MEMORANDUM FOR THE PRESIDENT

WAR CRIMINALS

I am giving you this memorandum of the situation as it exists today, as well as the background.

Last January, at the request of the late President I started conferences with the Department of State, the Department of Justice and the War Department to try to arrive at some consensus as to the most effective method of trying and punishing war criminals. After many conferences a memorandum was prepared, signed by Secretary of State Stettinius, Attorney General Biddle and Secretary of War Stimson, and handed to the President.

The memorandum is attached and is self-explanatory.

It was prepared for the President to take to the Crises Conference for the purpose of discussion with the Prime Minister and Marshal Stalin.

However, there was no opportunity to discuss the subject and it was decided to leave the matter in the hands of the three foreign secretaries for disposition.

While I was abroad on my mission re civilian supplies for the liberated countries of Western Europe, I received a message from the late President asking me to take up the question of war criminals in London and try to come to some agreement on the subject.

I was assisted in these negotiations by General John Mac and Colonel Amzi Cutter — both designated by the Army for that purpose.

We met several times with the Lord Chancellor of Great Britain, the Attorney General, the Treasury Solicitor, the Solicitor of the Foreign Office and a few others working on the subject. The Lord Chancellor had been charged with responsibility in this matter by the Prime Minister for some time, and was in charge of the discussions on behalf of the British.

After several conferences, we came to the following tentative agreement, subject of course to final approval in Washington and to approval by the War Cabinet in London:

(1) That the Moscow Declaration of November 1, 1943 be
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After several conferences, we came to the following tentative agreement, subject of course to final approval in Washington and to approval by the War Cabinet in London:

(1) That the Moscow Declaration of November 1, 1943 be
reaffirmed to the effect that where the identity of any war
criminal can be established and where the facts of his crimes can
be fixed, such criminal should be sent back to the country in
which his crimes were committed to be tried and punished therein
by the said country.

(2) That the six or more top criminals (Hitler, Mussolini,
Goering, Goebbels, Himmler and von Ribbentrop) should be given a
special trial before a mixed military tribunal. This tribunal
should consist of four officers - one each from the United States,
United Kingdom, Soviet Union and France (with perhaps an addi-
tional three representing all of the other smaller United Nations).

The trial would consist of filing against them a bill
of arraignment setting out, in documentary form, the crimes
against humanity which these men have committed -- such as the
formal Nazi decrees issued in the occupied countries; the Nuremberg
decrees against minorities; excerpts from Mein Kampf; photographs
of concentration camps, torture chambers and crematoria, etc.
The bill of arraignment would be so fully documented that oral
evidence would be practically unnecessary. The criminals would
be given a copy of these charges and an opportunity to be heard
in their own defense - the time of which would be fixed in advance
so that the trial could not be protracted.

(2) The foregoing, however, leaves untried and unpunished
a vast number of war criminals, whose identity could not be
established by competent proof, or against whom evidence would
not be obtainable. These would include thousands, or perhaps
hundreds of thousands, of members of the Gestapo, S. S. troops
and similar organizations. The United States proposal advanced
in my negotiations with respect to these criminals was the one
included in the attached memorandum signed by Secretaries Stimson
and Stettinius, and Attorney General Biddle, which, in general
terms, met with the approval of President Roosevelt.

The British conference accepted the proposal.

This plan provides that a trial be held before a
military tribunal similar to the one mentioned in paragraph (2),
charging these various organizations with entering into a common
crime, or conspiracy to persecute and rob minorities (before
1939 and after 1939), to occupy neutral countries by force and
in violation of treaties, to commit war crimes and atrocities of
all kinds, etc. If the organizations were convicted of this
conspiracy charge, each member of the organizations would be
guilty of the conspiracy, and would be punished. The punishment
would not necessarily be death, but, depending upon the circum-
cstances, might be hard labor in reconstructing war devastation in
Russia, France, etc.

(4) That the plan for a so-called treaty court recommended
confirmed to the effect that where the identity of a war criminal can be established and where the situs of his crime can be fixed, such criminal should be sent back to the country in which his crime was committed to be tried and punished therein by the said country.

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(3) The foregoing, however, leaves untried and unpunished a vast number of war criminals, whose identity could not be established by competent proof, or against whom evidence would not be obtainable. These would include thousands, or perhaps hundreds of thousands, or members of the Gestapo, S. S. troops and similar organizations. The United States proposal advanced in my negotiations with respect to these criminals was the one included in the attached memorandum signed by Secretaries Stimson and Stettinius, and Attorney General Biddle, which, in general terms, met with the approval of President Roosevelt.

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(4) That the plan for a so-called treaty court recommended
some time ago by the United Nations War Crimes Commission be
disapproved as unnecessary, dilatory and ineffective. This plan
would have called for the setting up by treaty of a United Nations
War Crimes Court to try all criminals.

(5) That the United Nations War Crimes Commission be per-
mitted to continue with their function of collecting the names
and addresses of war criminals, and such evidence as might be
obtainable against them. I believe that they now have about
1500 of such names, etc., most of these, of course, being criminals
who would be returned to the scene of their crimes for trial and
punishment.

(6) That there be set up at once an executive committee con-
sisting of a representative of the United States, United Kingdom,
Soviet Union and France to begin immediately to prepare for the
presentation and prosecution of (a) the trial against the major
criminals and (b) the conspiracy trial heretofore set forth in
paragraph (3).

The Lord Chancellor agreed to submit the above tentative
agreement to the British War Cabinet for approval. I had an
opportunity of talking with the Prime Minister about it in advance,
as well as the Foreign Secretary, and I asked them please to ex-
pedite the matter on the agenda of the War Cabinet so that some
decision could be reached before I submitted the tentative agree-
ment to my own government.

The British War Cabinet had a special meeting on the
subject the same day that the late President died, but before the
news of his death had been received. I left London immediately
upon learning the news. However, I had a chance to speak with
the Lord Chancellor on the phone before my departure and he
informed me that the British War Cabinet was generally in approval
with the tentative agreement, but that it had unanimously disap-
proved the trial of the six top criminals. Their unanimous view
was that these criminals be not given a trial, but that they
should be dealt with politically by agreement of the four major
powers and that they be shot forthwith.

