DEF. DOC. #2838

DEPARTMENT OF STATE

Washington

In reply refer to
SE

October 9, 1946

My dear Secretary Patterson:

In accordance with a note from Marshal Tito of Yugoslavia dated September 20 and addressed to the American Embassy at Belgrade, the Department of State has now received the sum of $150,000 from the Federal People's Republic of Yugoslavia as indemnity for the lives of the five members of the U.S. Army Air Force who perished when their plane was shot down over Yugoslavia on August 19. A copy of Marshal Tito's note is enclosed.

It will be noted that the Yugoslav Government wishes to allocate "one single payment of U.S. dollars 30,000 to the nearest family of each of the perised members of the crew of the crashed airplane No. 4374" and that the Ministry of Foreign Affairs requests "the State Department to be kind enough to distribute the said amount among the families of the perished airmen and to kindly inform the Ministry of the performed distribution". In accordance with the appropriate legislation applying to payments of this nature (31 USC 547) the $150,000 is being deposited in a special account with the Treasury Department, which will disburse the amount in accordance with certifications made to it by the Department of State. I presume that the War Department records contain data regarding the family status of the deceased as well as an indication of the beneficiaries they had designated to receive insurance payments due them in the event of death. In order that the Department of State may make

The Honorable
Robert P. Patterson,
Secretary of War.

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proper certification to the Treasury Department, I would appreciate receiving such information concerning the names and addresses of the "nearest family" of each of the five fliers who lost their lives as the War Department can furnish.

Sincerely yours,

/s/ Dean Acheson
Acting Secretary

Enclosure:

Copy of note of
September 20, 1946
from Marshal Tito

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The Ministry for Foreign Affairs of the Federative People's Republic of Yugoslavia presents its compliments to the Embassy of the United States of America and in connection with the conversation which the President of the Council of Ministers of the Federative People's Republic of Yugoslavia, and Acting Minister for Foreign Affairs, Marshal of Yugoslavia, Josep Broz Tito had with the Ambassador of the United States of America, His Excellency Richard S. Patterson, Jr., has the honor to state the following:

On

One. Considering the situation arising from the loss of lives of five American airmen, the Government of the Federative People's Republic of Yugoslavia decided to express its sympathy towards the innocent families of the perished airmen, by allocating one single payment of United States dollars 30,000 to the nearest family of each of the perished members of the crew of the crashed airplane No. 4374.

Two. The Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that orders have been issued to the Chase National Bank of the city of New York to the effect that the amount of United States dollars 150,000 be paid OSD (sic) the account of the State Department. The Ministry for Foreign Affairs has the honor to request the State Department to be kind enough to distribute the said amount among the families of the perished airmen and to kindly inform this Ministry of the performed distribution.

Three. This decision of the Government of the Federative People's Republic of Yugoslavia was inspired by humar feelings, notwithstanding its firm attitude to reject most energetically any responsibility for the regrettable accident. Therefore, the Government of the Federative People's Republic of Yugoslavia cannot accept the claim of the Government of the United States of America to pay any compensation for the planes either damaged or destroyed over Yugoslav territory. These planes illegally flew over the Yugoslav territory and the damage was caused through the fault of the crew which did not obey the orders of the Yugoslav authorities to land.

Belgrade,

20 September 1946.

DEF. DOC. #2858

DEPARTMENT OF STATE

FOR THE PRESS

AUGUST 20, 1946
No. 586

The American Ambassador in Belgrade has been instructed to deliver to the Yugoslav Ministry of Foreign Affairs a note along the following lines:

"Reference is made to previous representations with regard to alleged violations of Yugoslav territory by United States aircraft and the forcing to the ground by Yugoslav aircraft of an American C-47 air transport on August 9. United States authorities in Austria and Italy have now reported the results of their investigation in this connection, from which it appears that on August 9 airplane no. 43-15376 of the C-47 type, while on a regular flight from Vienna to Udine encountered bad weather over Klagenfurt and was engaged in an effort to find its bearings when at approximately 1300 it was attacked by Yugoslav fighters. The attackers fired repeated bursts at the aircraft as a result of which one passenger was seriously wounded and the plane forced to crash land, wheels retracted, in a field near Kranj, twelve kilometers from Ljubljana. As for other 'violations' of Yugoslav territory referred to in the Foreign Office's note of August 10, alleged to total 172

between July 16 and August 8, United states authorities in Austria and Italy report that only 74 flights have taken place between these dates and that operations officers at Haarsching and Tulln airfields have thoroughly briefed all crews to use approved routes avoiding Yugoslavia.

