the adjustments which would be necessary in case the narrower boundaries of the city of Vienna were adopted and presented a formula placing the Schwechat Aerodrome under full United States administrative and operational control for "serving the requirements of the forces of the four occupying powers". In a long and involved discussion the United States delegate maintained this proposal firmly. Chances are better than fair that Gousev will be able to get the necessary leeway from his government.

On the assumption that it may be impossible to reach agreement without accepting the Soviet proposal to adopt the narrower boundaries of the city of Vienna the United Kingdom representative put forward oral proposals to give Allied forces access, for recreation and training, to areas outside the city of Vienna. In principle Gousev accepted this claim as reasonable and I believe it can be written into the agreement of accompanying report.

Strang also proposed that four airfields be assigned to the occupying powers, one to each. This

met with

-3-#3715, April 12, 2 p.m., from London

met with very strong Soviet resistance.

Toward the end of the discussion the United States representative presented a tentative formula for the division of the city of Vienna. Under it the districts of Londstrasse, Wieden, Favoriten, and Simmering would be occupied by United States forces; the inter-Allied authority would regulate occupation of Innere Stadt and the "the equitable assignment of its facilities". At the close of the meeting the Soviet representative categorically demanded Soviet occupation of Innere Stadt at "the insistence of the Red Army". I believe it may still be possible to work out a compromise by which Innere Stadt would be occupied by Soviet forces and the inter-Allied authority would regulate the equitable assignment of its facilities.

The commission will meet on April 12. On the basis of the instructions and indications furnished so far my delegation is fighting hard to protect the essential interests of the United States control group regarding control of an airfield and participation in use of Innere Stadt facilities.

WINANT

JMB

DEPARTMENT
OF
STATE

GEK

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

OUTGOING
TELEGRAM

April 10,

7 p.m.

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

AIRMAIL

LONDON

2794

1:4

The Department is disturbed by the Soviet desire, reflected in your 3477 April 5, 8 p.m., COMEA 208, to hold up completion of an agreement on control machinery unless we agree immediately to exact reparations from Austria.

We do not share the Soviet view that QUOTE in principle Austria must pay reparations for her contribution to the German war effort and for failure to assist the Allies in securing her liberation. UNQUOTE. We feel that this view is unrealistic and would have dangerous political implications in Central Europe. Although in our propaganda we have consistently exhorted the Austrians to QUOTE contribute to their own liberation UNQUOTE we do not (REPEAT NOT) believe they can be judged at this time to have failed to do so, as stated by Gousev, considering the grip held by the Gestapo and the meager aid from outside up to

-2- #2794, April 10, 7 p.m., to London

the entry of the Red Army into Austria this month.

We feel that a reparations program for Austria analogous to the German program would be inconsistent with the Moscow Declaration, and that execution of such a program would require a reversal of the whole policy towards Austria on which the Moscow Declaration is based. It would also be inconsistent with April 8 broadcasts by Moscow radio to the people of Austria and by General Tolbukhin to the people of Vienna, that ~~QUOTE~~ the Austrian population is resisting the evacuation carried out by the Germans and meeting hospitably the Red Army as liberator of Austria. ~~UNQUOTE~~. We believe it would turn the Austrians against our cause; ^{and} tend ultimately to force Austria back into the arms of Germany thus strengthening Germany again in later years,

-3- #2794, April 10, 7 p.m., to London

While we are prepared to ^{modify} our previous position of flat opposition to payment of reparation by Austria, we would strongly oppose any Austrian reparation other than transfer of existing capital equipment of a type which is clearly redundant in relation to the requirements of a healthy, peacetime Austrian economy. Machinery in armament plants established in Austria since Anschluss would be the chief source of reparation under such a program. A program limited in this fashion might be properly regarded, and presented to the Austrian people, as part of the German reparation program, rather than as a separate and distinct imposition of reparation on Austria.

In carrying out the instruction contained in our 2696, you should avoid any statements which would commit us to a more extensive program than is set forth above. It would be desirable to avoid extensive discussion of Austrian reparation in EAC, leaving the matter as far as possible to Reparation Commission. The foregoing is, accordingly, for your background information.

