000.5 WAR CRIMES, GERMANY
MISCELLANEOUS

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By RDB NARS, Date 30 SEP 1974

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LIST OF PAPERS

FILE UNDER NO. 000.5 WAR CRIMES, Germany ~~TOP SECRET~~

Serial No.	From	Date	To	Synopsis
1	Ralph A. Bard	2/17/45	Sec of Navy	Letter re jurisdiction to try war crimes
2	Sec of War	2/20/45	Sec of State	Letter re questioning POW for information on War Crimes.
3	W.D. Leahy	3/7/45	Sec War and Mavy	Subject: German Atrocities Against Allied Prisoners of War.
4	H.L. Stimson	3/14/45	Sec of State	Letter re protection of U.N. POW in Germany
5		3/15/45		JCS and JLC Memo re: Obligations of Theater Commanders in Relation to War Crimes--list of working party.
6	Col. McCarthy	4/25/45	Sec, JCS	Memo re correspondence Subject: Warning Addressed to the Germans as to the Treatment of Prisoners of War.
7	Mr. Mathews	4/27/45	Sec of State	Memo re Warning Addressed to the Germans as to Treatment of Prisoners of War.
8				Extract from Minutes of 13th Meeting.
9	J.J. McCloy	6/13/45	Mr. Matthews	Letter re British aide memoire on the subject of the trial of war criminals.
10	Brig. Gen. McFarland	6/19/45	Mr. Stettinius	Memo enclosing message from the CCS to the Supreme Commander, Allied Expeditionary Force and the Supreme Allied Commander, Mediterranean.
11	Sec Stimson	7/30/45	Sec of State	Letter re delivery of war criminal for trial to Czech Govt.

~~TOP SECRET~~

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~~SECRET~~

Maj Brown/73528/emd

WDGAP 000.5(19 May 44)

30 JUL 1945

The Honorable
The Secretary of State

My dear Mr. Secretary:

I have your letter dated 21 July 1945, Le 740.00116 E.W. 7-1745, in which you request the War Department to issue the necessary orders to effect the turning over of Karl Hermann Frank to the Czechoslovakian Government for trial in Czechoslovakia as a war criminal. It is noted that the conditions upon which he will be turned over have been agreed upon by this Government and the Czechoslovakian Government and have been approved by Mr. Justice Jackson.

The War Department is accordingly taking the necessary steps to arrange for his prompt delivery to the Czechoslovakian Government. To this end a radio has been dispatched to the Commanding General, United States Forces European Theater, directing him to turn over Frank to the appropriate Czechoslovakian authorities as soon as possible.

Sincerely yours,

(Sgd.) HENRY L. STIMSON

Secretary of War

SWNCC

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By CGD NARS, Date 30 SEP 1974

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Secy, SWNCC
CS 12946

SAVE

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

~~SECRET~~

19 June 1945.

The Honorable
Edward R. Stettinius, Jr.,
Secretary of State,
Washington, D.C.

My dear Mr. Secretary:

The enclosed message which the Combined Chiefs of Staff have dispatched to the Supreme Commander, Allied Expeditionary Force and the Supreme Allied Commander, Mediterranean is furnished for such use as you may care to make of it.

For the Joint Chiefs of Staff:

(SIGNED)

A. J. McFARLAND,
Brigadier General, U.S.A.,
Secretary.

Enclosure.

SWNCC

COL. McCARTHY
COMDR. RICHARDSON
MR. R. E. COX
LT. COL. PENNOYER
LT. COMDR. BEILFUSS
MR. H. W. MOSELEY
MR. J. P. GARDINER
LT. COMDR. ROCKEFELLER
LT. COL. V. F. FIELD
MAJOR W. E. GUNTHER
1ST LT. E. SPITTALL
ENS. F. WHITESIDE
FILE

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By CGD NARS, Date 30 SEP 1974

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ENCLOSURE

TEXT OF A MESSAGE FROM THE COMBINED CHIEFS OF STAFF TO THE SUPREME COMMANDER, ALLIED EXPEDITIONARY FORCE AND THE SUPREME ALLIED COMMANDER, MEDITERRANEAN