In my prior conversation with the Prime Minister he had
told me that he was personally of the same opinion and that he had
so stated to Marshal Stalin at the time of the Moscow Declaration,
but that the Marshal had insisted upon a trial.

Upon learning the decision of the War Cabinet, I told
the Lord Chancellor that I was sure that President Roosevelt would
be opposed to that policy and that Secretary Stimson would also be
violently opposed, but that I did not know the views of President
Truman.

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Chancellor, I stated that in my opinion it was essential that the Russians be brought into these negotiations at once. I did not think that there should be an Anglo-American agreement presented as a fait accompli to the Russians. Apparently there was reluctance about this in some quarters. Finally, in company with Ambassador Winant, I called on Foreign Secretary Eden and stated my views. Mr. Eden suggested that the Russians be not consulted until the British and Americans had reached some agreement between themselves. As a result, the Russians have not yet been informed of the discussions or brought into them in any way.

Now that I have had a statement of your own view that you do not believe in a political disposition of these top criminals but believe that some kind of trial should be afforded, I recommend:

1. That the British be informed through our State Department that the United States insists on that position; and

2. That we open negotiations through our State Department with the Russians as soon as Mr. Molotov comes to Washington.

My understanding is that you wish me to continue these negotiations, and if you approve, I shall proceed along the line of the above two recommendations. I am calling a meeting of the representatives of State, War and Justice who participated in preparing the attached memorandum for President Roosevelt, to inform them, in top secrecy of course, of the present state of the negotiations.

SAMUEL I. ROSENBLUM
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MEMORANDUM FOR THE PRESIDENT:

Subject: Trial and Punishment of Nazi War Criminals.

This memorandum deals with ways and means for carrying out the policy regarding the trial and punishment of Nazi criminals, as established in the statements on that subject which are annexed (Tabs A to F).

I. THE MOSCOW DECLARATION

In the Moscow Declaration (Tab D) the United Kingdom, the United States, and the Soviet Union took note of the atrocities perpetrated by the Germans and laid down the policy: (1) that those German officers and men who have been responsible for or have taken a consenting part in the atrocities "will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free governments which will be created therefrom"; and (2) that the above declaration "is without prejudice to the case of the major criminals, whose offenses have no particular geographical localization and who will be punished by the joint decision of the Governments of the Allies."

II. UNITED NATIONS WAR CRIMES COMMISSION

The United Nations War Crimes Commission is located in London, and consists of representatives of some fifteen of the United Nations. The Soviet Government is not a member.

This Commission has been charged with the collection of lists of the criminals referred to, the recording of the available supporting proof, and the making of recommendations as to the tribunals to try and the procedure for trying such criminals. The Commission has no investigative or prosecuting authority or personnel. It has no authority to try offenders of any kind.

The War Crimes Commission receives its lists of war criminals from the investigating authorities, if any, set up by the respective United Nations. The first unofficial meeting of the Commission was held in London on October 26, 1943, and the first official meeting was held there on January 16, 1944. Up to this time, the cases of approximately 1,000 offenders have been docketed with the Commission. The labor of the Commission have not resulted in any governmental agreement as to the tribunals to try or the procedures for trying war criminals.
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III. SCOPE AND DIMENSIONS OF THE WAR CRIMES PROBLEM

The crimes to be punished. The criminality of the German leaders and their associates does not consist solely of individual outrages, but represents the result of a systematic and planned reign of terror within Germany, in the satellite Axis countries, and in the occupied countries of Europe. This conduct goes back at least as far as 1933, when Hitler was first appointed Chancellor of the Reich. It has been marked by mass murders, imprisonments, expulsions and deportations of populations; the starvation, torture and inhuman treatment of civilians; the wholesale looting of public and private property on a scale unparalleled in history; and, after initiation of "total" war, its prosecution with utter and ruthless disregard for the laws and customs of war.

We are satisfied that these atrocities were perpetrated in pursuance of a premeditated criminal plan or enterprise which either contemplated or necessarily involved their commission.

The criminals to be punished. The outstanding offenders are, of course, those leaders of the Nazi Party and German Reich who since January 30, 1933, have been in control of formulating and executing Nazi policies.

In addition, the Nazi leaders created and utilized a numerous organization for carrying out the acts of oppression and terrorism which their program involved. Chief among the instrumentalities used by them are the SS, from the personnel of which the Gestapo is constituted, and the SdA. These organizations consist of exactly screened volunteers who are pledged to absolute obedience. The members of these organizations are also the personnel primarily relied upon to carry on postwar guerilla and underground operations.

IV. DIFFICULTIES OF AN EFFECTIVE WAR CRIMES PROGRAM

Difficulties of identification and proof. The names of the chief German leaders are well known, and the proof of their guilt will not offer great difficulties. However, the crimes to be punished have been committed upon such a large scale that the problem of identification, trial and punishment of their perpetrators presents a situation without parallel in the administration of criminal justice. In thousands of cases, it will be impossible to establish the offender's identity or to connect him with the particular act charged. Witnesses will be dead, otherwise incapacitated and scattered. The gathering of proof will be laborious and costly, and the mechanical problems involved in uncovering and preparing proof of particular
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offences one of appalling dimensions. It is evident that only a negligible minority of the offenders will be reached by attempting to try them on the basis of separate prosecutions for their individual offenses. It is not unlikely, in fact, that the Nazis have been counting on just such considerations, together with delay and war weariness, to protect them against punishment for their crimes if they lose the war.

Legal Difficulties. The attempt to punish the Nazi leaders and their associates for all of the atrocities committed by them also involves serious legal difficulties. Many of these atrocities, as noted in your statement on the subject of prosecution dated 24 March 1944 (Tab 2), were "forms of the war in the German fashion and multiplied by them a hundred times in time of war. These pre-war atrocities are neither "war crimes" in the technical sense, nor offenses against international law, and the extent to which they may have been in violation of German law, as changed by the Nazis, is doubtful. Nevertheless, the declared policy of the United Nations is that these crimes, too, shall be punished; and the interests of postwar security and a necessary rehabilitation of German peoples, as well as the demands of justice, require that this be done.

