

TOP SECRETE N C L O S U R ETELETYPE CONFERENCE 07181900ZPRESENT---WASHINGTON

Major D. Sommers, AC, OASW

Colonel C. W. McCarthy, GSC, SWNCC

Major T. O. Davis, GSC, New Developments Division, WDGS

Members SWNCC Subcommittee for
Technical Information Security Control

Mr. Frederick Exton, State Department

Colonel W. C. Strecker, GSC, Intelligence Division, ASF

Mr. C. D. Martin, State Department

Lt. Commander D. Nelson, BuAer, Navy Department

Lt. Commander R. R. Guthrie, CNO, Navy Department

Major C. W. Galinger, AC, AAI

PRESENT---POTSDAM

Colonel H. A. Gerhardt

Colonel R. A. Cutter

SUBJECT: DISCLOSURE OF CLASSIFIED TECHNICAL INFORMATION
TO THE BRITISH

POTSDAM: The Prime Minister has asked General Marshall for some information regarding a cable he received from the British Air Mission on the subject of "Disclosure of United States Technical Information of a Classification of 'Confidential' or Higher to the British". The cable to which the Prime Minister referred states in substance that the Joint Air Committee has received from the State Department a memorandum prepared by SWNCC Technical Information Subcommittee on the basis of which the Joint Air Committee evidently requested a reexamination of the existing policy for the exchange of technical information. The previous policy evidently came from the provisions of the Lend-Lease agreement. The cable was slightly garbled and it is not clear if the memorandum from the SWNCC Technical

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POTSDAM: Information Subcommittee set forth a policy that technical information of classifications referred to above would not be disclosed if such information was not necessary for the prosecution of the war against Japan or if the results of such information could not be utilized before 1 January 1947. Do you know of any memorandum approved by SWNCC or the Technical Information Subcommittee which was sent from the State Department to the Joint Air Committee?

The British cable also states that on 6 July the British Central Scientific Office was informed by General Borden, New Developments Division, that he could not make available to the British the USAF report on guided missiles as this constituted disclosure of information of a post-war nature and not information which could be used against Japan.

The British cable was referred to General Arnold who, in a memorandum to the Chief of Staff, indicated that he was uninformed as to what the SWNCC Subcommittee had done but that in November 1944 a policy had been established for the disclosure of technical information to foreign governments. This policy was reviewed last month and the review is contained in JCS 927/8. This paper concluded that SWNCC should be requested to formulate policies and procedures for disclosing technical information to foreign governments in the post-war period and recommended that the War and Navy Departments and the Joint Chiefs of Staff provide SWNCC with a basic military policy statement regarding such disclosures. This statement, which apparently appears in JCS 927/8, included the substance of JCS Policy No. 5 and included also general provisions for the disclosure of information beyond that required for the present war effort. JCS 927/8 was approved by the Chief of Staff, and Commanding General, AAF, but Admiral King recommended that it be

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POTSDAM: returned to the Joint Intelligence Committee for a more definitive policy to be agreed by the War and Navy Departments and the Joint Chiefs of Staff before submission to any other Governmental agencies. This recommendation by Admiral King was JCS 927/9. What is the present status of this paper?

WASHINGTON: Reply to your first question. Subcommittee memorandum to JAC was based on Patent Interchange Agreement (known as Hull-Halifax Agreement) of August 24, 1942, as it applied to that particular request. No policy has been set up. Same applies to report from Central Scientific Office. JCS 927/9 referred to Marshall and Arnold 11 July. No returns from them. Paper was left for action in Washington. This information from Sweeney of JCS.

Further on subject one: With reference to request for reexamination of existing policy by Joint Aircraft Committee no such request has been received by SWNCC or Technical Information Subcommittee.

POTSDAM: Reference your first reply to subject one. Can you give us fuller information on circumstances of SWNCC Subcommittee memorandum to Joint Air Committee?

- a. When was it sent?
- b. Did it go through SWNCC Top Committee?
- c. Was it request from British for a particular piece of information under Patent Interchange Agreement?

Reference subject one. Was Subcommittee you refer to in your first reply to subject one the SWNCC Subcommittee? If so, has it or SWNCC ever forwarded memorandum to State Department on this matter or acted on JCS 927/8?

From information here request for reexamination of existing procedure and policies by Joint Air

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POTSDAM: Committee was made to British, probably the British Air Commission, and not to SWNCC.

Is reply of Borden to British request for USAF report on guided missiles correctly stated in subject one?

WASHINGTON: Subcommittee referred to in our answer to subject one is SWNCC Technical Information Subcommittee.

JCS 927/8 has not been approved or acted upon by SWNCC or any SWNCC Subcommittee as JCS have not submitted matter to SWNCC. More on this subject to follow.

SWNCC 131 was reply to British with reference to information to be furnished British Air Mission visiting U.S. This was approved by A.C.C. and Top Committee and forwarded to State.

Memorandum to Joint Aircraft Committee was sent direct by Subcommittee in keeping with Directive establishing Subcommittee which required only basic policy be cleared by Top Committee. In this case SWNCC 131 was considered as establishing a precedent on items of post-war concern, pending determination of policy. SWNCC 131 is only case submitted to Top Committee by Technical Subcommittee.

General Borden is out of town. His office has found copy of letter to British Central Scientific Office prepared for his signature which is correctly described in your question one. General Borden's office confirms that he signed this letter on July 6.

Memorandum to Joint Aircraft Committee was sent June 27, 1945. Request was not for information under Patent Exchange Agreement but was request by SWNCC Technical Subcommittee to Joint Aircraft Committee

TOP SECRET

WASHINGTON: at the instigation of AAF, asking JAC to modify JAC existing policy so as to exclude British from attending mock-up inspections involving aircraft of post-war concern. Present JAC policy directs British-U.S. attendance at such inspections.

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S E C R E TCOPY NO. 4119 July 1945Pages 1 and 2STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 15MESSAGE FROM THE ASSISTANT SECRETARY OF WAR

References: a. IPCOG 12.
b. SWNCC 15 series.
c. SWNCC 44 series.

Note by the Secretaries

The enclosure, a message from the Assistant Secretary of War to Major Sommers, Office of the Assistant Secretary of War, on the above references, is circulated for the information of the Informal Policy Committee on Germany and the State-War-Navy Coordinating Committee.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

S E C R E TE N C L O S U R E

18 July 1945

IPCOG 12 is subject.

I talked with Mosely and Murphy today and Mosely informs us that use of term "Allied Representatives" is intended to be in same sense as in 5 June declaration and means in any case substantially either the Control Council or the Zone Commander whichever is appropriate under the particular circumstances according to the provisions of the control machinery agreement.

He states that IPCOG 12 is not intended to supersede or modify control machinery agreement and promises to furnish memorandum of history of negotiations in European Advisory Commission to support this construction. Some clarification may be desirable by contemporaneous interpretative statement if this history is not conclusive.

I doubt if reference to "German authorities" is objectionable as same term has been generally used in 1067 and other draft directives. Suggest Civil Affairs Division ascertain informally that Department of Justice and Alien Property Custodian have no serious objection to paragraphs 14, 15 and 16. This is reported by Murphy to have been cleared in prior drafts by Property Control people at Control Council Nucleus Group and Bernstein. Is not matter of war potential covered in 5 June declaration as adequately as is appropriate or possible now?

New subject: I am sending letter to Dunn today in substance as follows:

(1) Clay advises tentative working out of agreement with Deputy Military Governor of British Zone that French area of occupation in Berlin will be formed from existing UK and US areas.