STETTINIUS
(HFN)

CE:Ware Adams:RH 4/9/45

FN

A-C

DEPARTMENT
OF
STATEINCOMING
TELEGRAMDIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

MF-1888

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

London

15

Dated April 9, 1945

Rec'd 7:55 p.m.

Secretary of State

Washington

3629, April 9, 9 p.m.

One. In regard to the alteration in the United Kingdom restitution memorandum reported in Embassy's 648, January 18, Coulson told Mosely and Penrose informally that United Kingdom officials agree that the return of property which has been the subject of official sequestration by Germany should be dealt with directly by the governments representing the former owners. The alteration of paragraph seven (1) of the restitution memorandum does not imply any change in this position. (REDEPTS 1220, February 26, paragraphs one and two).

Two, United Kingdom officials are giving further consideration to the question whether a rule should be established to return looted property to the government having jurisdiction over the sites from which the property was taken (REDEPTS 418, January 18) three (B) and the question whether the Commission should make binding determinations of the respective rights of Allied

Governments

-2- #3629, April 9, 9 p.m., from London

Governments concerning property in dispute (REDEPTS 418, January 18) three (D). It does appear that United Kingdom officials conceive of a restitution body as adjudicating claims of title rather than determining original location. We will inform the Department of the results of further consideration of these points by United Kingdom officials as soon as possible.

WINANT

LMS

DEPARTMENT
OF
STATEINCOMING
TELEGRAMDIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

MJW-1641
This telegram must be
closely paraphrased be-
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to anyone. (SECRET)

London

Dated April 8, 1945

Rec'd 5:00 a.m., 9th

Secretary of State

Washington

3590, April 8, midnight

FOR MR. LUBIN

After careful consideration of your message, Department's 2663, April 5, 7 p.m., and after reviewing Department's instructions on restitution, I believe there is no insuperable problem involved in working on reparation in Moscow and on restitution in the EAC. COMEA 211. Discussing restitution separately from reparation may actually facilitate reaching an agreement in principles and preliminary machinery of restitution along lines advocated by the Department in its 418, January 18, midnight, its 1220, February 16, midnight, and its 1795, March 8, midnight. Early working agreement also appears urgent to the military now burdened with conflicting claims for restitution and to liberated United Nations.

I have always understood that any restitution commission would be closely linked with the reparation commission when
established

-2- #3590, April 8, midnight from London

established. Within Germany the four power control machinery will in any case have operational responsibility for giving effect to both restitution and reparation programs.

As you have noted the Foreign Office also hopes to reach an early agreement on restitution. It is not clear whether the French will be ready to discuss restitution in EAC if they do not participate in the Moscow talks. The Russians have not taken a position on the separate discussion of restitution.

Your message makes particular reference to 2 types of cases on borderline between restitution and reparation: One, a case in which it is better to leave a looted machine in Situ (repeat in Situ) in order not to disrupt a larger plant of which it forms an essential part; Two, transfer of an identified looted object to a reparation claimant instead of returning it to the government of the owner claimant. In the first case, the Allied Control authorities in Germany would have power to defer removal; an Allied Government could also defer its return pending appeal to the restitution commission. In the second case, the good grace with which an owner claimant would relinquish his claim in favor of a reparation claimant would depend on whether agreement had been reached on an overall ratio for balancing damage recovered thru restitution against damage made good thru reparation

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

PEM-1278
This telegram must be
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fore being communicated
to anyone. (SECRET)

London

Dated April 7, 1945

15

Rec'd 4 p.m.

Secretary of State,
Washington.

US URGENT

3550, April 7, 7 p.m.

COMEA 210

At last night's meeting of the European Advisory Commission Sir William Strang stated that in view of the rapid developments of military events the UK Government had, in virtue of the discretion conferred by article four of the protocol on zones of occupation in Germany, entered into communication with the Belgian, Luxembourg, Netherlands and Norwegian Governments with a view to their providing auxiliary contingents to be stationed in the UK zone under the command of the UK commander-in-chief. This information was received without comment by the other three representatives.