V. RECOMMENDED PROCEDURE

After Germany's unconditional surrender the United Nations could, if they elected, put to death the most notorious Nazi criminals, such as Hitler or Himmler, without trial or hearing. We do not favor this method. While it has the advantages of a sure and swift disposition, it would be violative of the most fundamental principles of justice, common to all the United Nations. This would encourage the Germans to turn these criminals into martyrs, and, in any event, only a few individuals could be reached in this way.

We think that the just and effective solution lies in the use of the judicial method. Condemnation of these criminals after a trial, moreover, would command maximum public support in our own times and receive the respect of history. The use of the judicial method will, in addition, make available for all mankind to study in future years an authentic record of Nazi crimes and criminality.

We recommend the following:

The German leaders and the organizations employed by them such as those referred to above (G4, SS, Gestapo), should be charged both with the commission of their atrocities crimes, and also with joint participation in a broad criminal enterprise which included and intended these crimes, or was reasonably calculated to bring them about. The allegation of the criminal enterprise would be so couched as to permit full proof of the entire Nazi plan from its inception and the means used in its furtherance and execution, including the prewar atrocities and those committed against their own nationals, neutrals, and stateless persons, as well as the waging of an illegal war of aggression with ruthless disregard for international law and the rules of war. Such a charge would be firmly founded upon the
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We recommend the following:

The German leaders and the organizations employed by them such as those referred to above (G-2, G-3, Gestapo), should be charged both with the commission of their atrocities crimes, and also with joint participation in a broad criminal enterprise which included and intended these crimes, or was reasonably calculated to bring them about. The legislation of the criminal enterprise would be so couched as to permit full proof of the entire Nazi plan from its inception and the means used in its furtherance and execution, including the prewar atrocities and those committed against their own nationals, neutrals, and stateless persons, as well as the waging of an illegal war of aggression with ruthless disregard for international law and the rules of war. Such a charge would be firmly founded upon the
rule of liability, common to all penal systems and included in the general
doctrines of the laws of war, that those who participate in the formulation
and execution of a criminal plan involving multiple crimes are jointly liable
for each of the offenses committed and jointly responsible for the acts of
each other. Under such a charge there are admissible in evidence the acts
of any of the conspirators done in furtherance of the conspiracy, whether or
not those acts were in themselves criminal and subject to separate prosecution
as such.

The trial of this charge and the determination of the guilty parties
would be carried out in two stages:

The United Nations would, in the first instance, bring before an
international tribunal created by Executive Agreement, the highest ranking
German leaders to a number fairly representative of the groups and organi-
izations charged with complicity in the basic criminal plan. Adjudication
would be sought not only of the guilt of those individuals physically before
the court, but also of the complicity of the members of the organizations
included within the charge. The court would make findings adjudicating the
facts established, including the nature and purpose of the criminal plan,
the identity of the groups and organizations guilty of complicity in it, and
the acts committed in its execution. The court would also sentence those
individual defendants physically before it who are convicted.

The above would complete the mission of this international tribunal.

Thereafter, there would be brought before occupation courts the indi-
viduals not sent back for trial under the provisions of the Moscow Decla-
ration, and members of the organizations who are charged with complicity
through such membership, but against whom there is not specific proof of
specific atrocities. In view of the nature of the charges and the repre-
sentative character of the defendants who were before the court in the
first trial, the findings of that court should justify being taken to constitute
a general adjudication of the criminal character of the groups and organi-
sations referred to, binding upon all the members thereof in their subsequent
trials in occupation courts. In those subsequent trials, therefore, the
only necessary proof of guilt of any particular defendant would be his
membership in one of those organizations. Proof would also be taken of
the nature and extent of the individual’s participation. The punishment
of each defendant would be made appropriate to the facts of his particular
case. In appropriate cases, the penalty might be imprisonment at hard
labor instead of the death penalty, and the offenders could be worked in
restoring the devastated areas.

Individual defendants who can be connected with specific atrocities
will be tried and punished in the national courts of the countries concerned,
as contemplated in the Moscow Declaration.

VI. NATURE AND COMPOSITION OF TRIBUNALS

We favor the trial of the prime leaders by an international military
commission or court, established by Executive Agreement of the heads of
State of the interested United Nations. This would require no signature
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only necessary proof of guilt of any particular defendant would be his
membership in one of those organizations. Proof would also be taken of
the nature and extent of the individual's participation. The punishment
of each defendant would be made appropriate to the facts of his particular
case. In appropriate cases, the penalty might be imprisonment at hard
labor instead of the death penalty, and the offenders could be worked in
restoring the devastated areas.

Individual defendants who can be connected with specific atrocities
will be tried and punished in the national courts of the countries concerned,
as contemplated in the Moscow Declaration.

VI. NATURE AND COMPOSITION OF TRIBUNAL

We favor the trial of the prime leaders by an international military
commission or court, established by Executive Agreement of the Secretary
of the interested United Nations. This would require the Joint
State of the interested United Nations. This would require the Joint
legislation or treaty. If deemed preferable the tribunal could be estab-
lished by action of the Supreme Authority. (Control Council for Germany)

The court might consist of seven members, one each to be appointed by
the British Commonwealth, the United States, the Soviet Union, and France,
and three to be appointed by agreement among the other United Nations who
become parties to the proposed procedure.

The court may consist of civilian or military personnel, or both. We
would prefer a court of military personnel, as being less likely to give
undue weight to technical contentious and legalistic arguments.

The subsequent trials would be held, as noted, in occupation courts; in
the national courts of the country concerned; or in their own military
courts; or, if desired, by international military courts.

VII. PREPARATION OF CASE

A successful prosecution of the basic charge will manifestly depend
upon early, careful, and thorough compilation of the necessary evidence.
This is particularly important with regard to so much of the cases as in-
volve the basic criminal plan. Success will depend, further, upon co-
operative action in this regard among the interested United Nations, and
the early establishment of a competent executive and technical staff to
carry out the project.