(2) Suggesting that it is now appropriate to inform Winant of prospective agreement and suggest that he agree in European Advisory Commission that the matter be referred

S E C R E T

to the Control Council for settlement with the explicit understanding that the French Zone will be created out of present US and UK areas, and

(3) That Clay plans to work out tentative agreement with British and French on Thursday subject to final ratification by Control Council and by Joint Chiefs of Staff, if necessary.

Please see that Chandler and SWNCC Secretariat receive copy of this cable.

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RESTRICTEDCOPY NO. 4119 July 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 14BERLIN PANEL OF SWNCCNote by the Secretaries

1. During the period of the Tri-Governmental Conference in Berlin, papers which pertain to subjects being discussed at that conference and which require action by the State-War-Navy Coordinating Committee will be transmitted by the State-War-Navy Coordinating Committee Secretariat in Washington to a panel of SWNCC sitting at the Conference, composed of Mr. Dunn, Mr. McCloy and a representative of Mr. Gates.

2. Colonel H. A. Gerhardt, USA, will act as SWNCC secretary for the Berlin panel during this period.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

RESTRICTEDCOPY NO. 414 July 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO.13CHANGE OF MEMBERSHIP IN THE STATE-WAR-NAVY
COORDINATING SUBCOMMITTEE FOR THE FAR EASTNote by the Secretaries

Brigadier General Frank N. Roberts, USA, is hereby designated as the War Department member of the State-War-Navy Coordinating Subcommittee for the Far East, vice Major General George B. Strong, USA, relieved.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

RESTRICTEDCOPY NO. 412 July 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 12CHANGE OF MEMBERSHIP IN THE STATE-WAR-NAVY
COORDINATING SUBCOMMITTEE FOR EUROPENote by the Secretaries

1. Rear Admiral John L. McCrea, U.S.N., is hereby designated as the Navy Member of the State-War-Navy Coordinating Subcommittee for Europe vice Rear Admiral Lyal A. Davidson, U.S.N., relieved.

2. Captain Lorenzo S. Sabin, U.S.N., is hereby designated as alternate Navy Member of the State-War-Navy Coordinating Subcommittee for Europe vice Captain William H. Vanderbilt, U.S.N., relieved.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

RESTRICTEDCOPY NO. 414 June 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 11MEMBERSHIP OF STATE-WAR-NAVY COORDINATING SUBCOMMITTEE
ON REARMAMENTNote by the Secretaries

The following named officers have been designated by the War Department as additional member and alternate, respectively, on the State-War-Navy Coordinating Subcommittee on Rearmament:

Brigadier General W. J. Morrissey
(W-6477)

Colonel James F. Early
(W-4472)

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

R E S T R I C T E D1 June 194541
COPY NO. _____STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO.10CHANGE OF MEMBERSHIP IN THE STATE-WAR-NAVY COOR-
DINATING SUBCOMMITTEE FOR THE FAR EASTNote by the Secretaries

Captain Lorenzo S. Sabin, U.S.N., is hereby designated as the Navy Member of the State-War-Navy Coordinating Subcommittee for the Far East vice Rear Admiral H. C. Train, U.S.N., relieved.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

	SECURITY CLASSIFICATION RESTRICTED	
FORM DS-507 3-5-47	REQUEST FOR DECLASSIFICATION OR DOWNGRADING	DEPARTMENT OF STATE
SECTION A		
TO: 1. ORIGINATING OR ACTION DIVISION WE	EXTENSION	BUILDING ROOM NO.
2. REQUESTER'S NAME Joint Intelligence Group, Joint Chiefs of Staff, Pentagon	DIVISION	EXTENSION BUILDING ROOM NO.
3. DIVISION OF RECORD: DC/R, REF, PD, etc. DC/R		
SECTION B		
ATTACHED THE FOLLOWING DESCRIBED DOCUMENT APPEARS TO NO LONGER WARRANT ITS SECURITY CLASSIFICATION		
TYPE OF DOCUMENT Memorandum For Information No. 9 (SWNCC)		
TO: State-War-Navy Coordinating Committee		DATE 5-23-45
FROM: European Advisory Commission		
SUBJECT: Looted Works of Art		
PRESENT CLASSIFICATION Secret (Over)		
SECTION C		
THE CHIEF OF THE DIVISION TO WHICH THIS FORM IS ADDRESSED OR A PERSON DESIGNATED BY HIM WILL REVIEW THE SUBJECT DOCUMENT AND INDICATE THE DESIRED CLASSIFICATION.		
RETAIN PRESENT CLASSIFICATION <input type="checkbox"/>	CHANGE TO: <input type="checkbox"/> TOP SECRET* <input type="checkbox"/> SECRET <input type="checkbox"/> CONFIDENTIAL <input checked="" type="checkbox"/> RESTRICTED <input type="checkbox"/> UNCLASSIFIED *(If reclassified to a higher classification explain on reverse side).	
BY AUTHORITY OF: <i>Ridgway Brough</i>	DATE Sept 11 '52	OFFICE WE.
SECTION D		
<p>INSTRUCTIONS—(1) The requesting division will complete lines (1) and (2) of Section A and all of Section B of this form in duplicate.</p> <p>(2) Both copies of this form, with one copy of the document or documents to be downgraded or declassified, will be forwarded to the action or originating division concerned with the document attached where practicable.</p> <p>(3) The action or originating division will, if the contents warrant, declassify or downgrade the document by completing Section C of this form in duplicate and routing both copies to the division responsible for maintaining the official record copy.</p> <p>(4) The division that is the custodian of the record copy, upon receipt of this form, will file the original of Form DS-507, change the classification on the record copy of the document involved, and forward the duplicate copy of this form to the division initiating the request.</p> <p>(5) The division which initiated the request will note the action taken, make the necessary changes in classification of documents in its possession, and then route the duplicate of Form DS-507 to the Chief, Division of Security and Investigations (CSA).</p> <p>(6) In cases where the originating or action division wishes to initiate the declassification, the entire form will be completed and routed to the division maintaining the official record copy.</p>		
SECURITY CLASSIFICATION RESTRICTED		

September 9, 1952

The Joint Intelligence Group, The Joint Chiefs of Staff, Pentagon, has requested that Memorandum For Information No. 9 be reviewed to determine if, due to passage of time and events, the present security classification of this memorandum may now be properly downgraded to Restricted. This memorandum has been reviewed by representatives of the three services who have concurred in the memorandum being downgraded to Restricted. Their concurrence however, is dependent upon the Department of State approval.

JW Ford
J. W. Ford
Chief, Division of Security

~~SECRET~~COPY NO. 4123 May 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 9LOOTED WORKS OF ARTNote by the Secretaries

The enclosure, a despatch from the U.S. Delegation, EAC, to the Secretary of State, enclosing E.A.C. (45)54, a Memorandum by the U.K. Representative, EAC, on the above subject, is circulated for the information of the State-War-Navy Coordinating Committee.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

DECLASSIFIED

Authority NND 740132By ed/kms ARS, Date OCT 21 1976

~~SECRET~~~~Restricted~~ENCLOSUREEMBASSY OF THE
UNITED STATES OF AMERICA

London, May 14, 1945.

AIR MAIL

No. 23042

SUBJECT: EUROPEAN ADVISORY COMMISSION: Transmitting Copies of Communication Addressed to the United Kingdom Government by the Netherlands, Belgian and Luxembourg Governments with regard to the Restitution of Cultural Property.

SECRET

The Honorable
The Secretary of State,
Washington, D. C.

