

ALLIED DECLARATIONS CONDEMNING GERMAN ATROCITIES IN OCCUPIED TERRITORIES;¹ PROPOSAL FOR THE CREATION OF A UNITED NATIONS COMMISSION FOR THE INVESTIGATION OF WAR CRIMES

851.00/2618 : Telegram

The Ambassador to the Polish Government in Exile (Biddle) to the Secretary of State

LONDON, January 14, 1942.

[Received January 14—9:30 a. m.]

Polish Series 4. Your 31, December 22, 7 p. m.² Yesterday I attended meeting held in St. James' Palace when declaration of determination to bring to justice those guilty of perpetrating acts of violence against civilian populations in enemy occupied countries was signed by representatives of Belgium, Free France, Greece, Luxembourg, Poland, Norway, Netherlands, Czechoslovakia and Yugoslavia.³ The terms of the declaration corresponded to those summarized in my 44 of November 26, 2 p. m.,⁴ paragraphs 3 and 4. Meeting which was also attended by observers representing governments of United Kingdom, the Dominions, India, China and the U. S. S. R., was opened by British Foreign Secretary Eden and presided over by Polish Foreign Minister General Sikorski. Although China [was] not a signatory its representative sent a letter to the conference⁵ stating that his Government subscribes to principles of the declaration and intends when the time comes to apply the same principles to the Japanese-occupying authorities in China.

[BIDDLE]

¹ For previous correspondence, see *Foreign Relations*, 1941, vol. I, pp. 445 ff. See also *ibid.*, 1942, vol. III, section under The Vatican entitled "Efforts by the United States and Other Governments To Have the Pope Protest Publicly Against Nazi Atrocities in Occupied Areas."

² *Foreign Relations*, 1941, vol. I, p. 450.

³ See *Punishment for War Crimes: The Inter-Allied Declaration Signed at St. James's Palace, London, on 13th January, 1942, and Relative Documents* (His Majesty's Stationery Office).

⁴ *Foreign Relations*, 1941, vol. I, p. 447.

⁵ *Punishment for War Crimes*, p. 15.

740.00116 European War 1939/521

*The Netherlands Ambassador (Loudon), the Luxembourg Minister (Le Gallais), and the Yugoslav Minister (Fotitch) to the Secretary of State*⁶

WASHINGTON, July 30, 1942.

DEAR MR. SECRETARY: On behalf of the Government of Belgium, Greece, Luxembourg, Norway, the Netherlands, Poland, Czechoslovakia, Yugoslavia and the French National Committee, we have the honor to submit the following communication for transmission to the President of the United States:

The Government of the United States is aware that the Belgian Government, the French National Committee, the Greek Government, the Luxembourg Government, the Norwegian Government, the Netherlands Government, the Polish Government, the Czechoslovak Government and the Yugoslavian Government have, on January 13, 1942, signed a declaration at St. James Palace, London, concerning the repression of war crimes. These Governments have now examined jointly the situation at present created by the recrudescence of violations of international law and especially of acts of oppression and terror in those territories in Europe now under enemy occupation.

Recently these acts have taken proportions and forms giving rise to the fear that, as the defeat of the enemy countries approaches, the barbaric and unrelenting character of the occupational regime will become more marked, and may even lead to the extermination of certain populations. It follows from Dr. Goebbels' speech made in Berlin on June 15, 1942, that Germany has cut all ties with the outside world. If this is true, it would be vain to count on the influence of public opinion only. No sense of responsibility will refrain the invaders' action any longer. Consequently, the above mentioned governments consider that only some very clearcut measure on the part of the most powerful of the Allies could still have a preventive influence. Under these conditions, and anxious to avoid as far as possible that the population of the invaded territories should undergo still worse trials than hitherto, and confiding in the spirit of solidarity of all the United Nations in the face of a menace which is nothing else than an inhuman way of compelling these peoples, against their will, to contribute to the war effort of the enemy or to extort acts of adhesion to the so-called New Order, the above mentioned governments have decided to make an urgent appeal to the President of the United States that he should address a last warning to the culprits.

⁶ Similar appeals were addressed to the British Government on July 21, 1942, and to the Soviet Government on July 23, 1942; see *Punishment for War Crimes (2): Collective Notes Presented to the Governments of Great Britain, the U. S. S. R. and the U. S. A. and Relative Correspondence* (His Majesty's Stationery Office), pp. 3, 4.

⁷ Josef Goebbels, German Minister of Propaganda.

The governments hope that the declaration which President Roosevelt made on October 25, 1941⁸ before the United States entered the war, may be amplified so as to make the enemy understand that the determination and power of the United States of America are to be considered as a guarantee that the warning previously given will be carried into effect. The signatories of the interallied declaration of January 13, 1942, hope that the American Nation will be pleased to see a step taken which would be conducive towards saving innumerable innocent lives.

An account of conditions now prevailing in the respective occupied countries is attached to this communication.⁹

Please accept [etc.]

HUGUES LE GALLAIS

A. LOUDON

CONSTANTIN FOTITCH

740.00116 European War 1939/521

Memorandum of Conversation, by the Secretary of State

[WASHINGTON,] July 31, 1942.

Participants: Secretary of State Hull; the Ambassador of the Netherlands, Dr. A. Loudon; the Minister of Yugoslavia, Mr. Constantin Fotitch; and the Minister of Luxembourg, Mr. Hugues Le Gallais.

The Dutch Ambassador, the Yugoslav Minister and the Luxembourg Minister called jointly at their request. They handed me a self-explanatory letter, a copy of which is hereto attached,¹⁰ together with an annex in French.⁹ They desired me to transmit the foregoing to the President for his consideration and action in regard to the Declaration made at St. James' Palace on January 13, 1942 by the nine countries, to wit: Belgium, Greece, Luxembourg, Norway, the Netherlands, Poland, Czechoslovakia, Yugoslavia and the French National Committee.

I thanked the gentlemen for the documents and said that the largest problem faced by my Government in the matter was how most effectively to expose these atrocities and how most effectively to deal with them; that the State Department has been working for sometime on atrocities and is giving every attention to all phases thereof. I added that I hoped within a few days it would be possible to reach some conclusion with respect to plans. I said that, of course, the President

⁸ See telegram No. 4691, October 24, 1941, 8 p. m., to the Ambassador in the United Kingdom, *Foreign Relations*, 1941, vol. I, p. 446.

⁹ Not printed.

¹⁰ *Supra*.

would be glad to give sympathetic consideration to the communication just as the State Department was doing.