In our opinion, the United Nations War Crimes Commission cannot be
satisfactorily employed for this purpose, and having performed its mission,
may now be dissolved.

We recommend that there be set up a full-time executive group con-
isting of one military representative each of the British Commonwealth,
the United States, the Soviet Union, and France. This group should have
under it an adequate staff of attorneys and research personnel to search
out the available data, analyze them, prepare the charges to conform to
the proof, and arrange the evidence for presentation to the international
military tribunal.

VIII. SOVIET ATTITUDE

The Soviet attitude, we believe, is indicated in the Note of M. Molotov
attached hereto as Tab F. The position taken therein is that the Soviet
Union is ready to support all practical measures on the part of the Allied
and friendly governments in bringing the Hitlers and their accomplices
to justice, and favors their trial before "the courts of the special interna-
tional tribunal" and their punishment in accordance with applicable crimi-

SECRET
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and friendly governments in bringing the Hitlers and their accomplices
to justice, and favors their trial before "the courts of the special intern-
national tribunal" and their punishment in accordance with applicable crimi-

5
In an Aide Memoire from the British Embassy to the Department of State dated October 30, 1944, the British Foreign Office indicates that it is prepared to agree and to cooperate in establishing Mixed Military Tribunals to deal with cases which for one reason or another could not be tried in national courts. This would appear, according to the Aide Memoire, to include those cases where a person is accused of having committed war crimes against the nationals of several of the United Nations.
IX. BRITISH ATTITUDE.

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The conclusion 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.
STATEMENT OF THE PRESIDENT

On August twenty-first 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 our 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.

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GERMAN POLICY OFextermination
OF THE JEWISH RACE

Declared to the Extraordinary

The situation of the Belgian, Czechoslovak, Greek, Luxembourg, Netherlands, Norwegian, Polish, British, United Kingdom, United States, and Yugoslav Governments and also of the French National Committee has been drawn to numerous reports from Europe that the German authorities, not content with depriving the Jews of the territories over which their banishment has extended the above-named countries, are systematically exterminating the Jewish people in Europe. From all the occupied countries Jews are being trans- ported in hundreds of thousands by forced labor and brutality to eastern Europe. In Poland, which has been made the principal Nazi slaughterhouse, the ghettos established by the German invaders are being systematically emptied of all Jews except a few highly skilled workers required for war industries. None of these people are allowed to live beyond a month. The aged and sick are immediately ordered to death in labor camps. The infants are left to die of exposure and starvation or are deliberately murdered in mass executions. The number of victims of these bloody measures is increased in many hundreds of thousands of entire innocent men, women, and children.

The above-mentioned Governments and the French National Committee condemn in the strongest possible terms the brutal policy of cold-blooded extermination. They declare that such crimes can only strengthen the resolve of all freedom-loving people to overthrow the barbarous Hitlerite tyranny. They reaffirm their solemn resolution to ensure that these crimes shall not escape punishment and to press on with the necessary practical measures to that end.
GERMAN POLICY OF EXTERMINATION
OF THE JEWISH RACE

(Reprinted by the press headquarters)

The situation of the Belgian, Czechoslovak, Greek, Luxembourgish, Netherlands, Norwegian, Polish, Soviet, United Kingdom, United States, and Yugoslav governments and also of the French National Committee has been drawn to numerous reports from Europe 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 occupied countries Jews are being transported in conditions of appalling horror and brutality to eastern Europe. In Poland, which has been made the principal Nazi slaughter-house, the ghettos established by the Germans include are being systematically emptied of all Jews except a few highly-skilled workers required for war industries. None of these taken away are ever heard of again. The sick and aged are slowly murdered in death camps. The infants are left to die of exposure and starvation or are deliberately starved to death. The number of victims of these bloody executions is recorded in many hundreds of thousands. Not a single man, woman, or child is spared.

The above-mentioned governments and the French National Committee condemn in the strongest possible terms this brutal policy of mass extermination. They declare that such actions can only strengthen the resolve of all freedom-loving peoples to overthrow the barbarous Hitlerite tyranny. They reaffirm their solemn pledge to ensure that these reprehensible deeds are not swept under the carpet and to press on with the necessary practical measures to this end.
CONCURRENT RESOLUTION

Whereas the American people view with indignation the atrocities inflicted upon the civilian population in the Nazi occupied countries, and especially the mass murder of Jewish men, women, and children; and

Whereas this policy of the Nazis has created a reign of terror, brutality, and extermination in Poland and other countries in Eastern and Central Europe; Now, therefore, be it

Resolved by the Senate (the House of Representatives

concurring), That these broad and indefensible outrages against millions of helpless men, women, and children should be, and they are hereby, condemned as unworthy of any 3

nation or any regime which pretends to be civilized;

Resolved further, That the dictates of humanity and 7

honorable conduct in war demand that this inexcusable
CONCURRENT RESOLUTION

Whereas the American people view with indignation the atrocities inflicted upon the civilian population in the Nazi-occupied countries, and especially the mass murder of Jewish men, women, and children; and

Whereas this policy of the Nazis has created a reign of terror, brutality, and extermination in Poland and other countries in Eastern and Central Europe: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That these brutal and indefensible outrages against millions of helpless men, women, and children should be, and they are hereby, condemned as unworthy of any nation or any regime which pretends to be civilized:

Resolved further, That the dictates of humanity and honorable conduct in war demand that this inexcusable
slaughter and mistreatment shall cease and that it is the
sense of this Congress that those guilty, directly or indirectly,
of these criminal acts shall be held accountable and punished
in a manner commensurate with the offenses for which they
are responsible.

Passed the Senate March 9, 1943.

Attest: EDWIN A. HALSEY,

Secretary.
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sense of this Congress that those guilty, directly or indirectly,
of these criminal acts shall be held accountable and punished
in a manner commensurate with the offenses for which they
are responsible.

Passed the Senate March 9, 1943.