Sir:

I have the honor to refer to the Embassy's telegram No. 4785, May 13, 5 p.m. (COMEA 245), and to enclose herewith copies of a communication addressed on April 3 to the United Kingdom Government by the Netherlands, Belgian and Luxembourg Governments with regard to the restitution of cultural property. This communication was circulated in the European Advisory Commission by the U.K. Delegation as E.A.C. 47/54, May 10, 1945.

Respectfully yours,

For the Ambassador:

(Sgd) Henry P. Leverich

Henry P. Leverich
Acting Secretary, U.S. Delegation
European Advisory Commission

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~~Restricted~~

A P P E N D I X

E.A.C. (45) 54

10th May, 1945.

EUROPEAN ADVISORY COMMISSION

LOOTED WORKS OF ART

Memorandum by the United Kingdom Representative

I circulate, for the information of my colleagues, the annexed copy of a communication which has been addressed to His Majesty's Government in the United Kingdom, in identical terms, by the Governments of Belgium, Luxembourg and the Netherlands, about the restitution and replacement of looted works of art.

W. S.

LANCASTER HOUSE,
LONDON, S.W.1.

5th May, 1945.

~~SECRET~~ANNEX TO APPENDIX

Copy of a Communication from the Belgian Government.
(The Communications from the Luxembourg and
Netherlands Governments were in
identical terms.)

Belgian Embassy,

London.

3rd April, 1945.

Sir,

In transmitting to Your Excellency, on the instructions of my Government, the attached aide-mémoire, I have been instructed to draw very special attention to the importance which the Belgian Government attach to these texts being communicated, first, to the military authorities in so far as they can be given immediate effect in those parts of German territory which have already been occupied, and, secondly, to the authorities responsible for drawing up the terms of surrender.

I have also been instructed to represent to Your Excellency the necessity of immediately setting up an inter-allied organisation, to supervise the preparation and detailed execution of the measures set forth below, which will function, both under the Allied military authorities until the end of hostilities and under the Allied control authorities in Germany after the surrender. The Belgian Government consider it desirable that all countries which have suffered from looting should be represented in this organisation.

I avail myself, etc.,

(Sgd.) E. DE CARTIER.

The Rt. Hon. Anthony Eden, P.C., M.C., Etc.,
Principal Secretary of State for Foreign Affairs,
Foreign Office,
London.

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~~SECRET~~~~Restricted~~TAB TO ANNEXAIDE-MÉMOIRE

In consequence of the liberation of Belgian territory, the imminent defeat of Germany and the preparation of an Instrument of Surrender, the Belgian Government consider it necessary to draw the attention of His Britannic Majesty's Government to the urgent problems raised by the enemy's looting, under cover of the occupation, of works of art, libraries and archives, and, in general, of the cultural heritage of their country.

This looting is so extensive as to call for the introduction of a number of measures, some to be taken immediately by the military authorities, others to be incorporated in the Instrument of Surrender. These are all indispensable measures for the frustration of the steps which the enemy has, to the Belgian Government's knowledge, taken to make more difficult, if not impossible, the restitution of articles of cultural value.

For these reasons, and without prejudice to the proposals which they have formulated previously on the same subject, the Belgian Government suggest the following principles.

I

Except by permission of the competent Allied authority, the alienation, removal or export of works of artistic, historical or religious value are strictly prohibited in German or German-controlled territory as from the entry into force of the present provisions.

II

All articles of artistic, historical or religious value, including all deeds, manuscripts, documents and bibliographical material, which have been looted by the enemy, as a consequence of the enemy occupation of the whole or part of the national territory, shall be handed back or else replaced.

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(The term, "Looted articles" covers all property which, as a consequence of the enemy occupation of all or part of the national territory, has been taken by the enemy, his agents or nationals, from the national heritage as it existed before the occupation, either directly by acts of removal or dispossession, or indirectly by purchases or deals, whatever means of payment may have been employed.)

III

Replacement by other articles of equivalent artistic, historical or religious value may be demanded if:

- a) it has not been possible to identify the articles referred to in paragraph II within 6 months from the date of the entry into force of the Instrument of Surrender;
- b) the articles demanded are not handed back intact.

IV

The competent inter-allied authority may take such steps as it deems necessary for the carrying out of its decisions.

In particular it may take pledges by making a selection from articles of artistic, historical or religious value belonging to enemy museums or public or private collections.

V

All property, whether movable or immovable, rights or interests referred to in the present note, of which the United States or their nationals have, during the war been dispossessed in enemy territory shall be restored. In cases where the beneficiaries cannot be found, restitution shall be made to their State. The enemy authorities will take all the necessary steps to secure to the beneficiaries or to the State whose nationals they are the enjoyment of their rights free of all liens, mortgages or charges which may have been created subsequent to the dispossession.

All acts of confiscation of, and all restrictive or discriminatory measures affecting, the property of allied nationals in enemy territory shall immediately be revoked.

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VI

The enemy Powers will supply, immediately and directly, to each Allied Government, who will appoint special commissioners to receive them, all information, archives, catalogues, inventories and documents which can be of assistance in the recovery of appropriated articles.

VII

If the authorities of the enemy Powers do not comply with the decisions of the competent authority, the Inter-allied Armistice Commission shall be responsible for deciding the sanctions to be applied.

VIII

The above proposals do not cover scientific material, in regard to which the Belgian Government reserve the right to present special proposals at a later date.

London. 3rd April, 1945.

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22 May 1945

COPY NO. _____

STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 8DRAFT DECLARATION REGARDING THE DEFEAT OF GERMANY
AND THE ASSUMPTION OF SUPREME AUTHORITY WITH RES-
PECT TO GERMANY BY THE FOUR POWERSNote by the Secretaries

1. The enclosure, a despatch from the U.S. Delegate, E.A.C. to the Secretary of State transmitting the minutes of an E.A.C. meeting of 12 May 1945 and the Text of the above Declaration is circulated for information.

2. The U. S. Delegate, E.A.C. informed the Secretary of State in COMEA 261 that this Declaration now ~~has~~ the approval of 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.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

SECRETE N C L O S U R EEMBASSY OF THE
UNITED STATES OF AMERICA

London, May 14, 1945

AIRMAIL

No. 23041

SUBJECT: EUROPEAN ADVISORY COMMISSION: Transmitting Original Texts of the Protocol Approving the Draft Declaration regarding the Defeat of Germany and the Assumption of Supreme Authority with respect to Germany by the Four Powers.

The Honorable
The Secretary of State,
Washington, D. C.

Sir:

I have the honor to refer to the Embassy's telegram No. 4778, May 12, 11 p.m. (COMEA 242), and to enclose herewith the original texts signed by the members of the European Advisory Commission at 7:30 p.m., London time, May 12, 1945, of the Protocol approving the draft Declaration regarding the Defeat of Germany and the Assumption of Supreme Authority with respect to Germany by the Four Powers.

Respectfully yours,

For the Ambassador:

/s/ Henry P. Leverich
Acting Secretary, U.S. Delegation
European Advisory Commission

Encl.

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SECRETAPPENDIX

E.A.C.(45) 3rd Meeting
12th May, 1945

EUROPEAN ADVISORY COMMISSION

MINUTES of Meeting held at Lancaster House, London, S.W.1
on 12th May, 1945 at 7:30 p.m.