"It would be assumed that the authorities of Yugoslavia would wish to render a maximum of assistance and succor to aircraft of a friendly nation when the latter are forced by the hazards of navigation in bad weather over dangerous mountain barriers to deviate from their course and seek bearings over Yugoslav territory. On the contrary, Yugoslav fighter aircraft have seen fit without previous warning to take aggressive action against such a United States transport plane, the identification of which was clearly apparent from its markings, and have forced it to crash land after wounding one of its passengers. Subsequently, Yugoslav authorities have detained the plane, its crew and passengers and refused to permit American consular officers access to the plane or personnel until specific representations were made by the United States Embassy to the latter effect. Finally, no reply has been forthcoming to the Embassy's requests that the crew, passengers and plane be released from detention and the

personnel permitted to depart from Yugoslavia without delay. Meanwhile, it is reported from Trieste that a second United States plane en route to Italy from Austria is missing after having last reported itself under machine gun attack.

"The Embassy is instructed to protest most emphatically against this action and attitude of the Yugoslav authorities, to renew the United States demand for immediate release of the passengers and crew now able to travel, and in conclusion to request an urgent Yugoslav statement whether in the future the United States Government can expect that the Yugoslav Government will accord the usual courtesies, including the right of innocent passage over Yugoslav territory, to United States aircraft when stress of weather necessitates such deviation from regular routes. The Yugoslav authorities have already received United States assurance that United States planes will not cross Yugoslavia without prior clearance except when forced to do so by circumstances over which they have no control. The United States Government, pending receipt of detailed information regarding injury to persons on these two planes and the cost of repairing planes, fully reserves its position in matter of claims for compensation."

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DEP. DOC. #2838

DEPARTMENT OF STATE

FOR THE PRESS

AUGUST 21, 1946
No. 591

The Acting Secretary of State handed the following note to the Yugoslav Charge d'Affaires ad interim this afternoon:

"Sir:

"The American Embassy in Belgrade has informed me of the contents of the message received from the Yugoslav Foreign Office on August 20. The replies of the Yugoslav Government to our inquiries are wholly unsatisfactory to the government and shocking to the people of the United States.

"Your government expresses regret because of what you call an unhappy 'accident.' Your government is aware that this was no accident; that a fighter plane of your government deliberately fired upon a passenger plane of the United States Government. Your government states that one reason for the 'accident' was that since August 10th there have been forty-four instances where American planes flew over Yugoslav territory. The records show that since August 10 the total number of flights scheduled for that route was only thirty-two. These flights were made under instructions to avoid flying over Yugoslav territory and if in any instance

a plane was over Yugoslav territory it was only because the pilot was forced by bad weather outside of the corridor.

"But this attack of August 19th was not the first. On August 9 a United States passenger plane while in the vicinity of Klagenfurt was fired upon by a fighter plane of the Yugoslav Government. It was forced to make a crash landing. When it landed, the crew and passengers were taken into custody by Yugoslav authorities and are still held as prisoners of the Yugoslav Government.

"For some days the representative of the United States Government was unable to communicate with these American citizens. Finally he was permitted to do so but only in the presence of the military authorities of Yugoslavia. Twelve days have passed and these American citizens are still held by Yugoslavia.

"The message now received from our representative indicates that on the 19th of August when this second passenger plane was fired upon, some if not all, of the occupants were killed. They met their death not by 'accident' but by the deliberate acts of Yugoslav authorities. The excuse given for taking the lives of these Amrican citizens is that the plane in which they were travelling was a few kilometers

inside of Yugoslav territory. Your government asserts that for twelve minutes prior to the attack the pilot of the plane was 'invited' to land. At the time you claim the pilot was 'invited' to land the records at Klagenfurt show the pilot advised the Klagenfurt station that he was over Klagenfurt, which is well outside of Yugoslav territory, and was all right.