Attest: 

EDWIN A. HALSEY,
Secretary.
Department of State

FOR THE PRESS

November 1, 1943

NO. 468

STATEMENT RELEASED BY W. AVERELL HARRIS, ATTORNEY IN CHARGE OF THE EUROPEAN COMMUNICATIONS OF THE DEPARTMENT OF STATE, QUOTED FROM OR USED IN AN ORAL STATEMENT MADE BY LEO J. ALFIERI, ASSISTANT SECRETARY FOR HUMAN RIGHTS, AND BY WALTER KILGORE, SPECIAL COUNSEL TO THE DEPARTMENT OF STATE, REGARDING NAZI CRIMES

The United States, the United States and the Soviet Union have received from many sources evidence of atrocities, massacres, and other acts of war against civilians and other persons not in military service, which are being carried out by German forces in the countries which are now under German control. This evidence is based on reports from persons who have escaped from the territory of the German Reich, and on evidence from persons who have been captured by Allied forces. The evidence is insufficient to prove that the German Reich is guilty of these crimes.

Accordingly, the United States, the United States, and the Soviet Union have decided to undertake such operations as will be necessary to bring to justice the persons responsible for these crimes. To this end, they will take such measures as may be necessary to ensure that the persons responsible for these crimes shall be brought to justice. These measures may include the establishment of special tribunals, the appointment of special committees, or the appointment of special prosecutors.
DEPARTMENT OF STATE

FOR THE PRESS

NOVEMBER 1, 1943

Re: 403

CONFESSIONAL READD FOR PUBLICATION AT LUS J. D. H. VILNA

NOVEMBER 1, 1943

AsA Statement on the Subject of the

Co-16 Statement Signed by President Roosevelt, Prime Minister Churchill and Prime Minister Molotov on the Subject

ADDITIONS

The United Kingdom, the United States and the Soviet Union have heard many reports of the atrocity, massacre, and persecution of the peoples in occupied countries where the governments have been replaced by Germany. As the result of these cruelties, the peoples of these countries are now being liberated from this grim oppression. The result of this action is that the United Nations, by assisting the liberation of the peoples of these countries, are helping to bring about a new order in the world. The United Kingdom, the United States and the Soviet Union have declared their intention to hold the perpetrators of these cruelties accountable for their actions. The experiences of these countries will be recorded and presented to the United Nations for consideration and action. The United States, the United Kingdom, and the Soviet Union have agreed to cooperate in the pursuit of this goal.
Thus, Germans who take part in wholesale shooting of Italian officers or in the execution of French, Dutch, Belgian or Norwegian hostages or of Cretan peasants, or who have shared in slaughters inflicted on the people of Poland or in territories of the Soviet Union which are now being swept clear of the enemy, will know they will be brought back to the scene of their crimes and judged on the spot by the peoples whom they have outraged. Let those who have hitherto not imbrued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three Allied Powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done.

The above declaration is without prejudice to the cases of major criminals, whose offenses have no particular geographical localization and who will be punished by joint decision of the Governments of the Allies.

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Thus, Germans who take part in wholesale shooting of Italian officers or in the execution of French, Dutch, Belgian or Norwegian hostages or of Greek peasants, or who have shared in slaughters inflicted on the people of Poland or in territories of the Soviet Union which are now being swept clear of the enemy, will know they will be brought back to the scene of their crimes and judged on the spot by the peoples whom they have outraged. Let those who have hitherto not imbued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three Allied Powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done.

The above declaration is without prejudice to the case of major criminals, whose offenses have no particular geographical localization and who will be punished by joint decision of the Governments of the Allies.
The United Nations are fighting to make a world in which

tyranny and aggression cannot exist, a world based upon freedom,

equality and justice: a world in which all persons regardless of race,

color or creed may live in peace, honor and dignity.

In the meantime in most of Europe and in parts of Asia the

systematic torture and murder of civilians — men, women and children —

by the Nazis and the Japanese continues unabated. In areas subjected

by the aggressors innocent Polish, Belgian, Dutch, Poles, French,

Greeks, Russians, Chinese, Filipinos — and many others — are

being starved or forced to death or murdered in cold blood in a

masacre of savagery.

The slaughter of Lwow, Lidice, Markov and Nanking — the

brutal torture and murder by the Japanese, not only of civilians but

of our own gallant American soldiers and filers — these are startling

examples of what goes on day by day, year in and year out, whenever

the Nazis and the Japs are in military control — free to follow their

barbaric purposes.

In one of the blackest crimes of all history — begun by the

Nazi in the days of peace and multiplied by them a hundred times in

the time of war — the wholesale systematic murder of the Jews of Europe

goes on unabated every hour. As a result of the orders of the last few

days hundreds of thousands of Jews, who are living under persecution

have at least found a haven from death in Hungary and the Balkans, are

now threatened with annihilation as Hitler’s forces advance more

heavily upon those lands. That these innocent people, who have already

survived a decade of Hitler’s fury, should perish on the very eve of liberty

over the barbarism which their persecution symbolizes, would be a

worse tragedy.

It is therefore fitting that we should again proclaim our

determination that none who participate in these acts of savagery shall

go unpunished. The United Nations have made it clear that they will

pursue the guilty and deliver them up in order that justice be done.

That warning applies not only to the leaders but also to their function-

aries and subordinates in Germany and in the satellite countries. All

who knowingly take part in the destruction of Jews in their death by

Poles or Germans and French to their death in Germany are equally

guilty with the executioners. All who share the guilt shall share the

punishment.

Hitler is committing these crimes against humanity in the

name of the German people. I ask every German and every man everywhere

under Nazi dominion to show the world by his action that he is not

he who does not share these known criminal desires. Let him hide these

guilty victims, help them to get over their terror, and do what he

can to save them from the Nazi bandit. I urge him also to keep watch,

and to report the evidence that will one day be used to convict the guilty.

In the meantime, and until the victory that is now assured is

won, the United States will persevere in its efforts to rescue the victims

of brutality of the Axis and the Japs. In so far as the necessity of

military operations permit this Government will use all means at the

command to aid the escape of all innocent victims of the Nazi and the

Jap — regardless of race or religion or color. It calls upon the free

people of Europe and Asia temporarily to open their frontiers to all

victims of oppression. It shall find haven of refuge for them, and

we shall find the means for their maintenance and support until the

tyrants are driven from their homelands and they may return.