PRESENT:

Monsieur R. Massigli (in the chair)
Professor Gros

Mr. J. G. Winant
Brigadier-General V. Meyer
Dr. P.E. Mosely

Sir William Strang
Brigadier F.G. French
Mr. C. O'Neill

Mr. F.T. Gousev
Mr. G.F. Saksin
Mr. N.V. Ivanov

Secretariat

Mr. E.P. Donaldson
Mr. T.A. Marchenko
Mr. W.D. McAfee
Mr. B.V. Ivanoff

AGENDA

Approval of text of Declaration regarding the defeat of Germany and the assumption of supreme authority with respect to Germany by the four Governments.

THE COMMISSION -

Approval of text of Declaration regarding the defeat of Germany and the assumption of supreme authority with respect to Germany by the four Governments.

- (a) approved the text of the Declaration regarding the defeat of Germany and the assumption of supreme authority with respect to 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 United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic. (The text of the Declaration in English, Russian, and French is annexed).

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- (b) decided to submit the above-mentioned Declaration to 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 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 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 to be a true translation.

Representative
of the
Government
of the United
States of
America on the
European
Advisory
Commission.

Representative
of the
Government of
the Union of
Soviet
Socialist
Republics on
the European
Advisory
Commission.

Representative
of the
Government
of the United
Kingdom on the
European
Advisory
Commission.

Representative
of the
Provisional
Government
of the French
Republic on
the European
Advisory
Commission.

/s/John S. Winant /s/F.T.Gousev /s/ William Strang /s/R. Massigli

Lancaster House, London, S.W.1.

12th May, 1945.

SECRETANNEX TO APPENDIX

D E C L A R A T I O N

regarding the defeat of Germany and the assumption of supreme authority with respect to 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.

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 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 States of America, the Union of Soviet Socialist Republics, the United Kingdom 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 States of America, the Union of Soviet Socialist Republics and the United Kingdom, 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

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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 of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, 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 must comply:-

ARTICLE I.

Germany, and all German military, naval and air authorities and all forces under German control shall immediately cease hostilities in all theatres of war against the forces of the United Nations on land, at sea and in the air.

ARTICLE 2

(a) All armed forces of Germany or under German control, wherever they may be situated, including land, air, anti-aircraft and naval forces, the S.S., S.A. and Gestapo, and all other forces or auxiliary organisations equipped with weapons, shall be completely disarmed, handing over their weapons and equipment to local Allied Commanders or to officers designated by the Allied Representatives.

(b) The personnel of the formations and units of all the forces referred to in paragraph (a) above shall, at the discretion of the Commander-in-Chief of the Armed Forces of the Allied State concerned, be declared to be prisoners of war, pending further decisions, and shall be subject to such conditions and directions as may be prescribed by the respective Allied Representatives.

(c) All forces referred to in paragraph (a) above, wherever

SECRET.

they may be, will remain in their present positions pending instructions from the Allied Representatives.

(d) Evacuation by the said forces of all territories outside the frontiers of Germany as they existed on the 31st December, 1937, will proceed according to instructions to be given by the Allied Representatives.

(e) Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives.

ARTICLE 3

(a) All aircraft of any kind or nationality in Germany or German-occupied or controlled territories or waters, military, naval or civil, other than aircraft in the service of the Allies, will remain on the ground, on the water or aboard ships pending further instructions.

(b) All German or German-controlled aircraft in or over territories or waters not occupied or controlled by Germany will proceed to Germany or to such other place or places as may be specified by the Allied Representatives.

ARTICLE 4

(a) All German or German-controlled naval vessels, surface and submarine, auxiliary naval craft, and merchant and other shipping, wherever such vessels may be at the time of this Declaration, and all other merchant ships of whatever nationality in German ports, will remain in or proceed immediately to ports and bases as specified by the Allied Representatives. The crews of such vessels will remain on board pending further instructions.

(b) All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of Germany or under German control at the time of this Declaration, will proceed at the dates and to the ports or bases specified by the Allied Representatives.

ARTICLE 5

(a) All or any of the following articles in the possession of the German armed forces or under German control or at German

SECRET

disposal will be held intact and in good condition at the disposal of the Allied Representatives, for such purposes and at such times and places as they may prescribe:-

- (i) all arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and all other war material;
- (ii) all naval vessels of all classes, both surface and submarine, auxiliary naval craft and all merchant shipping, whether afloat, under repair or construction, built or building;
- (iii) all aircraft of all kinds, aviation and anti-aircraft equipment and devices;
- (iv) all transportation and communications facilities and equipment, by land, water or air;
- (v) all military installations and establishments, including airfields, seaplane bases, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments;
- (vi) all factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions, designed or intended to produce or to facilitate the production or use of the articles, materials, and facilities referred to in sub-paragraphs (i), (ii), (iii), (iv) and (v) above or otherwise to further the conduct of war.

(b) At the demand of the Allied Representatives the following will be furnished:-

- (i) the labour, services and plant required for the maintenance or operation of any of the six categories mentioned in paragraph (a) above; and
- (ii) any information or records that may be required by the Allied Representatives in connection with the same.

SECRET

(c) At the demand of the Allied Representatives all facilities will be provided for the movement of Allied troops and agencies, their equipment and supplies, on the railways, roads and other land communications or by sea, river or air. All means of transportation will be maintained in good order and repair, and the labour, services and plant necessary therefor will be furnished.

ARTICLE 6

(a) The German authorities will release to the Allied Representatives, in accordance with the procedure to be laid down by them, all prisoners of war at present in their power, belonging to the forces of the United Nations, and will furnish full lists of these persons, indicating the places of their detention in Germany or territory occupied by Germany. Pending the release of such prisoners of war, the German authorities and people will protect them in their persons and property and provide them with adequate food, clothing, shelter, medical attention and money in accordance with their rank or official position.

(b) The German authorities and people will in like manner provide for and release all other nationals of the United Nations who are confined, interned or otherwise under restraint, and all other persons who may be confined, interned or otherwise under restraint for political reasons or as a result of any Nazi action, law or regulation which discriminates on the ground of race, colour, creed or political belief.

(c) 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.

ARTICLE 7

The German authorities concerned will furnish to the Allied Representatives:-

(a) full information regarding the forces referred to in Article 2 (a), and, in particular, will furnish

SECRET

forthwith all information which the Allied Representatives may require concerning the numbers, locations and dispositions of such forces, whether located inside or outside Germany;

- (b) complete and detailed information concerning mines, minefields and other obstacles to movement by land, sea or air, and the safety lanes in connection therewith. All such safety lanes will be kept open and clearly marked; all mines, minefields and other dangerous obstacles will as far as possible be rendered safe, and all aids to navigation will be reinstated. Unarmed German military and civilian personnel with the necessary equipment will be made available and utilized for the above purposes and for the removal of mines, minefields and other obstacles as directed by the Allied Representatives.

ARTICLE 8

There shall be no destruction, removal, concealment, transfer or scuttling of, or damage to, any military, naval, air, shipping, port, industrial and other like property and facilities and all records and archives, wherever they may be situated, except as may be directed by the Allied Representatives.

ARTICLE 9

Pending the institution of control by the Allied Representatives over all means of communication, all radio and telecommunication installations and other forms of wire or wireless communications, whether ashore or afloat, under German control, will cease transmission except as directed by the Allied Representatives.

ARTICLE 10

The forces, nationals, ships, aircraft, military equipment, and other property in Germany or in German control or service or at German disposal, of any other country at war with any of the Allies, will be subject to the provisions of this Declaration and of any proclamations, orders, ordinances or instructions

SECRET

issued thereunder.

ARTICLE 11

(a) The principal Nazi leaders as specified by the Allied Representatives, and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences, will be apprehended and surrendered to the Allied Representatives.