C[ORDELL] H[ULL]

740.00116 European War 1939/693

*The Ambassador in the United Kingdom (Winant) to
President Roosevelt*¹²

LONDON, August 5, 1942.

DEAR MR. PRESIDENT: Just before Harry¹³ left, the Lord Chancellor¹⁴ told me of a memorandum which you had given to the Prime Minister on his last visit to Washington, relating to atrocities.¹⁵ He told me that he understood that Harry had prepared this memorandum for you, and that as a result of it, and on the recommendation of the Prime Minister, the War Cabinet had formed a "War Cabinet Committee on the Treatment of War Criminals" to study the problem presented in the memorandum. He asked me if I would sit in with the Committee. On Harry's suggestion, I did so. The recommendations made are not in line with the memorandum but Harry thought that it might be well to consider the problem without necessarily being bound by the memorandum.

The committee is composed of the following, and I found that they had given considerable study to the subject:

Lord Simon (In the Chair),

Sir Stafford Cripps,¹⁶
Sir Donald Somervell,¹⁷
Sir Alexander Cadogan,¹⁸
Mr. Eden,

Major Sir David P.
Maxwell Fyfe,¹⁹
Sir William Malkin,²⁰
Sir Claud Schuster²¹

After talking over their conclusions they unanimously decided to ask that I forward them to you for such suggestions as you might want to make. There was a kind of preamble attached relating the present program back to the Bryce Committee of the last war,²² with the

¹² Copy received in the Department of State about September 20, 1942.

¹³ Harry L. Hopkins, Special Assistant to President Roosevelt.

¹⁴ Lord Simon.

¹⁵ *Post*, p. 56. The records of the Washington Conference between President Roosevelt and Prime Minister Churchill in June 1942 are scheduled for publication in a subsequent volume of *Foreign Relations*.

¹⁶ Lord Privy Seal.

¹⁷ Attorney General.

¹⁸ Permanent Under Secretary of State for Foreign Affairs.

¹⁹ Solicitor General.

²⁰ Legal Adviser, Foreign Office.

²¹ Permanent Secretary to the Lord Chancellor.

²² James Bryce presided over a committee set up in 1914 to consider breaches of law and established usages of war alleged to have been committed in Belgium; see British Cd. 7894, *Report of the Committee on Alleged German Outrages* (London, His Majesty's Stationery Office, 1915), and also the appendix to the report, British Cd. 7895.

thought that it might give standing to action taken at the present time. I felt that the Bryce Committee had been somewhat discredited as a propaganda agency and therefore suggested eliminating reference to it, which was agreed. There is great pressure on the part of Allied Governments here to force some action that might act as a deterrent against further atrocities by the enemy. The suggested plan might be a deterrent and would at least prevent less wise measures being taken.

I am forwarding a copy of the proposal for a "United Nations Commission on Atrocities", and likewise a copy of the "Suggested Functions for a United Nations Commission for the Investigation of War Crimes".

Sincerely,

JOHN GILBERT WINANT

[Enclosure 1]

Proposal for a United Nations Commission on Atrocities

1. The Committee on the Treatment of War Criminals (the Lord Chancellor, the Lord Privy Seal, the Foreign Secretary, the Minister of Information,^{22a} the Attorney General, and the Solicitor General) has considered, on reference by the War Cabinet, a proposal for a United Nations Commission on Atrocities. After preliminary consideration by the Committee, the Chairman invited the American Ambassador to attend the Second Meeting on 27th July, and Mr. Winant was good enough to do so. The following is a summary of the suggestions discussed.

2. Nature of Commission

The Commission should investigate atrocities committed against nationals of the United Nations and should report from time to time to the Governments of those Nations any case where they are satisfied that an atrocity has been committed and should name, where possible, the persons responsible; they should direct their attention in particular to organised atrocities. For this purpose, atrocities perpetrated by Germany in occupied France should be included.

If it is thought desirable to set out the functions of the Commission in some detail, the attached paper (Annex I)²³ gives a summary of suggested functions.

The suggestion of some sort of international court for the trial of war criminals should be deprecated. Nor is it necessary or desirable to create a new body of law, for war crimes are already sufficiently well-defined.

^{22a} Brendan Bracken.

²³ i.e., enclosure 2, *infra*.

The Commission should be a fact-finding body, making reports to the Governments of the United Nations and to the Fighting French which would be available for publication; these reports might also contain material upon which decisions would ultimately be taken on the treatment of war criminals. Some of the European Allies have suggested that war criminals who come into their hands might be dealt with by their own tribunals. It is not suggested that we can intervene to prevent this. But if the United Nations Commission acquires authority and reputation by its composition and work, it may be that the reports of the Commission would influence or control the selection of persons to be prosecuted in Allied countries.

3. *Representation*

Membership should be confined to nationals of the United Nations; the following might be invited to send representatives—

United Kingdom	Belgium
	Czecho-Slovakia
United States	Greece
	Holland
U. S. S. R.	Luxembourg
	Norway
China	Poland
	Yugo-Slavia

Special provision for the representation of the Fighting French would be desirable. The Dominions Secretary ^{23a} should be asked to consult the Dominions as to whether they wish separate representation.

4. *Method*

It would seem decidedly preferable to constitute a single Commission, which might sit from time to time in two or more panels in different countries. The whole Commission should examine the conclusions of the panels before reporting to the United Nations.

5. *Scope of Enquiry*

The atrocities of all offenders, irrespective of rank, should be investigated. The aim should be to collect material about the main atrocities, especially those which are being systematically committed.

Every effort should be made to fix the names of those who have been responsible for the perpetration of the atrocity, in addition to verifying the occurrence.

29 JULY, 1942.

^{23a} Clement R. Attlee.

[Enclosure 2]

Suggested Functions for a United Nations Commission for the Investigation of War Crimes

1. With a view to establishing responsibility for atrocities in the nature of war crimes perpetrated by the enemy in the present war, to investigate all cases referred to the Commission by any of the Governments of the United Nations of atrocities committed by, or by order of, the nationals of any of the countries at war with any of the United Nations against nationals of the United Nations.

2. To collect, record and assess all available evidence, oral and written, upon such atrocities.

3. To direct their attention in particular, in the first instance, to those cases which appear to be atrocities organised and committed in pursuance of a deliberate policy.

4. To report from time to time, as early as possible, to the Governments of the United Nations, cases in which the Commission is satisfied that an atrocity has been committed, naming, where possible, the person or persons whom they consider responsible.

5. To investigate, consider and report upon any other instances or classes of war crimes referred to them by the general consent of the Governments of the United Nations.