1. Previous restriction on your trial of persons charged with war crimes now removed as indicated below. Whether offenses were committed before or after occupation by your forces and regardless of nationality of victim, you may proceed with such trials in military government courts under your command, except as provided in paragraph 3 of this message for British areas, and execute sentences subject to the following:

a. Trials of suspected war criminals who held high political, civil, or military positions should be deferred pending reference to Combined Chiefs of Staff to ascertain whether it is desired to try such persons before an international tribunal.

b. Trials of other persons, known also to be wanted by one or more of United Nations in accordance with the Moscow Declaration for trial for crimes committed outside your zone, should be deferred and report made to the Combined Chiefs of Staff.

c. Execution of death sentences should be deferred when you believe testimony of those convicted would be of value in trial for other war criminals in any area whether within or without area of your responsibility and report made to the Combined Chiefs of Staff.

2. Previous restrictions against segregation of suspected war criminals taken into custody in your theater as recently affirmed in FACS 217 and FAN 551 are rescinded.

3. So far as area occupied by British forces is concerned no trials should take place until Royal Warrant establishing special military courts has been promulgated. This is expected shortly. It is intended that these special military courts and not military government courts will try war criminals in the area occupied by British forces.

4. This message is not intended to answer SCAF 406 and NAF 973. Answer to them will follow shortly. Meantime, the persons wanted in connection with war crimes should be retained by captor power and not handed over to other national authorities.

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SWNCC	
COL. McCARTHY	
COMDR. RICHARDSON	
MR. R. E. COX	
LT. COL. PENNOYER	
LT. COMDR GEILFUSS	
MR. H. W. MOSELEY	
MR. J. P. GARDINER	
LT. COMDR. ROCKEFELLER	
LT. COL. V. F. FIELD	
MAJOR W. E. GUNTHER	
1ST LT. E. SPITTALL	
ENS. F. WHITESIDE	
FILE	

~~SECRET~~

600.5(1)

13 JUN 1945

Mr. H. Freeman Matthews
Director, Office of European Affairs
Department of State
Washington, D. C.

Dear Mr. Matthews:

Receipt is acknowledged of your letter of 7 June 1945 addressed to the Director, Civil Affairs Division, concerning a British aide memoire on the subject of the trial of war criminals.

The military and naval codes of the United States have not been changed by statute or Executive Order so as to provide for special tribunals or procedure for the trials of war criminal cases such as is contemplated by the British under authority of a Royal Warrant. However, it is considered that upon the approval of the cable proposed by the Combined Civil Affairs Committee in the C.C.A.C. 197 series (C.C.S.705/7) the United States policy of trying these criminals, with certain indicated exceptions, in the existing military government courts is adequately expressed for so long as the combined command remains. I do not believe that United States agencies have agreed, as yet, on the courts to be employed after SHAEF's dissolution.

With reference to paragraph 2 of the aide memoire, it is considered that the Army Commander should be left free to designate any officer of his command to arrange for the trials of individual war criminals. The notification to the Allies whose nationals are in the camp may for the present properly pass through the Allied Liaison Officer attached to SHAEF. It is understood that you desire that United States Army Commanders be advised to proceed with the trials and with such notification. Appropriate steps to initiate a unilateral cable will be taken.

The War Department has no objection to the suggestion to notify the Soviets and the French of the mentioned procedures. However, it is suggested that the last sentence of the last paragraph of the draft communication attached to the aide memoire be modified to conform to the exceptions listed in paragraph 1 of the draft cable in C.C.A.C. 197/1. There seems to be no reason to delay the trials of war criminals wanted elsewhere as witnesses in other trials so long as the execution of any death sentence is deferred.

Sincerely,

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By CEO NARS, Date 30 SEP 1974

copy for SWNCC

~~SECRET~~

JOHN J. McCLOY
Assistant Secretary of War

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7. WARNING CONCERNING TREATMENT OF ALLIED PRISONERS OF WAR

Mr. McCLOY announced that the Secretary of War and the Secretary of the Navy have now reached agreement with the Joint Chiefs of Staff as to the proper methods to be followed in warning the Germans with respect to their treatment of prisoners of war. He stated that the recommended methods will be forwarded to the Secretary of State for approval and for appropriate clearance with the British and Russians and probably the French.

13th Meeting

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~~TOP SECRET~~

27 April 1945

MEMORANDUM TO THE SECRETARY OF STATE:

Subject: Warning Addressed to the Germans as to Treatment of Prisoners of War.