(b) The same will apply in the case of any national of any of the United Nations who is alleged to have committed an offence against his national law, and who may at any time be named or designated by rank, office or employment by the Allied Representatives.

(c) The German authorities and people will comply with any instructions given by the Allied Representatives for the apprehension and surrender of such persons.

ARTICLE 12

The Allied Representatives will station forces and civil agencies in any or all parts of Germany as they may determine.

ARTICLE 13

(a) In the exercise of the supreme authority with respect to Germany assumed 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, the four Allied Governments will take such steps, including the complete disarmament and demilitarisation of Germany, as they deem requisite for future peace and security.

(b) The Allied Representatives will impose on Germany additional political, administrative, economic, financial, military and other requirements arising from the complete defeat of Germany. The Allied Representatives, or persons or agencies duly designated to act on their authority, will issue proclamations, orders, ordinances and instructions for the purpose of laying down such additional requirements, and of giving effect to

SECRET

the other provisions of this Declaration. All German authorities and the German people shall carry out unconditionally the requirements of the Allied Representatives, and shall fully comply with all such proclamations, orders, ordinances and instructions.

ARTICLE 14

This Declaration enters into force and effect at the date and hour set forth below. In the event of failure on the part of the German authorities or people promptly and completely to fulfil their obligations hereby or hereafter imposed, the Allied Representatives will take whatever action may be deemed by them to be appropriate under the circumstances.

ARTICLE 15

This Declaration is drawn up in the English, Russian, French and German languages. The English, Russian and French are the only authentic texts.

(Date and year.)

(Place)

(Hours - Central European Time)

Signed by the Allied Representatives:

(Name).	(Title).
(Name).	(Title).
(Name).	(Title).
(Name).	(Title).

The above text of the Declaration regarding the defeat of Germany and the assumption of supreme authority with respect to 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 has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 12th May, 1945.

SECRET

Representative
of the
Government of the
United States of
America
on the European
Advisory
Commission.

Representative
of the
Government
of the Union of
Soviet Socialist
Republics
on the European
Advisory
Commission.

Representative
of the
Government
of the United
Kingdom
on the European
Advisory
Commission.

Representative
of the
Provisional
Government of
French Republic
on the European
Advisory
Commission.

/s/ John S. Winant /s/ F.T. Gousev /s/ Wm. Strang /s/ R. Massigli

Lancaster House, London, S.W.1.

12th May, 1945.

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COPY NO. _____

10 May 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 7CONTROL MACHINERY IN GERMANYNote by the Secretaries

The enclosure, a copy of the original text of Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the Provisional Government of the French Republic regarding amendments to the Agreement on "Control Machinery in Germany," of November 14, 1944 transmitted to the Secretary of State by the U.S. Delegate, EAC, is circulated for information.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

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E N C L O S U R E

E.A.C. (45) 2nd Meeting,
1st May, 1945

EUROPEAN ADVISORY COMMISSION

MINUTES OF MEETING held at Lancaster House, London, S.W.1., on
1st May, 1945 at 6 p.m.

PRESENT:

Monsieur R. Massigli (in the Chair)
Monsieur de Leusse
Professor Gros

Mr. J.G. Winant
Brigadier-General V. Meyer
Dr. P.E. Mosely

Sir William Strang
Viscount Hood

Mr. F.T. Gousev
Mr. G.F. Saksin
Mr. N.V. Ivanov

Secretariat

Mr. E.P. Donaldson
Mr. T.A. Marchenko
Mr. W.D. McAfee
Mr. E.A. Paton-Smith

AGENDA

Approval of text of Agreement between 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 regarding Amendments to the Agreement of 14th November, 1944 on Control Machinery in Germany.

THE COMMISSION

Approval of text of the Agreement between the four Governments regarding Amendments to the Agreement of 14th November, 1944 on Control Machinery in Germany.

(a) approved the text of the Agreement regarding Amendments to the Agreement of 14th November 1944 on Control Machinery in Germany, as agreed between the Delegations of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic;

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(b) decided to submit the above-mentioned Agreement to 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 for consideration and approval;

(c) requested the Secretary-General to have prepared a text in the French language of the Agreement of 14th November, 1944 on Control Machinery in Germany.

Representative
of the
Government
of the
United
States of
America
on the
European
Advisory
Commission:

Representative
of the
Government
of the Union
of Soviet
Socialist
Republics
on the
European
Advisory
Commission:

Representative
of the
Government
of the
United
Kingdom
on the
European
Advisory
Commission:

Representative
of the
Provisional
Government
of the
French
Republic
on the
European
Advisory
Commission:

/s/ John S. Winant /s/ F.T. Gousev /s/ Wm. Strang /s/ R. Massigli
Lancaster House, London, S.W.1.

1st May, 1945.

AGREEMENT BETWEEN 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 REGARDING AMENDMENTS TO THE AGREEMENT OF 14TH NOVEMBER, 1944 ON CONTROL MACHINERY IN GERMANY.

I.

In the preamble add "the Provisional Government of the French Republic" to the names of the three Governments.

II.

In Article 1 add "the French Republic" to the names of the three Powers.

III.

In Article 2 substitute "three" for "two" before the word "Commanders-in-Chief."

IV.

In Article 3 (a) substitute "four" for "three" before the word "Commanders-in-Chief."

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V.

In the last sentence of Article 3(c) substitute "four" for "three" before the word "members."

VI.

In the first sentence of Article 4 substitute "four" for "three" before the word "Commanders-in-Chief."

VII.

In Article 5(c) substitute "four" for "three" before the word "zones."

VIII.

In Article 6(b) substitute "four" for "three" before the words "high-ranking officials" and before the words "heads of each Division."

IX.

In Article 6(c) substitute "four" for "three" before the words "heads of a Division."

X.

In the first sentence of Article 7(a) substitute "four" for "three" before the word "Commandants."

XI.

In Article 7(b) substitute "four" for "three" before the word "Powers."

XII.

In Article 11 add "the Provisional Government of the French Republic" to the names of the three Governments.

The above text of the Agreement between 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 regarding Amendments to the Agreement of 14th November, 1944 on Control Machinery in Germany has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 1st May, 1945.

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Representative
of the
Government
of the
United
States of
America
on the
European
Advisory
Commission:

Representative
of the
Government
of the Union
of Soviet
Socialist
Republics
on the
European
Advisory
Commission:

Representative
of the
Government
of the
United
Kingdom
on the
European
Advisory
Commission:

Representative
of the
Provisional
Government
of the
French
Republic
on the
European
Advisory
Commission:

/s/ John S. Winant /s/ F.T. Gousev /s/ Wm. Strang /s/ R. Nassigli

Lancaster House, London, S.W.1.

1st May 1945.

TOP SECRETTOP SECRET10 May 1945COPY NO. 41STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 6UNCONDITIONAL SURRENDER OF GERMANYNote by the Secretaries

The enclosure, a copy of the original text of Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the Provisional Government of the French Republic regarding amendments to the "Unconditional Surrender of Germany" of 25 July 1944, transmitted to the Secretary of State by the U.S. Delegate, E.A.C., is circulated for information.

CHARLES W. MCCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

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E N C L O S U R E

E.A.C. (45) 1st Meeting,
1st May, 1945

EUROPEAN ADVISORY COMMISSION

MINUTES of Meeting held at Lancaster House, London, S.W.1., on
1st May 1945 at 5:30 p.m.