"These outrageous acts have been perpetrated by a government that professes to be a friendly nation. Until we have had opportunity to confer with the survivors of these two attacks and we receive such other evidence as is available, we make no statement as to the exact location of the two planes when they were attacked.

"Regardless of whether the planes were a short distance within or without the corridor, they were unarmed passenger planes on route to Udine, in Italy. Their flight in no way constituted a threat to the sovereignty of Yugoslavia. The use of force by Yugoslavia under the circumstances was without the slightest justification in international law, was clearly inconsistent with relations between friendly states, and was a plain violation of the obligations resting upon Yugoslavia under the Charter of the United Nations not to use force except in self-defense. At no time did the

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Yugoslav Government advise the United States Government that if one of its planes should, because of weather conditions, be forced a mile or two outside of the corridor or, because of mechanical troubles, should find itself outside of that corridor, the Yugoslav Government would shoot to death the occupants of the plane. The deliberate firing without warning on the unarmed passenger planes of a friendly nation is in the judgment of the United States an offense against the law of nations and the principles of humanity.

"Therefore the Government of the United States demands that you immediately release the occupants of these planes now in your custody and that you insure their safe passage beyond the borders of Yugoslavia.

"The Government of the United States also demands that its representatives be permitted to communicate with any of the occupants of the two planes who are still alive.

"If within forty-eight hours from the receipt of this note by the Yugoslav Government these demands are complied with, the United States Government will determine its course in the light of the evidence then secured and the efforts of the Yugoslav Government to right the wrong done.

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"If, however, within that time these demands are not complied with, the United States Government will call upon the Security Council of the United Nations to meet promptly and to take appropriate action.

"Dr. Sergije Makiedo,
"Charge d'Affaires ad interim
"of Yugoslavia."

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DEF. DOC. #2838

DEPARTMENT OF STATE

FOR THE PRESS

AUGUST 24, 1946
No. 596

The Department of State has received the following messages from Ambassador Patterson from Belgrade:

"August 22, 9:00 p.m.

"Tito received me today in friendly manner accompanied by Colonels Partridge and Stratton and Fraleigh. Two hour conference covered both protest on planes and other points at issue. Regarding planes, I read the Department's August twenty-first note. Tito replied occupants of the first plane were released today and already on way to Triest; said occupants of second plane have not yet been found. Plane burned in air and very doubtful now that two men parachuted out. Search parties are still out and our request to send representatives with them was granted. Tito also promised to give us remains of planes and allow communication with any survivors. He gave personal account of forcing down of first plane; promised written account from Fourth Army regarding the second plane. Tito said incidents were not result of any special order and emphatically not retaliation for Yugoslavs shot by American border patrol.. Crossing of border by air was infringement of Yugoslav sovereignty and Yugoslav fighters were

action in normal defense of frontier. He had warned repeatedly against continuation of unauthorized flights over Czechoslovak territory. He refutes Ribbentrop's figures of unauthorized flights as not including frequent unprovoked excursions of military aircraft from Allied Czechoslovakia.

He said such flights numbered in thousands and were deliberate flaunting of Czechoslovak sovereignty and attempt to impress Czechoslovakia with Allied strength. Nevertheless, he declared loss of lives and has now given orders that no foreign planes are to be shot at under any circumstances. Incidents will not be repeated. Marshal said, Czechoslovak military escort planes forced off course by weather trouble. Loss of direction or mechanical difficulties in reasonable numbers and suggested means for disarming planes by such planes be carried out. In reply our statement that at the time allegedly invited to Zlin the second plane crashed near Klagenfurt, Marshal said thousand people witnessed incident well inside Czechoslovak territory. First plane was not "a few kilometers inside Czechoslovakia but fifty kilometers". Film authorities he is extremely sorry for what happened; provided written confirmation; promised assure other lines rebuked. In later conferences he agreed to most demands in our note.