In the name of justice and humanity let all freedom loving

people rally to this righteous undertaking.
The United Nations are fighting to make a world in which tyranny and aggression can no longer make a world based upon freedom, equality and justice: a world in which all persons, regardless of race, color or creed, may live in peace, honor and dignity.

In the meantime, in most of Europe and in parts of Asia the systematic torture and murder of millions — men, women and children — by the Nazis and the Japanese continue unabated. In areas subjugated by the aggressors, innocent Polish, Dutch, Norwegian, Australian, French, Greek, Belgian, Chinese, Filipino — and many others — are being starved or forced to death or murdered in cold blood in a campaign of savagery.

The slaughter of Warsaw, Lódz, Warsaw and Lodz — the brutal torture and murder by the Japanese, not only of civilians but of our own gallant American soldiers and flyers — these are shocking examples of what goes on day by day, year in and year out, wherever the Axis and the Japs are in military control — free to follow their barbaric purpose.

In one of the blackest crimes of all history — begun by the Nazis in the days of peace and multiplied by a hundred times in the days of war — the wholesale systematic murder of the Jews of Europe goes on unabated every hour. As a result of the events of the last few days, hundreds of thousands of Jews, who while living under persecution have at least found a haven from death in Hungary and the Balkans, are now threatened with annihilation as Hitler's forces advance northward upon these lands. That these innocent people, who have already survived a decade of Hitler's fury, should perish on the very eve of triumph over the barbarian which their persecution symbolized, would be a major tragedy.

It is therefore fitting that we should again proclaim our determination that none who participate in these acts of savagery shall go unpunished. The United Nations have made it clear that they will pursue the guilty and deliver them up to justice to be tried by those nations that shall be so moved. That warning applies not only to the leaders but also to the functionaries and subordinates in Germany and in the satellite countries. All who knowingly take part in the perpetration of Jews to their death by Poland and Hungary and France to their death in Germany are equally guilty with the executioners. All who share the guilt shall share the punishment.

Hitler is committing these crimes against humanity in the name of the German people. I ask every German and every man everywhere under Nazi domination to show the world by his action that in his heart he does not share these insane criminal desires. Let him hide these persons of victims, help them to get away from their tormentors and do what he can to save them free from Nazi hordes. I urge him also to keep watch and to report the evidence that will one day be used to convict the guilty.

In the meantime, and until the victory that is now assured is won, the United States will persevere in its efforts to rescue the victims of brutality of the Axis and the Japs. Insofar as the necessity of military operations permits this Government will use all means at its command to aid the escape of all innocent victims of the Nazi and the Japs — regardless of race or religion or color. It will call upon the free people of Europe and Asia to cooperate and open their frontiers to all victims of oppression. It shall find haven of refuge for them, and we shall find the means to keep them safe and support until the tyrants are driven from their homes and they may return.

In the name of justice and humanity let all freedom loving people rally to this righteous undertaking.
REPLY BY THE SOVIET GOVERNMENT

The Soviet Government replied on October 14th, 1942, by the following
Note of N. Molotov, the People's Commissar for Foreign Affairs, to the Note
Verba! presented to it by the Czecho!ovak Minister and a representative
of the French National Committees in behalf of the Belgian Government,
the Czecho!ovak Government, the French National Committees, the Greek
Government, the Luxembourg Government, the Netherlands Government, the
Norwegian Government, the Polish Government and the Yugoslav Governments

(Text)

M! DEAR MINISTER,

In reply to the Note of July 23rd which I received from you and M.
Garraud, I have the honour to transmit to you herewith the text of the
declaration by the Soviet Government on the responsibility of the Hitlerite
interlopers and their henchmen for the crimes which they have committed in
the occupied countries of Europe.

The Chairman of the Council of People's Commissars of the U.S.S.R.,
Joseph Vissarionovitch Stalin, having acquainted himself with the collective
appeal from representatives of countries temporarily occupied by Hitlerite
Germany, and having given a solemn warning as to the responsibility for the
crimes perpetrated by the Hitlerites on the territory seized by them, instructed
the People's Commissariat for Foreign Affairs, to bring to the notice of the
Governments of Czecho!ovakia, Poland, Yugoslavia, Norway, Greece, Belgium,
Holland and Luxembourg and the French National Committees the following
declaration of the Soviet Government —

The Soviet Government and the entire Soviet people are imbued with feelings
of fraternal solidarity and profound sympathy for the sufferings and courageous
struggle of the peoples of the countries of Europe occupied by the Hitlerites.

The misery, degradation and privation inflicted on these peoples by Hitlerite
tyranny is all the more understood by the peoples of the Soviet Union since
the Hitlerite invaders, in the Soviet areas temporarily occupied by them, are
perpetrating crimes and atrocities on a monstrous scale: mass murders of
civilians, destruction of towns and villages, plunder and ruin of the popu-
lation, brutal violation of women, children and the aged, enslavement of hundreds
of thousands of people.

The Soviet Government once more confirms the universal and deliberate
character of the bloody crimes of the Hitlerite invaders, which prove that the
German Fascist Government and its accomplices, in striving to enslave the
peoples of the occupied countries, to destroy their culture and debase their
national dignity, have also made it their aim to carry out the direct, physical
annihilation of a considerable section of the population of the territories
captured by them.
The Soviet Government replied on October 11th, 1942, by the following Note of M. Molotov, the People's Commissar for Foreign Affairs, to the Note Verbaile presented to it by the Czechoslovak Minister and a representative of the French National Committee on behalf of the Belgian Government, the Czechoslovak Government, the French National Committee, the Greek Government, the Luxemburg Government, the Netherlands Government, the Norwegian Government, the Polish Government and the Yugoslav Governments.

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MY DEAR MINISTER,

In reply to the Note of July 23rd which I received from you and M. Garraux, I have the honour to transmit to you herewith the text of the declaration by the Soviet Government on the responsibility of the Hitlerite invaders and their henchmen for the crimes which they have committed in the occupied countries of Europe.