6. To constitute such panels for the taking and recording of evidence, and to sit whether in panels or as a whole, in such places as the Commission may from time to time decide.

7. To co-opt such expert technical advisers for the purpose of particular investigations as the Commission may consider necessary.

8. Perhaps, to make recommendations upon the procedure by which war criminals should be dealt with after the war.

29 JULY, 1942.

[For text of President Roosevelt's statement regarding crimes against civilian populations, released to the press on August 21, 1942, see Department of State *Bulletin*, August 22, 1942, page 709. For statement made by British Prime Minister Churchill on this subject in the House of Commons on September 8, 1942, see *Parliamentary Debates*, House of Commons, 5th series, volume 383, column 97.]

740.00116 European War 1939/543

Memorandum of Conversation, by the Secretary of State

[WASHINGTON,] September 7, 1942.

The British Ambassador ²⁴ called at his request and handed me an *aide-mémoire* (copy attached) ²⁵ giving the views of the British Gov-

²⁴ Viscount Halifax.

²⁵ *Infra*.

ernment on the policy to be adopted with regard to war criminals, etc. I thanked him and then proceeded to detail the facts pertaining to a statement on this subject by the eight refugee governments in London prepared several months ago, and presented directly to this Government some weeks ago by a subcommittee representing these governments.²⁶ I also recited the substance of the President's reply²⁷ to this communication, which was made public and with which the British Ambassador said he was familiar. I emphasized the fact that the President was not undertaking to speak for all of the governments interested nor was he undertaking to implement this proposal except to a limited extent. I added that the idea of this Government was that further steps should be taken by all interested governments acting in concert, after discussing the best methods of carrying out the policy; that the lessons of the Lord Bryce Commission, organized for a similar purpose during the first World War, should be thoroughly understood in connection with any plan of implementation. The Ambassador said he agreed and then added that it was very important to prepare the most effective ways to secure and preserve evidence in regard to the guilt and the identity of those participating in the atrocities.

I said to the Ambassador that this Government would be glad to make a study of the *aide-mémoire* and communicate further with the British Government.

C[ORDELL] H[ULL]

740.00116 European War 1939/557

The British Embassy to the Department of State

AIDE-MÉMOIRE

The Secretary of State will no doubt have received from the United States Ambassador in London a copy of the document setting out the present views of His Majesty's Government in the United Kingdom on the policy to be adopted with regard to war criminals, which was considered at a meeting at the Foreign Office with representatives of the Allied Governments in London and the French National Committee on the 6th August (a copy is attached for convenience of reference).

2. The Allied Governments in London have now proposed to His Majesty's Government that all the Allied Governments, including the Government of the United States, the Soviet Government and the Chinese Government, should adopt the policy laid down in paragraph 5 of that document and that this should form a basis for a statement to that effect. They maintain that this is the one immediate step now

²⁶ Letter dated July 30, p. 46.

²⁷ Released to the press on August 21, Department of State *Bulletin*, August 22, 1942, p. 709.

practicable which might have some effect in diminishing the atrocities in Occupied Europe.

3. His Majesty's Government see no objection to the adoption of this proposal, which they consider is likely to increase the effectiveness and the propaganda value of the statement which they hope it may be possible to make before long about a United Nations fact-finding commission in regard to war criminals. (Particulars of this proposal were communicated to Mr. Winant for the consideration of President Roosevelt on the 27th July).²⁸ His Majesty's Government consider that the statement now proposed by the Allied Governments in London should be coupled with and not made before any statement regarding the proposed United Nations Commission. The exiled governments are, however, pressing for early action and the time factor is important.

4. His Majesty's Government would be glad to receive an early expression of the views of the United States Government on this proposal. It would then be necessary for them to consult the Soviet, Chinese and Dominion Governments.

WASHINGTON, 7 September, 1942.

[Enclosure]

*Memorandum of British Views on Policy To Be Adopted With
Respect to War Criminals*

His Majesty's Government in the United Kingdom have not reached any final conclusions on the policy to be adopted with regard to war criminals, but the following general principles represent their present views.

1. Policy and procedure regarding war criminals, including the question of the judicial tribunals to be employed, should be agreed between all the Allied Governments concerned.
2. In dealing with war criminals, whatever the Court, it should apply the existing laws of war and no special *ad hoc* law should be enacted.
3. The punishment of war criminals should be disposed of as soon as possible after the end of the war, in order—
 - (a) to ensure rapid justice,
 - (b) to prevent so far as possible wronged individuals taking the law into their own hands, and
 - (c) to prevent trials dragging on for years and so delaying the return to a peaceful atmosphere in Europe.

It may be desirable ultimately to fix a limited period after the termination of hostilities during which all trials should be instituted.

4. Each Allied Government concerned should, so far as is possible at this stage, draw up lists of criminals against whom it wishes to proceed and prepare evidence against them.

²⁸ See Proposal for a United Nations Commission on Atrocities, p. 49.

5. Provision should be included in the armistice, terms for the immediate capture or surrender of wanted criminals, and this should not be left over until after the conclusion of a peace treaty. Otherwise, it might prove impossible, as after the last war, to obtain custody of the persons required. Lists, if any, included in the armistice terms should not, however, be regarded as exclusive, and authority would be reserved to demand the delivering up of additional persons later. Each peace treaty, would subsequently contain any provisions which may be required to enable the action contemplated to be taken.

6. All possible steps should be taken to prevent war criminals from obtaining asylum in neutral countries.

7. A distinction should be drawn between enemy war criminals and nationals (e. g. Quislings²⁹) of the Allied countries concerned. The latter should be dealt with by each Allied Government concerned under its own law, and no inter-Allied agreement is necessary for this purpose, although some special inter-Allied arrangements for surrender to the appropriate Allied authority might be required.

740.00116 European War 1939/557

The Department of State to the British Embassy

WASHINGTON, September 18, 1942.

MEMORANDUM

The United States Government is agreeable to the proposal, mentioned in the British Embassy's *aide-mémoire* of September 7, 1942, that the Governments of the United Nations should adopt the policy laid down in paragraph 5 of the document, of which a copy was attached to that *aide-mémoire*, setting forth the views of the British Government on the policy to be adopted with regard to war criminals.

It further agrees that a statement of the policy indicated in that paragraph should be made coincidentally with the contemplated statement concerning the proposed United Nations Commission.

740.00116 European War 1939/555 : Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, September 20, 1942—2 p. m.

[Received September 20—10 a. m.]