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"PATTERSON"

- - - -

"Undated

"With two Yugoslav officers detailed to assist us we spent today searching for August 19th wreck and bodies in mountains northwest of Bled. By making two hour drive and four hour hike we found wreck smashed and burned on wooded hillside. Peasants there guided us to remains of bodies buried in church yard at Koprivnik village, one hour hike from wreck. Remains were gathered August 20, buried same day by Yugoslav militia patrol. We found patrol leader who told us two bodies were burned in parachutes inside plane. These and fragments of other bodies pointed to 'five or six killed'. This contradiction of Tito's statement to us yesterday and tonight that occupants not yet found is perhaps due to bad staff work.

"We are informing Tito of our discoveries and requesting Yugoslav Air Force guard of honor and if Department approved, burial in American Military Cemetery, Belgrade, with full military honors on part of Yugoslavia. We conclude there are no survivors. Plane total loss. Graves registration examining wreck and disinterring remains.

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"Tomorrow we will see August 9th crash and Turkish passenger in hospital.

"Fraleigh and Assistant Military Attache Stratton will return Bled to complete our investigation and I will return to transport bodies to Belgrade by Embassy plane Monday.

"PATTERSON"

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"Twenty-third, midnight

"Following is text of letter to me from Tito delivered at 2000 hours Greenwich time tonight, replying Department's note 21st. Letter merely confirms oral statement at our conference yesterday.

"'Excellency:

"'With reference to our yesterday conversation have the honor to advise you as follows:

"'Regarding the factual state I have nothing to add to the note of the Yugoslav Ministry of Foreign Affaires No. 9860 of August 20, but solely that subsequent reports do not confirm the first ones according to which two members of the crew would have bailed out in parachutes. It appears now that the parachuting object eye-witnesses mistook for occupants of the plane

might have been two gasoline barrels wrapped in two sheets. Investigation still being carried out.

"'It is not possible for the moment to produce a definite detailed report of what had happened apart from that I can on this occasion emphasise only once again the statements of the Ministry's note quoted above which correctly described the circumstances which were causing this regrettable occurrence. In connection with the statements put forth during our conversation yesterday, I have first to point out that it is not correct that the plane had only been a mile or two within Yugoslav territory in the moment when forced down. The plane was 50 kilometers from the nearest point on the frontier. Further I have to underline once more that the Yugoslav fighters were, during almost a quarter of an hour time, inciting the plane to land. They also wanted to show the route to the airport only three miles far away but the aircraft definitely refused compliance with the landing order. Accordingly it does not correspond with the facts the Yugoslav fighters had not warned the plane nor is it correct that the plane had been forced because of weather conditions to deviate from its course. It is notorious in the country where the accident took place that the day was absolutely clear and of perfect visibility.

"'As for the occupants of the plane forced down August 9, once the investigation got terminated the Yugoslav Government suspended on August 21 any movement limitation imposed upon the persons concerned. During, and for the purpose of the investigation itself, Mr. Hohenthal, the American Consul, was informed thereof and at 730 hours on August 22 he took over. It is evident that they are allowed to leave Yugoslavia whenever they want to. Your Government may also, of course, dispose at any time over the aircraft question.

"'As for the occupants of the plane which crashed on August 19, as already mentioned, none has been found so far. The Yugoslav Government will be only glad to permit the representative of your Government to communicate with any of them who might have survived.

"'Respectfully yours,

"'J. B. TITO

"'August 23'"

"PATTERSON"

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The messages received from Ambassador Patterson indicate that the demands presented to the Yugoslav Government by the

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United States Government have been complied with.

As stated in the note of August 21, in this situation the United States Government will determine its course in the light of the evidence secured and the efforts of the Yugoslav Government to right the wrong done. Full reports as to the foregoing, including the reports of the survivors of the attack of August 9th, which will be made directly to the Secretary of State and Senator Connally in Paris, have not yet been received in Washington.

No further announcement will be made as to the attitude of the United States Government until such reports have been received and examined.

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furthermore that your Government received no satisfactory answer to its last two notes -- that of August 10, 1946 in regard to the forced landing of an American military transport plane in Yugoslavia on August 9 and that of August 20 concerning the flight of a second American transport over Yugoslav territory on August 19, 'whose crew unfortunately met a tragic end that night, in any case have been avoided had the crew obeyed the invitation to land'.