The Chairman of the Council of People's Commissars of the U. S. S. R., Joseph Vissarionovich Stalin, having acquainted himself with the collective appeal from representatives of countries temporarily occupied by Hitlerite Germany, and having given a solemn warning as to the responsibility for the crimes perpetrated by the Hitlerites on the territory seized by them, instructed the People's Commissariat for Foreign Affairs, to bring to the notice of the Governments of Czechoslovakia, Poland, Yugoslavia, Norway, Greece, Belgium, Holland and Luxemburg and the French National Committee the following declaration of the Soviet Government:

The Soviet Government and the entire Soviet people are imbued with feelings of fraternal solidarity and profound sympathy for the suffering and courageous struggle of the peoples of the countries of Europe occupied by the Hitlerites.

The misery, degradation and privation inflicted on these peoples by Hitlerite tyranny is all too well understood by the peoples of the Soviet Union, since the Hitlerite invaders, in the Soviet areas temporarily occupied by them, are perpetrating crimes and atrocities on a monstrous scale: mass murders of civilians, destruction of towns and villages, plunder and ruin of the population, brutal violation of women, children and the aged, enslave ment of hundreds of thousands of people.

The Soviet Government once more confirms the universal and deliberate character of the bloody crimes of the Hitlerite invaders, which prove that the German Fascist Government and its accomplices, in striving to enslave the peoples of the occupied countries, to destroy their culture and debase their national dignity, have also made it their aim to carry out the direct, physical annihilation of a considerable section of the population of the territories captured by them.
The Soviet Government at the same time puts on record that neither by
their methods of annihilation and crime, nor by their incitement to internecine
strife, nor by their plunder and starvation, nor by their bloody crimes have
the German Fascists succeeded in breaking the will of the European peoples
to struggle against the invaders for the liberation and restoration of their
independent countries.

Dauntless in the face of the inevitable sacrifices which the just, liberat-
ing struggle brings in its train, and knowing neither mercy to the enemy nor
to his accomplices, the patriots of the countries oppressed by the Fascists
are making use of all available means of struggle against the invaders, including
the launching of popular guerilla warfare.

The courageous fighters for the honour, freedom and independence of the
peoples oppressed by the Nazis make every effort to inflict the greatest
possible losses on the Hitlerite invaders and the German war machine.

They sabotage war industry and production in occupied territories, using
a variety of methods — from slowing down output and lowering the quality of
the work to the calling of strikes, to mass withdrawals from production,
destruction of machinery and production, diversionist acts in workshops,
power stations and mines.

They sabotage the deliveries of agricultural produce to the German oppress-
sors. They frustrate the Hitlerite measures to recruit for Germany's factories
foreign workers, doomed to slave labour on the production of guns intended for
use against the Allies and the oppressed peoples of Europe.

They are fighters against the violent German brigades and imperialists
and strive to despoil the war supplies and raw materials of the invaders. They
break down enemy communications, tear up rails, blow up bridges, demoralize trains,
inflict damage on merchant and naval vessels, cut telegraph and telephone
wires.

They give practical aid to operations by the Allied air force over occupied
Hitlerite territory. They sabotage the measures of military and civil occupa-
tion authorities. They punish with death those guilty of organizing and
carrying out Hitlerite violence and terror, as well as those traitors who give
aid to the invaders.

The most substantial losses have been inflicted on the enemy in the
countries where, on the lines of the great movement of people's avengers —
guerrillas — who are fighting against the invaders in temporarily-occupied Soviet
territories, armies of patriots have fearlessly taken this path of armed
struggle against the invader, such as has occurred in particular in Yugoslavia.

There is not the slightest doubt that the successful development of this
glorious liberating struggle in all its forms will become one of the most
important conditions making for the final defeat of the common enemy, and
will bring nearer the retribution justly demanded by the representatives of the
countries occupied by Hitlerite Germany.
The Soviet Government at the same time puts on record that neither by
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carrying out Hitlerite violence and terror, as well as those traitors who give
aid to the invaders.

The most substantial losses have been inflicted on the enemy in those
countries where, on the lines of the great movement of people's avengers —
guerrillas — who are fighting against the invaders in temporarily-occupied Soviet
territories, armed of patriots have fearlessly taken this path of armed
struggle against the invaders, such as has occurred in particular in Yugoslavia.

There is not the slightest doubt that the successful development of this
glorious liberating struggle in all its forms will become one of the most
important conditions making for the final defeat of the common enemy, and
will bring nearer the retribution justly demanded by the representatives of the
countries occupied by Hitlerite Germany.
In the note of Vyacheslav Molotov, People's Commissar for Foreign Affairs
of the U. S. S. R., dated November 25th, 1942, on the abominable crimes of
the German authorities against Soviet prisoners of war, and that dated January 6th,
1942, on the universal plunder and ruin of the population and the monstrous
atrocities of the German authorities in Soviet territories captured by them,
and that dated April 27th, 1942, on the monstrous atrocities and brutal violence
of the German fascist invaders in Soviet districts occupied by them and on
the responsibility of the German Government and Military Command for these
crimes, sent to all Governments with which the Soviet Union has diplomatic
relations, the Soviet Government laid full responsibility for the inhuman and
brutal acts of German troops on the criminal Hitlerite Government of Germany.

It declared that the Hitlerite Government and its accomplices would not
escape responsibility and deserved punishment for all the unprecedented
atrocities perpetrated against the peoples of the U. S. S. R. and against all
the freedom-loving countries.

The Soviet Government declared in addition, that its organs would make
a detailed record of these crimes and atrocities of the Hitlerite Army, for
which the outraged Soviet people justly demand and will obtain retribution.

Having received information about the monstrous atrocities perpetrated and
being perpetrated by the Hitlerites, by order of the Government and military
and civil authorities of Germany, on the territories of France, Czechoslovakia,
Poland, Yugoslavia, Norway, Greece, Belgium, Holland and Luxembourg, and
giving the widest publicity to the information received from these countries,
the Soviet Government once more declares to the world its inflexible deter-
mination that the criminal Hitlerite Government and all its accomplices must
and shall suffer deserved, stern punishment for the crimes perpetrated against
the peoples of the Soviet Union and against all freedom-loving peoples in
territories temporarily occupied by the German army and its accomplices.