5253. For Harry Hopkins. When Averell³⁰ returned here he told me you had made some statement to him on the atrocity commission

²⁹ Maj. Vidkun Quisling was Norwegian Nazi Party leader and subsequently head of the German puppet government in Norway.

³⁰ W. Averell Harriman, lend-lease "expediter" in London, with rank of Minister.

plan which I forwarded to the President by letter but Averell's statement was not sufficiently definite to permit me to reply to the Government here. I have had no other word although the Foreign Office has told me that Halifax has also broached the subject.

Since wiring you more than 200 petitions have come to me personally from British organizations asking for some action on atrocities. The Allied Governments here have been pressing the British Government for some definite action on this subject. This morning Eden called me explaining that the Government would have to answer a question on this matter before the Parliament and he asked me if I could not get an immediate reply.

The questions that the British want answered and which are in part covered by my letter to the President with its accompanying documentation can be briefly divided into three parts:

- (1) The setting up of a commission to investigate evidence on atrocities. Is the arrangement proposed by the British satisfactory?
- (2) The British want to know the President's views as to what we should say jointly to the other Allied Governments on this issue.
- (3) Would we agree to the inclusion in the armistice terms of an agreement requiring the enemy to surrender war criminals to the Allies?

I would very much appreciate an early reply.

WINANT

740.00116 European War 1939/555 : Telegram

The Secretary of State to the Ambassador in the United Kingdom (Winant)

WASHINGTON, September 21, 1942—10 p. m.

4588. From Hopkins. With reference to your telegram no. 5253,³¹ your August 5th letter has just reappeared after having been mislaid. I am in agreement with you that no direct or indirect reference ought to be made to the Bryce Committee. I hope you will receive word very soon on this matter which has been turned over to the State Department. [Hopkins.]

HULL

740.00116 European War 1939/594

Memorandum by Mr. Theodore C. Achilles of the Division of European Affairs

[WASHINGTON,] September 24, 1942.

There is attached a copy of the memorandum prepared by Mr. Hopkins for the President concerning a United Nations Commission on Atrocities. Mr. Acheson³² states:

³¹ *Supra.*

³² Dean Acheson, Assistant Secretary of State.

"Mr. Hopkins has today sent me the attached paper with the following warning. He tells me that this is a copy of the memorandum as originally written for submission to the President; that the President changed this memorandum in long hand, chiefly in the direction of changes of emphasis and matters of that sort. Mr. Hopkins did not recall that there were any extensive changes in substance. Another copy was similarly changed in long hand to conform to the President's copy. The Prime Minister has one of these copies; the other is locked up in the President's files, which are at present not available. Mr. Hopkins suggests that, if it is regarded as important to have the changes made on this by the President, the quickest way to get them will be to telegraph to Mr. Winant asking him to obtain a corrected copy through Mr. Eden and telegraph its contents."

In view of Mr. Hopkins' belief that there were no extensive changes in substance, it does not seem necessary to telegraph London for the text actually given Mr. Churchill.

[Annex]

*Memorandum Prepared by Mr. Harry L. Hopkins for
President Roosevelt*

A UNITED NATIONS COMMISSION ON ATROCITIES

1. An authoritative presentation of the atrocities committed by the Germans and Japanese in Lidice, Poland, Nanking, Hong Kong, and other places should: a) Help to keep the people of the United States informed of the nature of our enemies, spurring us to renewed efforts to defeat them; and b) Serve to deter those committing the atrocities by naming their names and letting them know that they are being watched by the civilized world, which will mete out swift and just punishment on the reckoning day.

2. Such an authoritative presentation could be made by a United Nations Commission on Atrocities, headed by someone like former Chief Justice Hughes, and including outstanding representatives of the other United Nations, such as Tolstoy of Russia, Del Vayo of Spain, Sforza of Italy, Holdsworth of England, and Dr. Wu of China. To avoid any implications of propaganda, the personnel of the Commission should not officially represent their Governments, though they should be satisfactory to them. They should be persons of a world-wide reputation for integrity and an ability to appraise the evidence.

3. The Commission should: a) Investigate the atrocities by taking depositions, interrogating eye-witnesses and assessing all other available or obtainable evidence; and b) Report to the United Nations from time to time on the shooting and maiming of hostages and prisoners, the beating and torturing of women and children, and the other

violations of the fundamental rights of human beings. The report to the United Nations should, wherever possible, name the persons who are responsible for the atrocities.

740.00116 European War 1939/566: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, September 26, 1942—8 p. m.
[Received September 26—5:10 p. m.]

5374. Personal to the Secretary. Since sending a personal message to you, my 5301, September 22, midnight,³³ the British Foreign Office has informed me that we have agreed to include in the armistice terms a clause requiring the enemy to surrender war criminals to the Allies. I have received no word from the Department. The Lord Chancellor tells me, however, that this is not to be made public until there is agreement on the text relating to the establishment of the commission to investigate evidence on atrocities. Both the Foreign Secretary and the Lord Chancellor called me again yesterday to ask if I had received a reply to my message to you.

The Lord Chancellor would like to know if the text submitted to the President is acceptable to us and whether it could be announced as having joint support of the United States and Great Britain or whether it is to be announced as a British project supported by the United States. Since the subject was initiated by the War Cabinet here as a result of a memorandum from the President, the Lord Chancellor explained that they felt it would be reasonable to ask that it be announced as a joint project of both Governments and that it would have greater standing with joint support.

They are most anxious to get a reply as this question is now before both the House of Commons and the House of Lords, the Government having already asked for two postponements.

WINANT

740.00116 European War 1939/576½

Memorandum by Mr. Theodore C. Achilles of the Division of European Affairs to the Under Secretary of State (Welles)

[WASHINGTON,] October 3, 1942.

MR. WELLES: The British Embassy has this morning received a telegram from the Foreign Office concerning the proposed War Crimes Commission. The substance is as follows:

³³ Not printed.

The Cabinet Committee on War Crimes decided on September 30 that, in view of very strong pressure, the Government's reply to a question in the House of Lords on this subject, now scheduled for October 7 after having twice been postponed, could not again be postponed. The Dominions, Soviet and Chinese and Exiled Governments and the Fighting French National Committee must be advised in advance that the British Government proposed to make a statement that it favored the establishment of a Fact Finding Commission and the inclusion in the Armistice terms of provisions for the surrender of war criminals. These Governments would be invited to associate themselves with such a statement, the statement itself would be in general terms and, failing a prior expression of our views, would give no details. The statement would, however, be much more effective if it could say that the United States was willing to participate on such a Commission. The Foreign Office accordingly hoped that our views could be indicated before October 7.