With reference to the letter from the Acting Secretary of State to the Secretary of War on the above subject, dated 24 April 1945, the Joint Chiefs of Staff approve the addition which the British wish to make to the warning addressed to the Germans as to treatment of prisoners of war. They agree, however, with the Acting Secretary of State that it would be preferable to omit the words "at risk to themselves".

The Secretaries of War and the Navy concur in the above.

For the State-War-Navy Coordinating Committee:

H. FREEMAN MATTHEWS
Acting Chairman

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FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

~~TOP SECRET~~

27 April 1945.

MEMORANDUM FOR THE SECRETARY OF WAR:
SECRETARY OF THE NAVY:

Subject: Warning addressed to the Germans as to treatment of prisoners of war.

With reference to the letter from the Acting Secretary of State to the Secretary of War on the above subject, dated 24 April 1945, the Joint Chiefs of Staff recommend that the Secretary of State be informed as follows:

> The Joint Chiefs of Staff approve the addition which the British wish to make to the warning addressed to the Germans as to treatment of prisoners of war. They agree, however, with the Acting Secretary of State that it would be preferable to omit the words "at risk to themselves."

For the Joint Chiefs of Staff:

A. J. McFARLAND,
Brigadier General, U.S.A.,
Secretary.

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By CRO NARS, Date 30 SEP 1974

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SAVE

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

~~TOP SECRET~~

27 April 1945.

MEMORANDUM FOR THE SECRETARY OF WAR:
SECRETARY OF THE NAVY:

Subject: Warning addressed to the Germans as to treatment of prisoners of war.

With reference to the letter from the Acting Secretary of State to the Secretary of War on the above subject, dated 24 April 1945, the Joint Chiefs of Staff recommend that the Secretary of State be informed as follows:

> The Joint Chiefs of Staff approve the addition which the British wish to make to the warning addressed to the Germans as to treatment of prisoners of war. They agree, however, with the Acting Secretary of State that it would be preferable to omit the words "at risk to themselves."

For the Joint Chiefs of Staff:

(SIGNED)

A. J. McFARLAND,
Brigadier General, U.S.A.,
Secretary.

Copy to Secretary, SWNCC

~~TOP SECRET~~

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~~TOP SECRET~~

25 April 1945

MEMORANDUM FOR THE SECRETARY, JOINT CHIEFS OF STAFF:

Subject: Warning Addressed to the Germans as to Treatment of Prisoners of War.

1. Attached is a copy of a letter to the Secretary of War from the Secretary of State on the above subject.

2. It is requested that the views of the Joint and/or Combined Chiefs of Staff be obtained and that the State Department be informed of these views as a matter of priority.

For the State-War-Navy Coordinating Committee:

CHARLES W. McCARTHY
Secretary

Enclosure

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~~TOP SECRET~~
COPY

DEPARTMENT OF STATE
WASHINGTON

April 24, 1945

Dear Mr. Secretary:

I enclose herewith a copy of a letter from Mr. Eden to Mr. Stettinius concerning an addition which the British wish to make to the warning addressed to the Germans as to treatment of prisoners of war. The State Department is agreeable to the addition being made, although I should prefer on the whole to see the words "at risk to themselves" omitted, but do not consider such omission essential.

You will notice that the British desire to expedite the matter. Will you please advise me whether the proposed addition has the approval of the War Department and of the Joint Chiefs of Staff, if such is necessary. I am advised that the original undertaking was cleared through and had the approval of the Combined Chiefs of Staff.

Sincerely yours,

(Sgd.) Joseph C. Grew

Acting Secretary

The Honorable
Henry L. Stimson,
Secretary of War.

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~~TOP SECRET~~

BRITISH EMBASSY
WASHINGTON, D. C.

Ref: 934/-/45

My dear Ed,

The Prime Minister has now suggested the addition of the following words to the warning about United Nations prisoners of war in Germany to be issued over the names of the President, the Prime Minister and Marshal Stalin:

> " On the other hand those who help to preserve the lives of prisoners of war, deported citizens and internees of the United Nations at risk to themselves may be sure that their services will be taken into full consideration by the Allied Powers."