PRESENT:

Monsieur R. Massigli (in the Chair)
Monsieur de Leusse
Professor Gros

Mr. J. G. Winant
Brigadier-General V. Meyer
Dr. P. E. Mosely

Sir William Strang
Viscount Hood

Mr. F.T. Gousev
Mr. G.F. Saksin
Mr. N.V. Ivanov

Secretariat

Mr. E.P. Donaldson
Mr. T.A. Marchenko
Mr. W.D. McAfee
Mr. E.A. Paton-Smith

AGENDA

Approval of text of Agreement between 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 regarding Amendments to the "Unconditional Surrender of Germany" of 25th July, 1944.

THE COMMISSION:-

Approval of text of the Agreement between the four Governments regarding Amendments to the "Unconditional Surrender of Germany."

(a) approved the text of the Agreement regarding Amendments to the "Unconditional Surrender of Germany," as agreed between the Delegations of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic;

(b) decided to submit the above-mentioned Agreement to the Governments of the United States of America

- 1 -

Enclosure

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the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic for consideration and approval;

(c) requested the Secretary-General to have prepared a text of the "Unconditional Surrender of Germany" of 25th July, 1944 in the French language.

Representative of the Government of the United States of America on the European Advisory Commission:	Representative of the Government of the Union of Soviet Socialist Republics on the European Advisory Commission:	Representative of the Government of the United Kingdom on the European Advisory Commission:	Representative of the Provisional Government of the French Republic on the European Advisory Commission:
/s/ John G. Winant	/s/ F.T. Gousev	/s/ Wm. Strang	/s/ R. Massigli

Lancaster House, London, S.W.1.

1st May, 1945.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC REGARDING AMENDMENTS TO THE "UNCONDITIONAL SURRENDER OF GERMANY" (OF 25th JULY, 1944).

I.

In the second paragraph of the preamble add "the French Republic" to the names of the three Powers.

II.

In the first sentence of Article 12(a) add "the French Republic" to the names of the three Powers.

III.

Article 14 will read as follows:-

This Instrument is drawn up in the English, French, Russian and German languages. The English, French and Russian are the only authentic texts. In case of any question as to the meaning of any of the provisions of this Instrument, the decision of the Allied Representatives shall be final.

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IV.

In the place designated for the signatures of the Allied Representatives add a fourth line for the signature of the French Representative.

The above text of the Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the Provisional Government of the French Republic regarding Amendments to the "Unconditional Surrender of Germany" of 25th July, 1944 has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 1st May 1945.

Representative of the Government of the United States of America on the European Advisory Commission:	Representative of the Government of the Union of Soviet Socialist Republics on the European Advisory Commission:	Representative of the Government of the United Kingdom on the European Advisory Commission:	Representative of the Provisional Government of the French Republic on the European Advisory Commission:
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/s/ John G. Winant /s/F.T. Gousev /s/Wm. Strang /s/ R. Massigli

Lancaster House, London, S.W.1.

1st May 1945.

RESTRICTEDCOPY NO. 418 May 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 5SUBCOMMITTEE FOR TECHNICAL INFORMATION SECURITY CONTROLNote by the Secretaries

1. At its 15th meeting, the State-War-Navy Coordinating Committee agreed to establish a Subcommittee for the control of the release of technical information to foreign nationals, such a Subcommittee to be designated "Subcommittee for Technical Information Security Control".

2. The following is the revised membership of this Subcommittee:

State Department

Mr. Frederick Exton (Chairman)(S-558)

War Department

Brig. General J. F. Phillips, AAF (W-71500)

Lt. Colonel W. W. Goodman (AAF Alternate Member)
(W-6767)

Lt. Colonel W. C. Strecker, ASF (W-72810)

Navy Department

Lt. Commander Kelso Daly (N-4515)

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

S E C R E T

COPY NO. _____

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5 May 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 4CONTROL OF GERMAN FOREIGN RELATIONS AND THE DISPOSITION OF
ENEMY DIPLOMATIC AND CONSULAR PROPERTY AND RECORDSNote by the Secretaries

The enclosure, a Draft Directive presented by the U.S. Delegate, E.A.C., on "Control of German Foreign Relations and the Disposition of Enemy Diplomatic and Consular Property and Records", was circulated on 17 April 1945 to the European Advisory Commission as E.A.C.(45)40.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

S E C R E T

E N C L O S U R E

DRAFT DIRECTIVE NO. 19

CONTROL OF GERMAN FOREIGN RELATIONS AND THE DISPOSITION
OF ENEMY DIPLOMATIC AND CONSULAR PROPERTY AND RECORDS

1. The term "German Foreign Office", as used in this directive, refers to the Auswärtiges Amt and all its branches. The terms "officials" and "official personnel" as used with reference to persons serving on missions abroad includes all diplomatic, consular, and other officials and all military, naval and air force personnel accredited to or serving on diplomatic or special missions, together with their staffs and members of their families.
2. The Control Council will establish and maintain control of the German Foreign Office and will determine and coordinate policies with respect to German foreign relations.
3. In furtherance of the policy of eliminating Naziism, the Foreign Organization (die Auslandsorganisation) in the German Foreign Office will be dissolved, and the activities of the Press, Information, Radio and Cultural Affairs Divisions of the German Foreign Office will be immediately suspended.
4. All records, archives, codes and ciphers of the German Foreign Office will be immediately seized wherever found, and secured. Access to all such secured matter will be permitted any representatives of the Occupying Powers accredited therefor by their respective Commanders-in-Chief, or any representatives of any other United Nation accredited therefor by the Control Council.
5. The Control Council will notify all states in which consulates or missions of Germany are located, and the powers protecting German consulates or missions that the Control Council

S E C R E T

assumes control over all German diplomatic and consular property and archives abroad. Access to such German diplomatic and consular premises will thereafter be procured for representatives of the Occupying Powers, and the return to Germany will be effected of all German diplomatic and consular records whose return may be desired by the Control Council.

6. An examination of German Foreign Office records and German diplomatic and consular records will be undertaken by the Control Council for the purpose, among others, of obtaining information regarding the war aims of Germany and associated governments, their methods of operation, and their responsibility for aggression, ruthlessness, war crimes and other violations of international law.

7. All German official personnel serving on missions abroad will be recalled. If their recall cannot be effected or if their recall is not practicable by reasons of nationality, their authority as agents for Germany will be terminated.

8. German diplomatic and consular relations with any country or puppet government which is or has been at war since 31 December 1937 with any of the United Nations will be broken off. The official personnel of such countries or governments in Germany will be taken into protective custody, wherever found, and held for further disposition. The diplomatic and consular property and records belonging to such countries or governments and to their official personnel will be seized and secured if not found in the custody of a protecting power.

9. You will report to the Control Council the location and general nature of all such enemy diplomatic and consular property and records seized in your zone. You will permit any representatives of each of the other Occupying Powers accredited therefor by their respective Commanders-in-Chief, or any representatives

S E C R E T

of any other United Nation accredited therefor by the Control Council, to have access to any such property and records.

10. In the event that any diplomatic and consular property and archives of enemy countries are found in the custody of a protecting power, you will respect that custody, pending further instructions. You are authorized, however, for security reasons to request the representative of the protecting power for permission to search the premises. If such permission is refused or unreasonably delayed, you are authorized to effect entry and search, if deemed urgently necessary for the security of your forces.

11. All communications between neutral officials in Germany and their governments, and between neutral officials and German personnel retained in the German Foreign Office will be under supervision of the Control Council. The withdrawal from Germany of official personnel of neutral countries may be effected, as may be deemed necessary by the Control Council for security or other reasons.