T[HEODORE] C. A[CHILLES]

740.00116 European War 1939/571 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)

WASHINGTON, October 5, 1942—10 p. m.

4850. Your 5532, October 4, 3 p. m.³⁴ and previous. With the President's return I hasten to send you the following:

Text submitted to the President is acceptable to us and may be announced as having joint support of United States and Great Britain. We had previously advised Lord Halifax that we were agreeable to an announcement, concurrent with that concerning the Fact Finding Commission, of our intention to have armistice terms contain provision for the capture or surrender of wanted criminals. We prefer that Commission be called "United Nations Commission for the Investigation of War Crimes" rather than "United Nations Commission on Atrocities."

The President desires that a statement to the following effect be made simultaneously with the proposed announcement:

That the U. S. Government and the British Government have no intention of executing Germans wholesale, that they believe the German people will understand that the two Governments are only desirous of punishing the ringleaders in Germany for the commission of

³⁴ Not printed; it quoted a letter from the British Secretary of State for Foreign Affairs similar in content to the telegram from the British Foreign Office to the British Embassy, the substance of which is given in the memorandum printed *supra*.

atrocities which have violated every Christian tenet and those individuals among the German people who have in fact been responsible for the murder of hundreds of thousands of innocent persons, that punishment would be meted out only to the individuals responsible for these murders and atrocities and that obviously the number of individuals eventually found guilty would be small in relation to the total population of Germany.

The President believes it essential that a clear-cut statement of this character be made to prevent the implication that the Allied Governments intend to undertake mass executions. Such a statement will be issued here on October 7th concurrently with that contemplated in the House of Lords. Please advise exact hour. Text will be sent as soon as possible.

WELLES

740.00116 European War 1939/571 (Suppl.) : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)

WASHINGTON, October 6, 1942—5 p. m.

4867. Department's 4850, October 5, 10 p. m. Following is text of President's statement to be issued tomorrow:

"On August 21 I said that this Government was constantly receiving information concerning the barbaric crimes being committed by the enemy against civilian populations in occupied countries, particularly on the continent of Europe. I said it was the purpose of this Government, as I knew it to be the purpose of the other United Nations, to see that when victory is won the perpetrators of these crimes shall answer for them before courts of law.

"The commission of these crimes continues.

"I now declare it to be the intention of this Government that the successful close of the war shall include provision for the surrender to the United Nations of war criminals.

"With a view to establishing responsibility of the guilty individuals through the collection and assessment of all available evidence, this Government is prepared to cooperate with the British and other Governments in establishing a United Nations Commission for the Investigation of War Crimes.

"The number of persons eventually found guilty will undoubtedly be extremely small compared to the total enemy populations. It is not the intention of this Government or of the Governments associated with us to resort to mass reprisals. It is our intention that just and sure punishment shall be meted out to the ringleaders responsible for the organized murder of thousands of innocent persons and the commission of atrocities which have violated every tenet of the Christian faith."

WELLES

740.00116 European War 1939/574 : Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, October 6, 1942—midnight.

[Received October 6—10:28 p. m.]

5572. Thank you for your message 4850, October 5, 10 p. m., which was very much appreciated here. Both Mr. Eden and Lord Simon were much attracted by the alternative title for the commission suggested by the United States Government and will adopt it. The following is an extract from a memorandum which was handed me to-night by Mr. Eden:

"As regards the additional statement suggested by the President, the Lord Chancellor suggests that you should tell Mr. Winant that he welcomes it and will speak on those lines, although not necessarily in identical terms. For example, he will refer throughout not to Germans but to enemy nationals, since our proposals are not restricted only to Germany and we should be confronted with some awkward questions afterwards if we spoke only of Germans in this statement. The Lord Chancellor also proposes to speak of the violation of every tenet of humanity and not of every Christian tenet, since we have to consider Jews, Moslems, etc. You may in this connection wish to refer to the trouble which has been caused in Turkey and other countries by the recent references to Christian ideals made by Sir S. Hoare³⁵ and Lord Halifax.

Finally, as regards the time of the announcement, it is not possible to be absolutely precise as the Lord Chancellor will be speaking in the course of a debate.³⁶

He suggests, however, that the time given to Mr. Winant should be 3:30 p.m.

You may also like to inform Mr. Winant that all the exiled governments in London and the French National Committee have warmly welcomed the proposal and have authorized us to associate them with it. There has not been time to obtain the views of the Soviet and Chinese Governments."

WINANT

740.00116 European War 1939/606 : Telegram

The Chargé in the Soviet Union (Henderson) to the Secretary of State

KUIBYSHEV (Moscow), October 16, 1942—1 p. m.

[Received October 17—5:45 p. m.]

896. *Volzhskaya Kommuna* of October 16 publishes a note addressed by Molotov^{36a} under date of October 14³⁷ to the Governments of

³⁵ British Ambassador on Special Mission to Spain.³⁶ For the statement made by the Lord Chancellor on October 7, 1942, see *Parliamentary Debates*, House of Lords, 5th series, vol. 124, col. 577.^{36a} V. M. Molotov, Soviet People's Commissar for Foreign Affairs.³⁷ *Punishment for War Crimes* (2), p. 5.

Czechoslovakia, Poland, Yugoslavia, Norway, Greece, Belgium, Holland, Luxemburg and the French National Committee in response to a joint note sent by them to the Soviet Government³⁸ on the subject of punishment for German misdeeds committed in occupied areas. The Soviet note expresses recognition of these atrocities, remarks on those committed on Soviet territory which have been the subject of circular notes issued in the past by the Soviet Government³⁹ and conveys the readiness of the Soviet Government to bring to trial and punish the perpetrators thereof through legal means. It also states that the Soviet Government is in agreement with the declaration of President Roosevelt contained in his speech of October 12⁴⁰ that the Nazi leaders must be dealt with in accordance with criminal law. It specifies for such punishment Hitler, Goering, Hess, Goebbels, Himmler, Ribbentrop, Rosenberg "and others". It adds the statement that Fascist German leaders who have already fallen into the hands of states fighting against Germany should be tried before a "special international tribunal" and punished with all due severity under criminal law without delay.

HENDERSON

740.00116 European War 1939/616: Telegram

The Chargé in the Soviet Union (Henderson) to the Secretary of State

KUIBYSHEV (Moscow), October 20, 1942—1 p. m.
[Received October 22—12:48 a. m.]