The Soviet Government approves and shares the just desire expressed in
the collective note received, that those guilty of the crimes indicated shall
be handed over to judicial courts and prosecuted, and that the sentences passed
on them shall be put into execution.

The Soviet Government is ready to support all practical measures to this
end on the part of allied and friendly Governments, and counts upon all
interested States giving each other mutual assistance in seeking out, handing
over, bringing to court and passing sentence on the Hitlerites and their
accomplices guilty of the organisation, promotion or perpetration of crimes
on occupied territory.

The Soviet Government is in agreement with the declaration of Mr. Roosevelt,
President of the United States of America, made in his speech of October 12th,
on the question of punishing the Nazi leaders, concretely responsible for
countless acts of brutality, i.e., that the names of leaders and their cruel
accomplices must be mentioned by name, arrested and tried according to the
criminal code.
In the note of Vyacheslav Molotov, People's Commissar for Foreign Affairs of the U. S. S. R., dated November 25th, 1941, on the abominable crimes of the German authorities against Soviet prisoners of war, and that dated January 6th, 1942, on the universal plunder and ruin of the population and the monstrous atrocities of the German authorities in Soviet territories captured by them, and that dated April 27th, 1942, on the monstrous atrocities and brutal violence of the German fascist invaders in Soviet districts occupied by them and on the responsibility of the German Government and Military Command for these crimes, sent to all Governments with which the Soviet Union has diplomatic relations, the Soviet Government laid full responsibility for the inhuman and brutal acts of German troops on the criminal Hitlerite Government of Germany.

It declared that the Hitlerite Government and its accomplices would not escape responsibility and deserved punishment for all the unprecedented atrocities perpetrated against the peoples of the U. S. S. R. and against all the freedom-loving countries.

The Soviet Government declared in addition, that its organs would make a detailed record of these crimes and atrocities of the Hitlerite Army, for which the outraged Soviet people justly demand and will obtain retribution.

Having received information about the monstrous atrocities perpetrated and being perpetrated by the Hitlerites, by order of the Government and military and civil authorities of Germany, on the territories of France, Czechoslovakia, Poland, Yugoslavia, Norway, Greece, Belgium, Holland and Luxembourg, and giving the widest publicity to the information received from these countries, the Soviet Government once more declares to the world its inflexible determination that the criminal Hitlerite Government and all its accomplices must and shall suffer deserved, stern punishment for the crimes perpetrated against the peoples of the Soviet Union and against all freedom-loving peoples in territories temporarily occupied by the German army and its accomplices.

The Soviet Government approves and shares the just desire expressed in the collective note received, that those guilty of the crimes indicated shall be handed over to judicial courts and prosecuted, and that the sentence passed on them shall be put into execution.

The Soviet Government is ready to support all practical measures to this end on the part of allied and friendly Governments, and counts upon all interested States giving each other mutual assistance in seeking out, handing over, bringing to court and passing sentence on the Hitlerites and their accomplices guilty of the organisation, promotion or perpetration of crimes on occupied territory.

The Soviet Government is in agreement with the declaration of Mr. Roosevelt, President of the United States of America, made in his speech of October 12th, on the question of punishing the Nazi leaders, concretely responsible for countless acts of brutality, i.e., that the names of leaders and their cruel accomplices must be mentioned by name, arrested and tried according to the criminal code.
The whole of mankind knows the names and bloody crimes of the leaders of the criminal Hitlerite clique: Hitler, Goering, Hess, Goebbels, Himmler, Ribbentrop, Rosenberg and other organizers of German brutalities from among the leaders of Fascist Germany.

The Soviet Government considers that, like the governments of all states defending their independence against the Hitlerite hordes, it is obliged to regard the stern punishment of the aforesaid leaders of the criminal Hitlerite clique as its immediate duty to the countless widows, orphans, relatives and friends of all those innocent people who have been brutally tortured and killed by order of the criminals named.

The Soviet Government considers it essential to hand over without delay to the courts of the special international tribunal, and to punish according to all the severity of the criminal code, any of the leaders of Fascist Germany who in the course of the war have fallen into the hands of states fighting against Hitlerite Germany.

Renewing at the present time its warning of the full weight of responsibility which the criminal Hitlerite leaders and all their accomplices bear for the monstrous atrocities perpetrated by them, the Soviet Government considers it opportune to confirm the conviction, expressed in its official declarations, that the Hitlerite Government, which recognizes only brute force, must be smashed by the all-powerful forces of the freedom-loving peoples, since the interests of the whole of mankind demand that as soon as possible the hand of barbarous murderers called the government of Hitlerite Germany, shall be finished with once and for all.

Thanking you in advance, I beg you to communicate this declaration to your Government, as well as the Governments of Poland, Yugoslavia, Greece, Belgium, Norway, Holland and Luxembourg.

Please accept the assurance of my profound regard.

People's Commissar for Foreign Affairs,

V. MOLOTOV.

To M. Z. FIERLINGER,
Envoi Extraordinary and Minister Plenipotentiary of Czechoslovakia, Kubishev.
The whole of mankind knows the names and bloody crimes of the leaders of the criminal Hitlerite clique: Hitler, Goering, Hess, Goebbels, Himmler, Ribbentrop, Rosenberg and other organizers of German brutalities from among the leaders of Fascist Germany.

The Soviet Government considers that, like the governments of all states defending their independence against the Hitlerite hordes, it is obliged to regard the stern punishment of the aforesaid leaders of the criminal Hitlerite clique as its immediate duty to the countless widows, orphans, relatives and friends of all those innocent people who have been brutally tortured and killed by order of the criminals named.

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Thanking you in advance, I beg you to communicate this declaration to your Government, as well as the Governments of Poland, Yugoslavia, Greece, Belgium, Norway, Holland and Luxembourg.

Please accept the assurance of my profound regard.

People's Commissar for Foreign Affairs,

V. MOLOTOV.

To E. Z. FERLINGER,
Envoi Extraordinary and Plenipotentiary of Czechoslovakia,
Kubishev.