I think such an addition would be valuable and I should be grateful if you would have your people let the Embassy here know as soon as possible whether it is agreeable to the United States Government. We

/are

The Honourable Edward R. Stettinius, Jr.,
Department of State
Washington, D. C.

~~TOP SECRET~~

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are putting the same proposal to the Soviet Government through our Embassy in Moscow.

I should make clear that owing to printing arrangements it will not in any case be possible to get this addition into the first and second editions of the leaflets being prepared in London for issue tonight and a third printing would be required.

I enclose a fair text of the warning as it would read including the Soviet amendments and the Prime Minister's addition.

Yours ever,

/s/ Anthony Eden

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C-O-P-Y

FAIR TEXT OF WARNING INCLUDING
SOVIET AMENDMENTS

- - - -

" The Governments of the United Kingdom, the United States of America and U.S.S.R., on behalf of all the United Nations at war with Germany, hereby issue a solemn warning to all Commandants and guards in charge of Allied Prisoners of war in Germany and German-occupied territory, and to members of the Gestapo and all other persons, of whatsoever service or rank, in whose charge Allied prisoners of war, and also internees and deported citizens of the United Nations have been placed, whether in battle zones, on lines of communication, or in rear areas. They declare that they will hold all such persons, no less than the German High Command and competent German military, naval and air authorities, individually responsible for the safety and welfare of all Allied prisoners of war, internees and deported citizens in their charge.

Any person guilty of maltreating or allowing any Allied prisoners of war, internees and deported citizens to be maltreated, whether in battle zone, on

/line

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line of communication, in a camp, hospital, prison or elsewhere, will be ruthlessly pursued and brought to punishment.

They give notice that they will regard this responsibility as binding in all circumstances and one which cannot be transferred to any other authorities or individuals whatsoever.

On the other hand those who help to preserve the lives of prisoners of war, deported citizens and internees of the United Nations at risk to themselves may be sure that their services will be taken into full consideration by the Allied Powers."

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OS 5752

~~SECRET~~

000.5 general

THE JOINT CHIEFS OF STAFF
JOINT LOGISTICS COMMITTEE
WASHINGTON 25, D. C.

15 March 1945.

MEMORANDUM FOR: Brig. General J. M. WEIR, USA
Colonel R. A. CUTTER, USA
Captain F. B. GARY, Jr., USN
Lt. Colonel M. C. BERNAYS, USA
Lt. Commander J. J. ROBINSON, USNR
Major C. S. BADGETT, Jr., USA
Major J. C. STREET, USA

Subject: Obligations of Theater Commanders in Relation to War Crimes. (File--J.L.C. 244 Series)

Reference: a. J.L.C. 244/3/D.

The working party of the European subcommittee of the State-War-Navy Coordinating Committee (SWNCC) which has the above subject under consideration is listed below:

Mr. James W. RIDDLEBURGER (senior member)
State Department RE 5600 Ext 508

Colonel R. H. WILMER, USA
Civil Affairs Division
War Department RE 6700 Ext 4891

Lieutenant (jg) Harding BANCROFT, USNR
Military Government Section
Central Division
Chief of Naval Operations RE 6700 Ext 73287

R B Pegram Jr

R. B. PEGRAM, Jr.,
Secretary,
Joint Logistics Committee.

Copy to:

Rear Admiral V. R. Murphy, USN
Rear Admiral J. H. Cassady, USN
Major General W. A. Wood, Jr., USA
Brig. General P. H. Tansey, USA
Captain B. W. Decker, USN
Colonel D. W. Benner, USA
Mr. James W. Riddleburger
Colonel R. H. Wilmer, USA
Lt. (jg) Harding Bancroft, USNR
Sec., S.W.N.C.C.