909. Embassy's 905, October 19, 10 a. m.⁴¹ *Pravda* of October 19 devotes its leading editorial to the note in question. The first half of this editorial consists largely of a summary of the note. In its latter portion it restates the view of the Soviet Government that any Hitlerite leaders who have fallen into the hands of the Allies should be tried and punished immediately. Laying special emphasis on this point, the editorial then makes special reference to Hess, urging that he be brought to trial at once and criticizing British personages and newspapers which have expressed disagreement with this point of view. It alleges that Hess is not an ordinary prisoner of war and should not be treated as such, stating that he is a well-known Nazi

³⁸ Note presented at Kuibyshev on July 23, 1942, by the Czechoslovak Minister and a representative of the French National Committee, *Punishment for War Crimes* (2), p. 4.

³⁹ See *The Molotov Notes on German Atrocities: Notes Sent by V. M. Molotov, People's Commissar for Foreign Affairs, to All Governments With Which the U. S. S. R. Had Diplomatic Relations* (His Majesty's Stationery Office, 1942).

⁴⁰ For an excerpt from President Roosevelt's radio address on Columbus Day, see World Peace Foundation, *Documents on American Foreign Relations*, July 1942-June 1943 (Boston, 1944), vol. v, p. 22.

⁴¹ Not printed; it transmitted a translation of the Soviet note of October 14, 1942, to the Czechoslovak Minister at Kuibyshev.

leader, he fled from Germany to escape ultimate punishment by an international tribunal, planning to "convert England into a place of refuge for gangsters".

The editorial reaffirms agreement with the President's declaration in his speech of October 12, [apparent omission] quoted in itself, and comments said that he said nothing to indicate that the punishment of Nazi leaders should be deferred. It then states that it is necessary to establish who Hess is at present, since if he is not tried now the question arises whether he is to be regarded as a criminal subject to prosecution or as a plenipotentiary representative of the Hitlerite Government in England enjoying inviolability.

HENDERSON

740.00116 European War 1939/621

*Memorandum by Mr. Theodore C. Achilles of the Division of
European Affairs to the Under Secretary of State (Welles)*

[WASHINGTON,] October 21, 1942.

MR. WELLES: A telegram dated October 17 from the British Foreign Office to the British Ambassador at Moscow concerning the proposal for a United Nations Commission to Investigate War Crimes has been repeated to the Embassy here.

It stated that a proposal for the establishment of such a Commission had been communicated, with the approval of this Government, to the Soviet Ambassador in London on October 3 but that no reply had been received from the Soviet Government unless the statement issued by the Tass Agency on October 15 was considered a reply. The Ambassador was advised that an official reply in due course was expected.

The telegram continued that the British press had shown special interest in the portion of the Tass statement dealing with Rudolf Hess. Guidance had accordingly been given the press to the effect that the production of evidence before the proposed United Nations Commission would be an essential preliminary to any further measures such as those suggested. Attention was also drawn to a statement in the House of Commons by the Parliamentary Under Secretary for Foreign Affairs^{41a} on October 14 that any Allied Government was at liberty to submit evidence as to persons responsible for war crimes, either as ringleaders or as perpetrators.⁴² The Ambassador in Moscow was advised for his own information that there were strong objections of a technical character against the establishment of a special international tribunal to deal with war crimes and that Hess was not a good

^{41a} Richard K. Law.

⁴² *Parliamentary Debates*, House of Commons, 5th series, vol. 383, col. 1608.

case as he had been in England since May 10, 1941 while the worst atrocities, including all those in Russia, had been committed later.

In the House of Commons today Eden announced Hess will not go on trial until after the war.⁴³

T[THEODORE] C. A[CHILLES]

740.00116 European War 1939/657

*The First Secretary of the British Foreign Office (Roberts) to the First Secretary of the American Embassy in the United Kingdom (Gallman)*⁴⁴

No. C10710/61/18

[LONDON,] 18 November, 1942.

DEAR MR. GALLMAN: I enclose a copy of a further note which we addressed on the 29th October to the Soviet Ambassador, the Chinese Chargé d'Affaires and the representatives of the Allied Governments established in London on the subject of war criminals. A semi-official communication on similar lines was addressed to the French National Committee and we are of course also in touch with the Dominions Governments and the Government of India.

I regret the delay in communicating a copy of this note to you. You will see that it follows closely the lines of the two documents which Mr. Winant communicated in July last at the request of the War Cabinet Committee on War Criminals to the United States Government, who signified their general approval before the statements made by President Roosevelt and Lord Simon, on the 7th October. Owing to an oversight arising out of the fact that your Government had already agreed to these proposals, we failed to send a copy of this note of the 29th October to the Allied Representatives in London to Mr. Winant at the time.

Yours sincerely,

F. K. ROBERTS

[Enclosure]

*The British Secretary of State for Foreign Affairs (Eden) to the Soviet Ambassador in the United Kingdom (Maisky)*⁴⁵

No. C10375/61/18

[LONDON,] 29 October, 1942.

YOUR EXCELLENCY: I transmitted to Your Excellency under cover of my note of the 9th October the text of the statement by the Lord Chancellor in the House of Lords on the 7th October in which *inter alia* he outlined the proposals of His Majesty's Government in the United Kingdom with regard to the establishment of a United

⁴³ *Parliamentary Debates*, House of Commons, 5th series, vol. 383, col. 1943.

⁴⁴ Copy transmitted to the Department of State by the Ambassador in the United Kingdom in his despatch No. 6393, November 21; received December 1.

⁴⁵ Marginal note states: "Similar note sent to Chinese Chargé d'Affaires."

Nations Commission for the investigation of war crimes. I now have the honour to transmit herewith a memorandum ⁴⁶ setting forth, in amplification of the Lord Chancellor's statement, the views of His Majesty's Government on the constitution and functions of the proposed Commission.

2. His Majesty's Government propose that the United Nations Commission should be a fact-finding body. As stated by the Parliamentary Under-Secretary for Foreign Affairs in the House of Commons on the 14th October, its functions will be to record the evidence submitted to it by the Governments concerned against all individuals responsible, whether as ring-leaders or as actual perpetrators, for the commission of atrocities. It will be open to the Governments concerned to submit to the Commission any such evidence against the persons so responsible, whoever they may be. The aim should be to collect material about the principal war crimes, especially those which have been or are being systematically committed. Every effort should be made to obtain the names of those responsible for the perpetration of particular crimes in addition to verifying the occurrence. It is proposed that the reports of the Commission should be available for publication. These reports might also contain material upon which decisions might be taken regarding the treatment of war criminals.