"In your note of August 30 you state that neither of these two American planes flew over Yugoslavia in an emergency caused by bad weather. Your note further states that your Government 'cannot be held responsible for the victims ' of the plane which was shot down on August 19 'as it had undertaken everything possible to avoid such results in similar flights which had taken place, and which might easily occur at a border where our army, like that of every independent country, is charged with guarding the integrity of our territory and the sovereignty of our country'.

"Your note of August 30 states that your Government again requests that the United States Government reply concerning the steps it has taken to end 'the unauthorized and intentional flights over Yugoslav territory'. You further state that

unauthorized flights over Yugoslav territory have occurred again in the same region even after the 'incident' of August 19. Your note states that 'on August 23 there were flights by three bombers, three fighters and one transport; August 24, eights planes flew over -- three bombers, three fighters and two transports; August 25, three planes, two fighters and one transport; August 26, nine planes, seven fighters, one transport and one bomber; August 27, nine planes, five bombers, two transports and two fighters'. Your note goes on to state that it is obvious that all of these cases 'could not be the result of emergency or bad weather, but that in most cases the flights over our territory were intentional'.

"Your note concludes by referring to the statement of Marshal Tito to Ambassador Patterson that 'he has forbidden the shooting at planes that might fly over Yugoslav territory; presuming that for its part the Government of the United States of America would undertake the steps necessary to prevent these flights, except in the case of emergency or bad weather, for which arrangements could be made by agreement between American and Yugoslav authorities'.

"In a conversation with Ambassador Patterson in Belgrade on August 31, Marshal Tito stated that he was sorry to say that

"Dr. Sergije Makiedo,
"Charge d'Affaires ad interim
of Yugoslavia.

far from ceasing, unauthorized flights over Yugoslav territory continued in increasing numbers every day. He stated that on August 28 four fighters and two bombers were sighted over Yugoslav territory; on August 29 he asserted 20 planes 14 bombers, 2 transports and 4 fighters flew over Yugoslav territory without authorization. Presumably, althought this is not completely clear from Ambassador Patterson's telegram repo reporting the conversation, Marshal Tito believed that all of these planes were American planes.

"In this same conversation with Ambassador Patterson on August 31, Marshal Tito, after referring to your note of August 30 to the Department of State, stated that he was not asking for three things: (1) an official guarantee that violations of Yugoslav territory would stop; (2) that pilots and others responsible for future violations would be punished and (3) an agreement on signals for pilots in difficulty to communicate with Yugoslav pilots and ground forces for assistance.

"In order that I may deal comprehensively with the alleged violations of Yugoslav territory by American planes, perhaps it would be well if I recapitulated briefly statements contained in the notes of your Government in regard to such

alleged violations. Your Government's note of August 10 alleged 172 violations of Yugoslav territory and gave 97 examples examples of such violations on seven specified dates between July 16 and August 8. The examples cited comprised 61 bombers, 15 fighters, 1 transport and 20 unidentified aircraft.

"A further note from your Government dated August 20 alleged 44 violations of Yugoslav territory by unauthorized aircraft from August 10 to August 20. These 44 violations were alleged to have taken place on seven specific dates during the period and to have consisted of 27 bombers, 12 fighters, 4 transports and one unidentified aircraft.

"The violations of Yugoslav territory alleged to have taken place in your note of August 30 are set forth in the third paragraph of this note and those mentioned by Marshal Tito in conversation with Ambassador Patterson on August 31 are set forth in the fifth paragraph of this note.

"In summary, the Yugoslav Government has alleged that over the period from July 16 to August 29, 278 unauthorized flights were made over Yugoslav territory, a high proportion of these flights being by bombers and fighters.

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"The United States Government has made a thorough and comprehensive investigation of these alleged flights over Yugoslav territory. In the course of this investigation the records of the various military headquarters and establishments of the United States in Europe were checked and the whereabouts of every American military plane in Europe during the period July 16 to August 29, inclusive, was established. As a result of this exhaustive investigation, I am now in a position to provide you with the facts in regard to flights of American planes.