SWNCC

Comdr. Richardson
Mr. Cox
Col. McCarthy
Mr. Moseley
Lt. Comdr. Rockefeller
Mr. Gardiner
Lt. Gerlitss
Major Field
Lt. Massa
Ens. Whiteside
File

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STATE-WAR-NAVY COORDINATING
COMMITTEE

STATE

Cox Mr. Cox
____ Mr. Moseley
____ Mr. Gardiner

WAR

Lovett Colonel McCarthy
____ Major Field
____ Lt. Massa

NAVY

Gomb Commander Richardson
Johnny Lt. Comdr. Rockefeller
____ Lieutenant Geilfuss
____ Ensign Whiteside

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REMARKS:

~~War Crimes~~, Germany

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

TOP SECRET WDO DS:meg

14 March 1945

The Honorable

The Secretary of State

Dear Mr. Secretary:

Reports of a number of incidents in which brutal atrocities have recently been committed against American prisoners of war captured by the Germans have caused great concern to the Joint Chiefs of Staff and the War and Navy Departments. We believe that there is urgent need for vigorous action on the part of this Government, in association with the British and Soviet Governments if they so desire, to protect our prisoners of war from further atrocities.

We recommend the following courses of action on behalf of this Government:

1. That a warning be issued to the Commander-in-Chief of the German Armed Forces, military commanders and officers of the High Command that they will be held accountable for atrocities committed against prisoners of war in areas under their command, whether or not the abuses are perpetrated by or under the direction of political officials, political police or special military units operating under political control. A draft of such a warning on a tripartite basis is attached hereto as an Appendix.

2. That atrocities committed by the Germans against prisoners of war, and the names of individuals and units involved, be published to the German people and to the German Wehrmacht, with detailed statements as to any punishment meted out to such of them as are captured.

3. That full information along similar lines be given to American units down to and including the individual soldier.

4. That vigorous protests be made to the Protecting Power on all such atrocities and that full publicity be given to such protests and to answers received thereto.

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Since the proposed warning, with the exception of one paragraph, is the same as a proposed tripartite warning which the British Government has heretofore submitted to the United States and Soviet Governments, we recommend that it be presented to the British and Soviet Governments for their agreement.

In this connection, we have been advised informally by the State Department that the French Government may desire to participate in addressing such a warning to the German Government. We see no objection, from the military viewpoint, to French participation in issuing the proposed warning, providing no undue delay will result therefrom. However, we understand that the French desire to include the treatment of deportees, as well as prisoners of war, in the terms of the warning. This would pose major difficulties, particularly as the responsibility of German military commanders would seem to be quite different as regards these two categories of personnel. We are therefore of the opinion that the present action should be confined to prisoners of war, and that the matter of civilian deportees should be considered a separate subject.

Since the purpose of all of the actions proposed above is the same, we recommend that when the other interested governments are approached with regard to the issuance of the warning, they also be informed of the other courses of action proposed above.

If the proposed warning is to be issued, we assume that the first and last suggestions made above should be carried out by the Department of State and that the second and third suggestions should be carried out by the War and Navy Departments in conjunction with the Office of War Information.

The views expressed above have the concurrence of the Joint Chiefs of Staff.

Sincerely yours,

/S/ James Forrestal
Secretary of the Navy

/S/ Henry L. Stimson
Secretary of War

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APPENDIX

TEXT OF THE PROPOSED WARNING

"The Governments of the United Kingdom, United States and U.S.S.R. hereby issue a solemn warning to the Commander-in-Chief of the German Armed Forces, to all commandants and guards in charge of Allied prisoners of war in Germany and German-occupied territory and to members of the Gestapo and all other persons of whatsoever service or rank in whose charge Allied prisoners of war have been placed, whether in battle zones, on lines of communication or in rear areas. They declare that they will hold all such persons, no less than the German High Command and competent German military, naval and air authorities, individually responsible for the safety and welfare of all Allied prisoners of war in their charge.

"They regard the treatment of Allied prisoners of war as the particular responsibility of the High Command of the German Army, Navy and Air Forces. They give notice that the officers of the High Command and the military commanders in any area where such abuses occur will be relentlessly prosecuted and brought to punishment. Accountability of these officers is in no way changed by the fact that the actual abuses may be perpetrated by or under the direction of political officials, political police, or special military units operating under political control.

"Any person guilty of maltreating or allowing any Allied prisoner of war to be maltreated, whether in battle zone, or

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lines of communication, in a stockade, camp, hospital, prison or elsewhere, will be brought to punishment.

"They regard this responsibility as binding in all circumstances and one which cannot be transferred to any other authorities or individuals whatsoever."