3. His Majesty's Government consider that membership of the Commission should be confined to nationals of the United Nations, and that in the first place the Governments of the following countries might be invited to appoint representatives:—The United Kingdom, The United States of America, The Union of Soviet Socialist Republics, China, Belgium, Czechoslovakia, Greece, Luxemburg, The Netherlands, Norway, Poland and Yugoslavia. His Majesty's Government also consider that war crimes committed by Germany in occupied France should be regarded as coming within the scope of the Commission's investigations, and that for this reason special provision should be made for French representation on the Commission.

4. In the opinion of His Majesty's Government it would be preferable to constitute a single Commission which might if this were thought desirable sit from time to time in two or more panels in different countries. The whole Commission would examine the conclusions of the panels before reporting to the Governments of the United Nations.

5. His Majesty's Government would welcome any observations which Your Excellency's Government may have to offer on the foregoing proposals which are also being communicated to the other Governments concerned.

I have the honour [etc.]

(For the Secretary of State)

F. K. ROBERTS

⁴⁶ Not attached to file copy.

740.00116 European War 1939/655 : Telegram

*The Chargé in the Soviet Union (Henderson) to the Secretary
of State*

Moscow, November 26, 1942—3 p. m.
[Received November 27—2:45 p. m.]

497. (1) The British Ambassador⁴⁷ tells me that:

(a) On November 5 he had a long talk with Stalin regarding Soviet proposals for the immediate trial of Axis leaders who have fallen into Allied hands and in particular regarding the *Pravda* editorial referred to in Kuibyshev's 909, October 20, 1 p. m. He charged that the tone of the editorial was unjustifiably unfriendly towards the British Government. Stalin denied the charge and only after the paper had been sent for and the editorial had been examined jointly by him and the Ambassador did he finally admit that it was not conducive to an improvement of relations. Stalin apparently felt extremely bitter towards Hess and during the conversation gave the impression that he was still suspicious that the British might use Hess to make some kind of a deal with Germany at Russia's expense. The Ambassador told Stalin in detail what the British had learned from and regarding Hess and explained the British position with respect to this question. He felt that he finally convinced Stalin that the Soviet Government had no reason for concern with regard to Hess. Although Stalin appeared mollified he nevertheless did not altogether abandon his idea that war guilty Axis leaders should be tried at once before International Tribunal.

(b) On November 24 the Ambassador discussed with Molotov problem of the proposed International Tribunal. He insisted that Great Britain could not arrange for Axis prisoners in its keeping to be tried before such a tribunal without the consent of its Allies, particularly the United States. Molotov agreed that the cooperation of the United States would be necessary before such a tribunal could be set up, but said that in the meantime the British and Soviet Governments could discuss the matter between themselves and perhaps reach some kind of a tentative understanding. Molotov did not take kindly to the Ambassador's suggestion that following the conclusion of the war the guilty be punished not through the medium of an International Tribunal but as a result of international decisions of political rather than of a juridical character. Molotov made it clear that the Soviet Government desired full-dress political trials apparently similar to the Soviet purge trials of 1936-37 on an international scale. The

⁴⁷ Sir Archibald Clark Kerr.

conversation was of an exploratory nature on both sides and no understandings were reached or attempted.

(c) Molotov then referred to the North African situation and expressed some concern with regard to Darlan (see Moscow's 482, November 20, 11 p. m.⁴⁹) . . .

(d) Molotov was much more friendly than usual during the course of the conversations.

(2) The British Ambassador is planning to leave for England within the next few days and will be away about 6 weeks.

HENDERSON

740.00116 European War 1939/660 : Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, December 7, 1942—midnight.

[Received December 8—9:30 a. m.]

6935. Two or three times I have been approached by committees of British Jews asking for intercession in their behalf because of information which they have received from their representative in Geneva in regard to a plan by Hitler to totally exterminate all Jews under his military control. Each time I have brought the matter to the attention of Mr. Eden, as I was requested to do. The Foreign Office told me that they had no definite information on such a program. Last week I was asked to petition my own Government to intervene. Hitler's last speech has intensified this feeling of an impending mass attack and there have been requests to Eden, Maisky,^{49a} and myself that we ask our three Governments to take a joint stand in protesting against German terrorism and to make clear that punishment will be meted out to those responsible for Jewish atrocities. Eden looked favorably on this plan as did Maisky and I would like to give it my support. Please advise me as to the wishes of our Government in this matter. In my 6915, December 7⁵⁰ I am forwarding a news dispatch from the *Times* of December 7 written by its diplomatic correspondent headlined "Terror Against Jews".

WINANT

⁴⁹ Printed in vol. II, section under France entitled "Interest of the United States in political and economic conditions in French North Africa."

^{49a} Ivan Mikhailovich Maisky, Soviet Ambassador in the United Kingdom.

⁵⁰ Not printed.

740.00116 European War 1939/663 : Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, December 8, 1942—midnight.

[Received December 8—11:40 p. m.]

6963. With reference to my conversation with Mr. Eden mentioned in my 6935, December 7, midnight, concerning the treatment of the Jews in Eastern Europe by the German occupying authorities, I received from Mr. Eden this morning a note and draft declaration regarding which he requests the United States Government's view this week. He said that he has written the Russian Ambassador here in a similar sense. I quote in part below his note to me and I am sending the draft declaration in my No. 6964, December 8, midnight.

"We discussed whether any steps could usefully be taken by the United Nations to make clear their condemnation of these horrors and possibly to exercise a deterrent effect on their perpetrators. We agreed that, although little practical effect could be expected, it might be useful for the United States and Soviet Governments to join with His Majesty's Government in condemning these atrocities and in reminding their perpetrators that certain retribution awaits them. I have accordingly prepared the enclosed draft of a declaration which might be issued in London, Moscow and Washington as soon as possible. I should be grateful if you would kindly consult your Government and let me know whether they agree with this proposal and whether they have any comments on the suggested text of the declaration.

It would seem necessary to associate the Allied Governments in London with this declaration since it is their nationals who are mainly concerned and the worst atrocities against the Jews are being committed in Poland. I think it might be left to those Governments to decide whether they wish to issue a separate declaration on similar lines or to endorse the suggested declaration by the major powers.

As you know, there is growing public interest in this question and it is therefore desirable to make our attitude known at the earliest possible moment. I hope, therefore, that your Government will be able to let us know their views this week."

WINANT

740.00116 European War 1939/664 : Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, December 8, 1942—midnight

[Received December 8—11:46 p. m.]