"During the period July 16 to August 8, 1946 there were only 10 American military aircraft which made flights which were anywhere near Yugoslav territory. Of these flights, 9 were made by unarmed transports and one by a bomber, a B-17. No other American military planes were near enought to Yugoslav territory for it to have been possible for them to fly over the territory of your country. According to the records of the territory of your country. According to the records of the United States Army Air Force, the 10 flights of United States planes during this period did not take place over Yugoslav territory. These planes were, however, near Yugoslav territory, and it is conceivable that there might have been brief moments when, due to weather conditions, one or

more of the planes was in fact over Yugoslav territory, but so far as the United States Government is aware, and according to the records of the United States Army Air Force, this did not actually take place. I would call your attention to the fact that during this period of July 16 to August 9 your Government alleges that there were violations of Yugoslav territory by 61 bombers, 15 fighters, one transport and 95 unidentified planes, and again remind you that of the American planes which could have possibly been over Yugoslav territory at any time during this period there were only 9 American unarmed transports and one bomber; this is to be compared with the 172 violations your Government alleges. I can only conclude that violations of Yugoslav territory by the planes set forth in your Government's note of August 10 must have been made by planes other than United States planes.

"As regards the period August 10 to August 20, dealth with in your Government's note of August 20, the facts are that on the dates specified during this period United States military aircraft performed only 30 flights in areas close enough to Yugoslav territory for it to have been possible for any of these planes to fly over Yugoslav territory. All of these United States planes were unarmed transport aircraft

except for one bomber, a B-17. Twenty-two of the alleged 44 violations, 8 fighters, 1 transport aircraft and at least 18 bombers', took place on August 13 according to the Yugoslav Government. On that day only three American military aircraft performed flights close enough to Yugoslav territory for it to have been possible for a violation of Yugoslav territory to have occurred; these three planes were unarmed transports. It is within the bounds of possibility that some of the 30 United States aircraft which flew during this period were inadvertently over Yugoslav territory due to weather conditions. This, however, is not shown in the records of the United States Army Air Force. I would call your attention to the fact that during this period your Government alleges that there were violations of Yugoslav territory by 27 bombers and 12 fighters. During that period no American fighter and only one American bomber was close enough to Yugoslav territory for it to have been possible, even inadvertently, for it to have flown over Yugoslav territory. I am therefore forced to conclude that the violations of Yugoslav territory set forth in your Government's note of August 20 must have been made by planes other than American planes.

"As regards the alleged violations of Yugoslav territory set forth in your note of August 30 and recapitulated in the third paragraph of this note, I may say that the facts as

regards American planes are as follows: All flights over the Vienna-Udine route were stopped on August 20. On August 25 orders were given for the resumption of this service with armed B-17 bombers. The orders provided that each plane was to proceed as far as Klagenfurt, Austria, and thence to Udine without crossing Yugoslav territory provided the weather was satisfactory. If the weather was unsatisfactory and there was danger that the plane might inadvertently get over Yugoslav territory, the plane was to return to Vienna. The B-17 bomber which was to inaugurate this service on August 25 did in fact return to Vienna after reaching Klagenfurt because of weather conditions. For the remainder of the period covered by your note of August 30 there were three flights of American military planes over that route under the instructions set forth above. These three flights were made by armed B-17 bombers. I can state categorically that not one of these planes violated Yugoslav territory and that there were no other American military planes in the air on the five specific dates mentioned in your note of August 30 which were close enough to Yugoslav territory for it to have been possible for them even through inadvertence to fly over Yugoslav territory. Therefore, I am forced to the conclusion that all of the 38 violations alleged to have occurred in your note of August 30 must have been made by planes other than American planes.

"Concerning the flights alleged by Marshal Tito in his conversation with Ambassador Patterson mentioned in the fifth paragraph of this note, there were two flights of American aircraft, under identical instructions, both by B-17 bombers, on August 28. One of these was from Vienna to Udine and the other on the same route in the opposite direction. On August 29, one American bomber, a B-17, flew from Udine to Vienna. I can similarly state that none of these planes violated Yugoslav territory. Thus I am likewise forced to the conclusion that the 28 violations alleged by Marshal Tito to have taken place on August 28 and 29 must also have been caused by planes other than American.