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S E C R E TCOPY NO. 413 May 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 3NORWAY'S RELATIONSHIP TO THE INSTRUMENT OF
UNCONDITIONAL SURRENDER FOR GERMANYNote by the Secretaries

The enclosure, a letter forwarded to the Secretary of State by the Acting Secretary, U.S. Delegation, EAC, enclosing a letter sent by the Norwegian Minister of Foreign Affairs to the Chairman of the European Advisory Commission with regard to Norway's relationship to the Instrument of Unconditional Surrender for Germany, is circulated for information.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

S E C R E TE N C L O S U R EEMBASSY OF THE
UNITED STATES OF AMERICAAIR MAIL

London, April 21, 1945.

No. 22570

SUBJECT: EUROPEAN ADVISORY COMMISSION: Transmitting Copy of
Letter from Norwegian Minister of Foreign Affairs
to the Chairman of the Commission.The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to refer to the Embassy's telegram 4078, April 20, 9 p.m., summarizing a letter sent by the Norwegian Minister of Foreign Affairs to the Chairman of the European Advisory Commission with regard to Norway's relationship to the Instrument of Unconditional Surrender for Germany. Two copies of the text of this letter are herewith enclosed.

Respectfully yours,

For the Ambassador:

(Sgd.) Henry P. Leverich

Henry P. Leverich
Acting Secretary, U.S. Delegation
European Advisory Commission

- - -

S E C R E TA P P E N D I XEUROPEAN ADVISORY COMMISSION

Copy of a letter dated 14 April 1945 from the Norwegian
Minister of Foreign Affairs to the Chairman,
European Advisory Commission

Sir,

Representatives of the Norwegian Government were invited to take part in a meeting which was held by a subcommittee of the European Advisory Commission on the 13th of January this year. They were given a Summary of an Instrument of Unconditional Surrender of Germany which at that time had been prepared and the Chairman of the subcommittee expressed the desire of the European Advisory Commission to receive such observations as the Norwegian Government might wish to make.

The competent Norwegian authorities have considered the various questions which present themselves in this connection as far as this has been possible on the basis of the Summary. They find it, however, extremely difficult to make any authoritative statement on these questions unless the complete text of the existing proposal for the conditions of surrender to be imposed upon Germany is made known to them. I therefore have the honour to request that this text should be submitted in full for their strictly confidential examination.

In the meanwhile I have been requested to acquaint you with the following observations which should be considered quite provisional:

I. The first terms which will be announced to the enemy immediately upon his surrender, and whose contents appear in the Summary, consist mainly in demands of a purely military character, the United Nations reserving the right to present additional requirements of political, administrative, economic, financial

SECRET

as well as military character. The Norwegian Government therefore share the view that these preliminary terms of surrender should be announced to the enemy by representatives of the Supreme Commands of the United States, the United Kingdom and the Soviet Union.

It appears, however, from the Summary that the terms are to be imposed "by authority" of the Governments of the three great powers, and with regard to the other United Nations only "in their interests". The Norwegian Government fear that this mode of expression, besides being apt to create vagueness with regard to the relations between the United Nations, will leave doubt as to their position towards Germany from the point of view of international law, and be a constant source of juridical difficulties and political conflicts during the different phases of the post-war settlement. If, for reasons not yet known to the Norwegian Government, it is nevertheless decided to retain these expressions, it should at any rate be expressly stated in the terms of surrender that all the United Nations are in principle entitled to the same rights towards Germany.

It may be desirable from purely practical considerations to limit the number of United Nations that shall actively take part in the notification to the enemy of the terms of surrender. With regard to allied countries, however, who during years of war have rendered a valuable, and, in view of their resources, considerable contribution to the attainment of the common war aims, these considerations cannot be given decisive importance.

The Governments of the allied countries whose territories have been occupied by the enemy during the war, and especially those countries within whose borders there are still German forces at the time of surrender, seem in any circumstances to have a special claim to be included amongst the nations in

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whose names the terms of surrender are to be imposed upon the enemy. The Summary seems to have been prepared on the assumption that the same terms of surrender will be imposed at the same time both in Germany itself and in the countries occupied by the enemy. As it must be presumed that most of Norway will still be occupied by German forces at the time of surrender and subject to the German occupation authorities, the obligations which the terms of surrender impose upon the enemy are to be complied with on Norwegian territory. It would then hardly be compatible with the sovereign rights of the Norwegian Government that these obligations should be imposed upon the enemy without their participation. The Norwegian Government feel that no matter in whose name the general military terms of surrender to be carried out mainly in Germany itself are announced, the publication of the special terms which will be presented direct to the Germans in Norway, should at any rate be made by authority, not alone of the Governments of the three great powers, but also of the Norwegian Government. The people of Norway would be unable to understand any arrangement by which the sovereign equality of a nation fighting for its life should be slighted in such a way.

With my letter to the Chairman of the European Advisory Commission of the 2nd September last year I enclosed a Memorandum with 2 Annexes, exposing the general views of the Norwegian Government on the terms of surrender. Annex A contains a proposal of a procedure for the notification of special terms. Its first paragraph reads as follows: "The terms shall be notified to the Germans and their subordinates in Norway by two allied plenipotentiaries, one of whom shall be appointed by the Norwegian Government." The Norwegian Government attach the greatest importance to this proposal, and would be grateful to receive the observations of the European Advisory Commission on

S E C R E T

this matter, especially as far as the suggested procedure is concerned.

II. It is also felt that the general provisions of a military character, to which reference is made in the Summary and which comprise the second part of the Instrument, will not completely cover the situation which must be anticipated in Norway when the German occupation forces surrender. The following instances will make this clear:

a) It appears from article (iii) in the second part of the Summary that the German forces shall remain in their positions at the time of surrender pending instructions from the Allies.

The Norwegian authorities consider it particularly desirable that the German forces and the German civilians in Norway are concentrated as soon as possible in camps or other assembly centres. The provisions which have been suggested will hardly provide for such a contingency.

b) It appears from article (v) in the second part of the Summary that the German authorities shall hold at the disposal of the Allies, all war material and certain other categories of property which are further specified. In the opinion of the Norwegian authorities it seems natural that provisions should be made at once prohibiting the destruction of any object which may be in German possession on Norwegian territory.

c) It appears from article (vi) in the second part of the Summary that United Nations' prisoners of war and United Nations' and other nationals who are under restraint for political reasons shall be released. The Norwegian authorities, unfortunately, are bound to declare that it would not be advisable that prisoners of war and displaced persons should be summarily

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released until ample provisions can be made by allied authorities for their protection, their feeding and their repatriation. There are so great numbers of these persons that general disorder in large districts would be inevitable if they were left to themselves and the difficulties of reorganizing daily life and work in the country would be multiplied.

These instances are not meant to be exhaustive. Without further knowledge of the text of the Instrument the Norwegian Government are unable to point out each particular provision in the main terms which cannot be applied in Norway. The three instances are, however, sufficient proof that it will be necessary to make special provisions for the carrying out of the terms of surrender in Norway. Such special provisions could either be attached as an annex to the general terms of surrender and be imposed on the enemy at the same time, or they might, if this is found more appropriate, be the object of a special notification direct to the German forces and the German civilians in Norway by authority of the Norwegian Government and the other Allied nations. In that case it is possible that special reservation for such provisions concerning Norway, must be included in the general terms of surrender.