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STATE-WAR-NAVY COORDINATING
COMMITTEE

STATE

Cox Mr. Cox
____ Mr. Moseley
____ Mr. Gardiner

WAR

____ Col. Whitson
Lem Col. McCarthy
____ Major Field
____ Lt. Massa

NAVY

____ Comdr. Nutting
Comdr. Richardson
Lt. Comdr. Rockefeller
JCS Lt. Geilfuss
____ Ens. _____

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REMARKS:

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CS 5042

THE JOINT CHIEF OF STAFF
WASHINGTON 25

~~TOP SECRET~~ MEMORANDUM

Date 7 March 1945

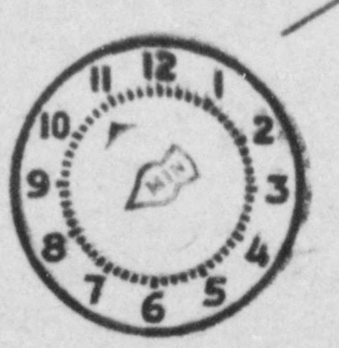
To: Colonel McCarthy,
SWNCC

Subject:

Here is a copy of one that will be on its way toward you as soon as it is signed by Admiral Leahy.

MAR 7 1945

PECK



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Col. ~~Whittson~~

SAVE

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

McCarthy

~~TOP SECRET~~

7 March 1945.

MEMORANDUM FOR THE SECRETARY OF WAR:
SECRETARY OF THE NAVY:

Subject: German Atrocities Against Allied Prisoners of War.

The Joint Chiefs of Staff have considered the proposals made in letter from the Secretary of War and the Secretary of the Navy dated 8 February 1945 on the subject of German atrocities against Allied prisoners of war and agree that the alternative course of action suggested therein is preferable to that contained in J.C.S. 1164/4. However, they recommend the following action with regard to the five proposals suggested in that letter:

a. In view of the fact that, with the exception of one paragraph, the warning attached to the letter of 8 February 1945 is the same as the warning which the British Government has heretofore submitted to the United States and Soviet Governments with the recommendation that it be issued on a tripartite basis, it is recommended that agreement of the British and Soviet Governments be obtained for issuance of the warning suggested in that letter. Of course the warning should not be issued, if by the time agreement has been reached conditions have changed to such an extent as to make such action inadvisable. It is further recommended that there be inserted in line two of the text of the proposed warning after the words "warning to", the words "the Commander-in-Chief of the German Armed Forces, * * *".

b. The suggestion that an appeal be made to the German Wehrmacht by high-ranking German Army officers in custody as prisoners of war in the United States or in Great Britain will require, in the opinion of the Joint Chiefs of Staff, further examination. Measures are under consideration by the War Department to this end. Pending the outcome of War Department exploration, the Joint Chiefs of Staff

Reference JCS 1164/4, 1164/5, 1164/6, 1164/7

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
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By C&D NARS, Date 30 SEP 1974

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

recommend that final approval of this proposal be deferred and that no approach be made to the British Government with regard thereto.

c. In view of the fact that the purpose of taking all of the actions under consideration is the same, it is recommended that, when the other interested governments are approached with regard to the issuance of the warning, they also be informed of the other courses of action proposed, with the exception of the appeal by German prisoners to the German Wehrmacht.

d. The Joint Chiefs of Staff are of the opinion that the implementation of the first and the last suggestions made in the letter of 8 February 1945 should be carried out, if approved by the governments concerned, by the Department of State. Implementation of the third and the fourth suggestions would appear to be for the War and Navy Departments, to be carried out in conjunction with the Office of War Information.

In this connection, there is attached a paraphrase of a telegram from the State Department to Secretary Stettinius indicating French desire to participate in addressing a warning to the German Government. From the military point of view, there is no objection to French participation in issuing the proposed warning providing no undue delay will result therefrom. However, the French desire to include the treatment of deportees as well as prisoners of war within the terms of the warning. This would pose major difficulties particularly as the responsibility of German military commanders would seem to be quite different as regards these two categories of personnel. It is recommended, therefore, that the present action be confined to prisoners of war and that the matter of civilian deportees be considered a separate subject.

In order that they may inform the British Chiefs of Staff of the intended action by the United States, the Joint Chiefs of Staff request that they be informed of the final decision on this matter.