6964. Following is draft declaration enclosed with Mr. Eden's note mentioned in my telegram 6963, December 8, midnight.

"The attention of His Majesty's Government in the United Kingdom, of the Soviet Government and of the United States Government has been drawn to reports from Europe which leave no room for doubt that the German authorities, not content with denying to persons of Jewish race in all the territories over which their barbarous rule has been extended, the most elementary human rights, are now carrying into effect Hitler's oft repeated intention to exterminate the Jewish people in Europe. From all the countries Jews are being transported, irrespective of age and sex and in conditions of appalling horror and brutality, to Eastern Europe. In Poland, which has been made the principal Nazi slaughter house, the ghettos are being systematically emptied of all Jews except a few highly skilled workers required for war industries. None of those taken away are ever heard of again. The able-bodied are slowly worked to death in labor camps. The infirm are left to die of exposure and starvation or are deliberately massacred in mass executions.

His Majesty's Government in the United Kingdom, the Soviet Government and the United States Government condemn in the strongest possible terms this bestial policy of cold-blooded extermination. They declare that such events can only strengthen the resolve of all freedom loving peoples to overthrow the barbarous Hitlerite tyranny. They reaffirm their solemn resolution to ensure, in common with the governments of the United Nations, that those responsible for these crimes shall not escape retribution, and to press on with the necessary practical measures to this end."

WINANT

740.00116 European War 1939/664 : Telegram

The Secretary of State to the Ambassador in the United Kingdom
(Winant)

WASHINGTON, December 11, 1942—midnight.

6291. Your 6963 and 6964, December 8, midnight. The Department accepts the proposal of the British Government for the issuance of a joint declaration in regard to the reported determination of the German Government to exterminate the Jewish people of Europe. The following amendments are suggested for consideration: On line 4 of the draft declaration the words "which leave no room for doubt" should be deleted and the word "numerous" should be inserted on line 3 before the word "reports". Lines 11 and 12 should be amended to exclude the words "irrespective of age and sex". This has not been true up to the present time in France and may not be true in other occupied territories.

If the British Government accepts these amendments, the contemplated date of issuance should be telegraphed to the Department.

HULL

740.00116 European War 1939/674a : Telegram

*The Secretary of State to the Ambassador in the United Kingdom.
(Winant)*

WASHINGTON, December 12, 1942—8 p. m.

6308. Department's 6291, December 11, midnight. The Soviet Ambassador⁵² has proposed the following amendment to the joint declaration:

"After the sentence concerning the deliberate extermination of Jews by way of mass executions add: 'The number of victims of these sanguinary punishments is taken to amount to many hundreds of thousands of quite innocent men, women and children'."

This amendment is entirely satisfactory to the Department.

HULL.

740.00116 European War 1939/675 : Telegram

*The Ambassador in the United Kingdom (Winant) to the
Secretary of State*

LONDON, December 14, 1942—6 p. m.

[Received 8:50 p. m.]

7067. Foreign Office states it is agreeable to the amendments suggested in the Department's 6291, December 11, midnight, and 6308, December 12, 8 p. m. It adds that the Russian Ambassador here has also accepted all of these changes on behalf of his Government. The Foreign Office states the only other changes are to list all the other Governments participating in the declaration and the addition after the word "ghettos" in paragraph 1 of the words "established by the German invader". It will cable to the Embassy at Washington for the information of the Department the revised text of the declaration. In order to allow time to consult the Allied Governments and the French National Committee in London, the Foreign Office contemplates issuing the declaration at noon, Thursday, December 17, British war time, for simultaneous release in London, Washington and Moscow, unless it learns that the Department has objections. It is mentioned that the Russian Ambassador here has agreed to this time of release.

WINANT

740.00116 European War 1939/675 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom.
(Winant)*

WASHINGTON, December 16, 1942—8 p. m.

6372. Your 7067, December 14, 6 p. m. Opening sentence given Department by British Embassy read: "The attention of the Belgian,

⁵² Maxim Maximovich Litvinov.

Czechoslovak, Greek, Luxemburg, Netherlands, Norwegian, Polish, Soviet, United Kingdom, United States and Yugoslav Governments and of the French National Committee has been drawn et cetera". The Department desires the insertion of the word "also" before the words "of the French National Committee". The statement, with this addition, will be issued tomorrow at the agreed time.⁵³

HULL

740.00116 European War 1939/677: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, December 17, 1942—11 p. m.
[Received December 17—8:09 a. m.]

7149. Department's telegram 6372, December 16, 8 p. m. Eden tells me that it is unfortunately too late to make the insertion desired by the Department. He says that the text has been agreed upon by Moscow and by the Allied Governments and that it would be impossible to clear the change before the agreed time of release. He also says the wording follows the usual form.⁵⁴

WINANT

740.00116 European War 1939/689: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, December 26, 1942—4 p. m.
[Received 5:15 p. m.]

6144. From Tittmann:⁵⁵

212. My 169, October 10.⁵⁶ In a recent conversation with the Cardinal Secretary of State⁵⁷ I referred to the Joint Declaration of the United Nations on the mass extermination of the Jews in German occupied countries and asked him whether there was not something Holy See could do along similar lines. He replied as before to the effect that Holy See was unable to denounce publicly particular atrocities but that it had frequently condemned atrocities in general. He

⁵³ For text issued December 17, 1942, see Department of State *Bulletin*, December 19, 1942, p. 1009.

⁵⁴ For text, see *Parliamentary Debates*, House of Commons, 5th series, vol. 385, col. 2083.

⁵⁵ Harold H. Tittmann, Assistant to President Roosevelt's Personal Representative to Pope Pius XII.

⁵⁶ See telegram No. 4675, October 16, 1942, 10 a. m., from the Minister in Switzerland, vol. III, section under Vatican entitled "Efforts by the United States and other governments to have the Pope protest publicly against Nazi atrocities in German-occupied areas."

⁵⁷ Cardinal Luigi Maglione.

added that everything possible was being done privately to relieve the distress of the Jews. Although deploring cruelties that have come to his attention he said that Holy See was unable to verify Allied reports as to the number of Jews exterminated et cetera.

There are rumors to the effect that the Pope in his Christmas message⁵⁸ will take a strong stand on this subject but I am afraid that any deviation from generalities of his previous messages is unlikely. [Tittmann.]

HARRISON

⁵⁸ For extracts from the Pope's Christmas message, see World Peace Foundation, *War and Peace Aims of the United Nations, September 1, 1939-December 31, 1942* (Boston, 1943), p. 626.