III. It must be presumed that considerable Norwegian interests will in many respects be directly concerned by the "additional political, administrative, economic, financial and other requirements which may be presented in connection with the surrender of Germany", and which, according to the third part of the Summary, will be made later in the form of proclamations, orders, etc. The Norwegian Government therefore venture to express their hope that they will be given the opportunity to take part in the preparation and drafting of these joint demands and that these will also be presented to the enemy

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in the name of the Norwegian Government and not alone "in the interests of the United Nations".

The Norwegian authorities are aware that it is contemplated to create a series of allied agencies, as for instance an Interallied Control Commission and an Interallied Commission on Reparations, with the task to secure, each within their own sphere, the observance of the terms of surrender. The decisions of these agencies will probably be of decisive importance for the fulfilment of the Norwegian claims on Germany. The Norwegian Government will therefore be grateful to receive as soon as possible further information about the plans which may have been prepared with regard to the composition and the activities of these agencies and to be given the opportunity to make their observations.

The Norwegian Government would appreciate being given an opportunity to make further statements in the matter as soon as the full text of the proposal of the European Advisory Commission is made known to them.

Finally I may add that further discussions with the above mentioned subcommittee are believed highly desirable at the present moment. If another meeting could be arranged, as it is hoped, the Norwegian Government would be pleased to send their representatives.

I am, Sir,

Your obedient Servant,

(Sgd.) TRYGVE LIE.

LANCASTER HOUSE,
LONDON, S.W.1.

18th April 1945.

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SECRETCOPY NO. 4115 March 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 2RESTITUTION COMMISSION

References: a. EAC(45)19
b. COMEA 191
c. State Dept. Cable
#1795, 8 Mar 45.

Note by the Secretaries

1. The Enclosure, a memorandum by the U.K. Representative, E.A.C., transmitted to the Secretary of State by the Secretary, U.S. Delegation, E.A.C., is circulated for information.

2. References b. and c. were previously distributed by the Secretariat, SWNCC.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

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ENCLOSURE

E.A.C.(45)19

28th February, 1945.

EUROPEAN ADVISORY COMMISSION

RESTITUTION COMMISSION

Memorandum by the U.K. Representative

On the 21st November last I circulated to the European Advisory Commission a memorandum (E.A.C.(44)28, subsequently amended by E.A.C.(45)5) proposing the early establishment of a Restitution Commission.

2. On the 9th January the French Delegation circulated a memorandum (E.A.C.(45)3) on Restitution which raised the very much wider question of priority as between various classes of claims to reparation, and went far beyond the restitution of identifiable property.

3. It is clear that, whatever decision may ultimately be reached with regard to priority as between different classes of claims to reparation, a special body will be required to deal with claims to identifiable property. I therefore propose that, without prejudice to the wider questions raised in the French Delegation's memorandum, the Commission should proceed without delay to examine the United Kingdom Delegation's proposals for the establishment of a Restitution Commission.

W.S.

LANCASTER HOUSE,
LONDON, S.W.1.

27th February, 1945.

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2. Subsequently, a conference between representatives of the State-War-Navy Coordinating Committee and the Attorney General resulted in suggested changes to the Preamble and paragraph 7 of the draft agreement. These changes were approved informally by the State-War-Navy Coordinating Committee and the Joint Logistics Committee and were forwarded together with explanatory comments, by the Assistant Secretary, Joint Chiefs of Staff, to the Secretary, Joint Chiefs of Staff, with a request to bring the message and other messages and papers on the subject to the attention of State Department representatives at the conference. At the instance of the State-War-Navy Coordinating Committee, this message included additional comment for use of the negotiators. The Joint Logistics Committee supplemental report covering these matters and indicating that it is concurred in by the State-War-Navy Coordinating Committee has been circulated as J.C.S. 1266/1.

3. At the ninth meeting of the State-War-Navy Coordinating Committee on 9 February 1945, Mr. Dunn referred to a message dated 7 February 1945 signed by General Marshall and read State Department telegram No. 27, dated 7 February 1945, to Secretary Stettinius with reference to Joint Chiefs of Staff approval of the preliminary British text of the proposed agreement, with certain changes. Paraphrases of these messages are attached hereto as Enclosures "A" and "B".

WALLACE E. WHITSON
ALVIN F. RICHARDSON
RAYMOND E. COX
Secretariat

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ENCLOSURE "A"

PARAPHRASE

WAR DEPARTMENT INCOMING MESSAGE:

Message from Bull to Eisenhower for Smith signed by Marshall for information of War Department, dated 7 February.

The British preliminary text concerning a mutual agreement in regard to PO/Ws, which was approved by Barker and was considered at the meeting, was approved on 7 February by JCS - subject to the ensuing changes;

Word "US" is substituted for "Allied" wherever the latter appears in the document.

A provision was put in to permit, for the duration of joint operations, the transference by US of Russians to British.

A provision was added to allow Russians to be employed in their own camps for work without preliminary understanding between US and the Soviet Union.

A paragraph which follows the ideas of the first Soviet proposal has been put in at the beginning.

The CCS will be likely to discuss this matter on 8 February.

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ENCLOSURE "B"

PARAPHRASE OF STATE DEPARTMENT TELEGRAM NO. 27
DATED FEBRUARY 7, TO SECRETARY STETTINIUS

A message dated February 7, from Marshall has just been made available to us by the War Department which indicates that JCS on February 7 approved with certain changes British preliminary text on agreement with Soviet Union for exchange of prisoners of war and apparently also for liberated persons. While it is not definitely clear what preliminary British text is referred to, if it is the preliminary text included in JCS 1266, the agreement would not appear to cover the following specific points which were incorporated in the United States counterproposals forwarded to JCS staff with you:

1. Protection of Geneva Convention which we have informed Soviet Government we will accord to Soviet citizens captured in German uniform who demand such protection.
2. Soviet citizens in the United States not prisoners of war whose cases the Attorney General feels should be dealt with on basis of traditional American policy of asylum.
3. Persons liberated by United States forces no longer in their custody.
4. Question of the liberation and repatriation of other United Nations citizens.
5. Persons claimed as citizens by the Soviet authorities who were not Soviet citizens prior to outbreak of war and do not now claim Soviet citizenship.

In order that consideration may be given to these questions and others referred to in JCS 1266 and 1266/1 before final agreement is reached, these questions, we feel, should be brought to attention.

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COPY NO. _____

13 February 1945STATE-WAR-NAVY COORDINATING COMMITTEEMEMORANDUM FOR INFORMATION NO. 1UNITED STATES-SOVIET AGREEMENT AS TO THE CARE AND
REPATRIATION OF RECOVERED UNITED STATES AND U.S.S.R.
CITIZENS AND PRISONERS OF WARReference: a. Minutes, SWNCC 8th MeetingNote by the Secretaries

1. At its 8th meeting on 29 January 1945 the State-War-Navy Coordinating Committee:
 - a. Adopted and approved a report of the Joint Logistics Committee of the Joint Chiefs of Staff (subsequently circulated as J.C.S. 1266), with respect to a proposed "United States-Soviet Agreement as to the Care and Repatriation of Recovered United States and U.S.S.R. Citizens and Prisoners of War".
 - b. Concurred in the procedure adopted by the Joint Logistics Committee for forwarding the draft agreement and its report to the Joint Chiefs of Staff at the impending conference and noted that the State Department would inform its representatives at the conference of the adoption and approval of the report by the State-War-Navy Coordinating Committee.
 - c. Noted that representatives of the State-War-Navy Coordinating Committee would endeavor to clear paragraph 7 of the draft with the Attorney General and agreed to communicate such clearance to the State Department, after approval by the State-War-Navy Coordinating Committee, for forwarding to its representatives at the impending conference.

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