"No American planes have flown over Yugoslavia intentionally without advance approval of Yugoslav authorities unless forced to do so in an emergency. I presume that the Government of Yugoslavia recognizes that in case a plane and its occupants are jeopardized, the aircraft may change its course so as to seek safety even though such action may result in flying over Yugoslav territory without prior clearance.

"Two unarmed American transport planes have been shot down by Yugoslav fighters. The first incident occurred on August 9th. The pilot of this plane was specifically instructed to

My cover McCherrtford to Kiba: the Turtish, mirrefully [illegible] Turcolin terrifiers. The weather before [illegible] village was inaccessible and we encountered heavy blizzards, [illegible] and high winds on the ridge. Tiger Ice scarred [illegible] we then believed that the village was northwest of Kiba [illegible] Zolir. Sorrofily, while under inclement [illegible] [illegible] off my course into Turgedivil. The villagers then introduced us three Turgedin fighters. These fighters were in equal uniform, and he interpreted as [illegible] equal. They all wrapped their rifles, according to Turkish fashion, in the [illegible] and strapped on the plus within the equal. The Turgedin fighters then attached ribbons by [illegible] fastener. The transport rifles then dessemble [illegible] effort to live but was fired on during the skirmish. After two rifles lurked the messengers and were [illegible] "Tran Lazarot" [illegible] by the Turgedin authorities. During this [illegible] the messengers were questioned frequently on the Turgedin guerrillaers [illegible] to persuade individuals to flee from their [illegible] any reference to their [illegible] rather they had encountered and were asked to flee [illegible] attachments [illegible] to the [illegible] were affected. The Portuguese [illegible] were taken from the report of the [illegible] and [illegible] of the plus under other their rifles to Turgedin [illegible].

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"On August 19 an unarmed American transport aircraft left Vienna for Italy. In accordance with standard practice, the pilot was carefully instructed as to his route. These instructions included a directive to avoid Yugoslavia. It is impossible to give complete information as to what occurred on this flight. The pilot and crew of this unarmed American transport are dead, shot down by Yugoslav armed aircraft.

"The Yugoslav Government has already received assurances from the United States Government that United States planes will not cross Yugoslav territory without prior clearance from Yugoslav authorities except when forced to do so by circumstances over which there is no control such as bad weather, loss of direction, and mechanical trouble. Assurances along these lines were repeated in the note which the American Ambassador gave the Yugoslav Government on August 21, 1946. Standing orders in this sense governing the activities of American planes have been enforced throughout the period referred to in the several recent notes from the Yugoslav Government alleging violations of Yugoslav territory by American planes. These orders have, in fact, been carried out at all American air stations in central, southern and eastern Europe from which American planes fly in the vicinity of Yugoslavia, and will continue to be carried out in the future.

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"I do not believe that it would serve a useful purpose for me to add to the views which were expressed in the note which which the Acting Secretary of State handed you on August 21 last in regard to the action of the Yugoslav Government in shooting down the two American transport planes on August 9 and August 19. Marshal Tito in his conversation with Ambassador Patterson on August 22 expressed his regret at the loss of American lives. I have noted the efforts of the Yugoslav authorities in the search for the bodies of the five crew members and the honors shown the remains which were recovered. Marshal Tito further informed Ambassador Patterson of his order recited in your note of August 30 that Yugoslav planes should not fire on planes that might fly over Yugoslav territory.

"The Yugoslav Government has released the crew and passengers of the transport plane which was forced down on August 9 with the exception of the wounded Turkish officer who was a passenger on the plane and is still in the hospital. I have been informed that the Yugoslav Government has advised the Turkish authorities that this Turkish officer is free to leave Yugoslavia when he is able to travel and that your Government has expressed its regrets concerning his injury.

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"The United States Government was glad to receive the assurances contained in Marshal Tito's note dated August 31st to Ambassador Patterson. The full text of that note reads as follows:

"'No. 10381, Belgrade, August 31, 1946.