WINANT

WTD

1/2/5

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation COMEA Telegrams 170-300

Date April 7, 1945

From Minant

To Sec. of State

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

- Security-Classified Information
- Otherwise Restricted Information

Belgium/No
Authority

JAN 6 1976
Date

WITHDRAWAL NOTICE

DEPARTMENT
OF
STATE

MS

This telegram must be
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OUTGOING
TELEGRAM

April 6, 1945
7 p.m.

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

15

U. S. URGENT

AMBASSY,

LONDON.

2696

In order to expedite agreement on control machinery for Austria (REURTEL 3477 April 5, 8 P.M. Comea 208) you are authorized to consent to inclusion of the word "reparation" in the title of the control division under reference. You should make it clear that this Government is willing to agree in principle to the payment of reparation by Austria on the understanding that such reparation will not (repeat not) be exacted until the Moscow Reparation Commission shall have given thorough consideration to the form and volume thereof.

ACHESON
(Acting)
(HFM)

Fl:A. Rosenson:wh
4/6/45

A-C:ED

EUR

DEPARTMENT
OF
STATEINCOMING
TELEGRAMDIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

MB-531

This telegram must be
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London

Dated April 5, 1945

Rec'd 8:50 p.m.

15

Secretary of State,
Washington.

US URGENT

3477, April 5, 8 p.m.

COME A 208

As reported in my 3450, April 4, midnight, the Soviet representative on the European Advisor Commission at last night's meeting proposed including a "reparation and deliveries division" in the control machinery for Austria. In accordance with Department's 2007, March 15, midnight, I objected strongly, urging that inclusion of a reparation division, by underlining the idea of Austrian reparation would greatly discourage the effort of Austria to rebuild its economic independence, which would in any case be precarious initially. I stated that my Government while insisting on Austria's obligation to make restitution of identifiable looted property located in Austria, did not (repeat not) approve in principle imposition of a reparation burden on Austria. I proposed that restitution be handled as a function of the Economic division.

Strang also

-2- 3477, April 5, 8 p.m., from London

Strang also questioned Austria's ability to pay reparation and at the same time to rebuild a stable economic life and asked whether the question of Austrian reparation fell within the sphere of the Moscow Compensation Commission. He suggested tentatively a "restitution and deliveries division" with later possible insertion of "reparation" if the Moscow Commission decided that Austria should pay reparation.

Gousev then raised two questions on which he requested early expression of views by members of the EAC.

(One) Should the question of Austrian reparation be discussed in the EAC or in some other body?

(Two) What should be done with the German industries in Austria, particularly those which have been established or expanded since 1938, and what should be done with other property belonging to the German state or to German citizens and located in Austria?

Referring to great expansion of German industry in Austria, Gousev stated that it was understood at Yalta that the Compensation Commission would take into account German investments in other countries in calculating reparation, and that the United States delegation at Yalta had advanced certain estimates concerning German investments located in the United States and other American countries and potentially

available as

-3- 3477, April 5, 8 p.m., from London

available as compensation.

In conclusion, Gousev stated what his Government had no doubt whatever but that in principle Austria must pay reparation for her contribution to the German war effort and for failure to assist the Allies in securing her liberation. He stated that this question of principle must be decided in the European Advisory Commission, but that the calculation of volume and categories of Austrian reparation was a function of the Compensation Commission in Moscow.

In a short private talk I tried to discover whether Gousev envisaged immediate transfers of machinery from stocks existing in Austria or a program of recurrent reparation out of new production. Apparently he has both programs in mind.

I must point out to the Department that it will be impossible for the EAC to conclude an agreement on control machinery for Austria until it has settled the question of including a reparation division. If conclusion of the control machinery agreement, already long postponed, and of the interim arrangements for a shared Allied control in the period between the occupation of Vienna and German surrender or collapse, is long delayed, the Soviet forces