For the Joint Chiefs of Staff:

WILLIAM D. LEAHY,
Fleet Admiral, U. S. Navy,
Chief of Staff to the
Commander in Chief of the Army and Navy

Enclosure.

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

~~TOP SECRET~~

ENCLOSURE

PARAPHRASE OF TELEGRAM FROM STATE DEPARTMENT TO SECRETARY STETTINIUS

The following is for your information in the event the matter is raised at the conference. If the matter is not dealt with at the conference, it will be taken up here with the War and Navy Departments.

French Embassy on February 3 presented a formal note stating that French Government intends to address solemn warning to German Government cautioning latter against maltreatment or reprisal measures against French prisoners of war and deportees in violation of international law. French Government believes such warning would be more likely to be effective and might save thousands of lives if issued by governments of the United Nations as a whole. Embassy is seeking clarification to ascertain whether warning will be worded to apply to all United Nations nationals, instead of only to French nationals, if suggestion is approved.

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THE JOINT CHIEFS OF STAFF
Washington 25, D. C.

7 March 1945.

MEMORANDUM FOR THE SECRETARY OF WAR:
SECRETARY OF THE NAVY:

Subject: German Atrocities Against Allied Prisoners of War.

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WILLIAM D. LEAHY
Fleet Admiral, U. S. Navy,
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Enclosure

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Enclosure

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STATE-WAR-NAVY COORDINATING
COMMITTEE

STATE

Mr. Cox
Mr. Moseley
Mr. Gardiner

WAR

Col. Whitson
Col. McCarthy
Major Field
Lt. Massa

NAVY

Comdr. Nutting
Comdr. Richardson
Lt. Comdr. Rockefeller
Lt. Geilfuss
Ens. _____

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REMARKS:

Maj. Gen

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SECRET

FEB 20 1945

The Honorable,

The Secretary of State.

Dear Mr. Secretary:

I have your letter dated February 1, 1945, Le 740.00116 E.W./1-2345, in which you request an expression of the views of the War Department on an inclosed recommendation of the War Crimes Commission, C. 65 (2), that information on war crimes be obtained from all prisoners of war in the custody of the United Nations.

I agree with the opinion of the War Crimes Commission that prisoners of war should be interrogated in order to obtain information concerning war crimes, and in some cases enemy prisoners of war in United States custody have already been questioned for this purpose.

It is the intention of the War Department to obtain all possible information concerning war crimes from prisoners of war, and action is now being taken to determine the most practical means by which this may be accomplished.

Sincerely yours,

(Sgd.) HENRY L. STIMSON

Secretary of War.

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
NND 750052
By Cko NARS, Date 30 SEP 1974

Information Copy for the Secretariat, SWNCC

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SECRET

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

The Secretary of the Navy

Serial 0012413
(SC)A17/EF30

Op-13-1-B/sld
209-45

SECRET

17 February 1945

Sir:

Reference is made to the letter of the Secretary of State of 10 January 1945 (Le 740.00116 E.W./12-1244), in which the Secretary requests the views of the Navy Department on the question whether, as the British Secretary of State for Foreign Affairs is advised, "there would not seem to be any foundation for allied jurisdiction to try as war crimes, offenses committed against neutral nationals or stateless persons in enemy territory".

It is noted that this question is one phase of the larger question whether the United Nations War Crimes Commission should have its competency extended to include racial atrocities committed in Germany by Germans. This entire question is now under consideration in connection with C.C.S. 705 and 705/1 and J.C.S. Memo Information 332 both of which deal with the apprehension and disposition of persons suspected of war crimes.

It is understood that this question is now receiving consideration on the governmental level.

For the foregoing reasons the Navy Department considers that it is not in a position to answer the question stated in the first paragraph above at this time.

It is noted, however, that the quoted statement is open to question at least in excluding from jurisdiction as war crimes all offenses committed against neutral nationals in enemy territory. For example, under Hague Convention No. V of 18 October 1907, Article 17 makes it a war crime against a neutral, whether in enemy territory or not, if the neutral is "more severely treated by the belligerent" against whom the neutral has committed a hostile act "than a national of the other belligerent state could be (treated) for the same act".

Respectfully,

/s/ Ralph A. Bard

The Honorable,

Acting

The Secretary of State.

Prepared by: Captain F. B. Gary
Central Division, Operations

cc: SWNCC

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