"'Excellency:

"'With reference to our conversation in Bled on August 22, 1946, as well as to the statements I made on that occasion on behalf of the Government of the Federative Peoples Republic of Yugoslavia, not all of which have been laid down in my written reply of August 23, I have to confirm herewith:

"'(One) The Government of the Federative Peoples Republic of Yugoslavia regrets indeed that American pilots lost their lives at the accident of August 19, near Bled, when an American military transport plane crashed after disobeying signals to land;

"'(Two) As I already stated both orally and in writing to Anglo-American correspondents, I have issued orders to our military authorities to the effect that no transport planes must be fired at any more, even if they might intentionally fly over our territory without proper clearance, but that in such such cases they should be invited to land; if they refused to do so their identity should be taken and the

Yugoslav Government informed hereof so that any necessary steps could be undertaken through appropriate channels.

"II also confirm my statement made on that occasion, on behalf of the Government of the Federative Peoples Republic of Yugoslavia that I consider objectless the American Government's note which was, to our surprise, unnecessarily and without reason too strong towards an Allied country as is Yugoslavia; the Government of the Federative Peoples Republic of Yugoslavia had ordered 24 hours prior to the handing over of the said note that the crew of the plane be released and that they be allowed to leave this country. The crew had been taken over by Mr. Hohenthal, the American Consul at 7:30 hours of August 22, i.e. full 2 hours before the note in connection with that crew was handed over. Respectfully yours, Tito MP.'

"With reference to Marshal Tito's proposal for an agreement on signals, United States military representatives would welcome a discussion of this question and are prepared to meet Yugoslav military representatives at such time and place as your Government may designate, in order to reach an agreement regarding the signals to be employed.

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"I am constrained to advise you that the United States Government has confidently expected that expressions of Yugoslav regrets respecting the loss of members of the crew, who were killed as a consequence of the action of Yugoslav armed forces, would be accompanied by an offer to make suitable indemnification to the families and dependents of the unfortunate victims of such Yugoslav action. My Government expects that such indemnification will be made by the Yugoslav Government, as well as compensation for the destruction of and damage to the United States planes and other property caused by the two Yugoslav attacks.

"Accept, Sir, the renewed assurances of my high consideration."

"WILLIAM L. CLAYTON
Acting Secretary"

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"'Excellency:

"'With reference to our conversation in Bled on August 22, 1946, as well as to the statements I made on that occasion on behalf of the Government of the Federative Peoples Republic of Yugoslavia, not all of which have been laid down in my written reply of August 23, I have to confirm herewith:

"'(One) The Government of the Federative Peoples Republic of Yugoslavia regrets indeed that American pilots lost their lives at the accident of August 19, near Bled, when an American military transport plane crashed after disobeying signals to land;

"'(Two) As I already stated both orally and in writing to Anglo-American correspondents, I have issued orders to our military authorities to the effect that no transport planes must be fired at any more, even if they might intentionally fly over our territory without proper clearance, but that in such cases they should be invited to land; if they refused to do so their identity should be taken and the

Yugoslav Government informed hereof so that any necessary steps could be undertaken through appropriate channels.

"II also confirm my statement made on that occasion, on behalf of the Government of the Federative Peoples Republic of Yugoslavia that I consider objectless the American Government's note which was, to our surprise, unnecessarily and without reason too strong towards an Allied country as is Yugoslavia; the Government of the Federative Peoples Republic of Yugoslavia had ordered 24 hours prior to the handing over of the said note that the crew of the plane be released and that they be allowed to leave this country. The crew had been taken over by Mr. Hohenthal, the American Consul at 7:30 hours of August 22, i.e. full 2 hours before the note in connection with that crew was handed over. Respectfully yours, Tito MP.'

"With reference to Marshal Tito's proposal for an agreement on signals, United States military representatives would welcome a discussion of this question and are prepared to meet Yugoslav military representatives at such time and place as your Government may designate, in order to reach an agreement regarding the signals to be employed.

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"I am constrained to advise you that the United States Government has confidently expected that expressions of Yugoslav regrets respecting the loss of members of the crew, who were killed as a consequence of the action of Yugoslav armed forces, would be accompanied by an offer to make suitable indemnification to the families and dependents of the unfortunate victims of such Yugoslav action. My Government expects that such indemnification will be made by the Yugoslav Government, as well as compensation for the destruction of and damage to the United States planes and other property caused by the two Yugoslav attacks.

"Accept, Sir, the renewed assurances of my high consideration."

"WILLIAM L. CLAYTON
Acting Secretary"

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