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 Crimia 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 Weir and Colonel Asmi 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
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 Crimean 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 DeWitt and Colonel Asa Gutter -- 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
reaffirmed to the effect that where the identity of any 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.

(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 additional 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.

(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, 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 enterprise 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 circumstances, might be hard labor in reconstructing war devastation in Russia, France, etc.

(4) That the plan for a so-called treaty court recommended
reconfirmed to the effect that where the identity of any war criminal can be established and where the site 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.

(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 additional 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 crematories, 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.

(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 regard 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 conferees 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 organizations with entering into a common enterprise 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 circumstances, might be hard labor in reconstructing war devastation in Russia, France, etc.

(4) That the plan for a so-called treaty court recommended
some time ago by the United Nations War Crimes Commission be
disapproved as cumbersome, 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 scenes 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 tenta-
tive 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.

At the very beginning of my conferences with the Lord
some time ago by the United Nations War Crimes Commission be disapproved as unsuitable, 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 permitted 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 scenes of their crimes for trial and punishment.

(6) That there be set up at once an executive committee consisting 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 expedite the matter on the agenda of the War Cabinet so that some decision could be reached before I submitted the tentative agreement 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 disapproved 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.

At the very beginning of my conferences with the Lord
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 Vinant, 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. ROSENHEIM
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 Vincent, 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.

Saul I. Rosenman
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 these atrocities will be sent back to the countries in which their abhorrent deeds were done in order that they may be judged and punished according to the laws of those liberated countries and of the free governments which will be created thereafter; 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 18, 1944. Up to this time, the cases of approximately 1,000 offenders have been docketed with the Commission. The labors of the Commission have not resulted in any governmental agreement as to the tribunals to try or the procedures for trying war criminals.
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 these 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 those liberated countries and of the free governments which will be created there"; 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 all 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 18, 1944. Up to this time, the cases of approximately 1,000 offenders have been docketed with the Commission. The methods of the Commission have not resulted in any governmental agreement as to the tribunals to try or the procedures for trying war criminals.
The Commission has been widely and publicly criticized for the paucity of the results of its work. In recent months its activities have been marred by dissensions. The British representative, who was also Chairman of the Commission, and the Norwegian member, have resigned.

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 SA. 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
The Commission has been widely and publicly criticized for the paucity of the results of its work. In recent months its activities have been hampered by dissensions. The British representative, who was also Chairman of the Commission, and the Norwegian member, have resigned.

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 law 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 20, 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 instrumentalties used by them are the SS, from the personnel of which the Gestapo is constituted, and the SA. 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 guerrilla and underground operations.

IV. DIFFICULTIES OF AN EFFECTIVE WAR CRIMES PROGRAM

Difficulties of identification and proof. The crimes 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 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
offenses 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 lost 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 B), were "human by the basis of the law of peace and multiplied by them a hundred times in the technical sense, non-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 (SS, 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 war crimes 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
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 lost 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 "acts of the war in the course of war" 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 PROGRAM**

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 (S.S., S.S. and 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
rule of liability, common to all penal systems and included in the general

doctrine 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 these 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-
sations 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 organisations
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 organisations 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 organisations 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 but be 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 these subsequent trials, therefore, the
only necessary proof of guilt of any particular defendant would be his
membership in one of those organisations. 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 deputation of
State.
rule of liability, common to all penal systems and included in the general
doctrine 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 be required to find, 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, the defendants 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 no 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 trial should justify the defendant to constitute
a general adjudication of the criminal character of the groups and organi-
izations 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 defendant'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 board of
State of the interested United Nations. This would require no specific
State.
legislation or treaty. If deemed preferable the tribunal could be established 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 civilians or military personnel, or both. We would prefer a court of military personnel, as being less likely to give undue weight to technical contentions and legalistic arguments.

The subsequent trials would be had, as noted, in occupation courts; or, 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 involves the basic criminal plan. Success will depend, further, upon cooperative 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 consisting 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 friend governments in bringing the Hitlers and their accomplices to justice, and favor their trial before "the courts of the special international tribunal" and their punishment in accordance with applicable criminal law.
legislation or treaty. If deemed preferable the tribunal could be established 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 civilians or military personnel, or both. We would prefer a court of military personnel, as being less likely to give undue weight to technical contensions and legalistic arguments.

The subsequent trials would be had, 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 involves 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 consisting 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 W. Molotov attached hereon 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 Hitlerites and their accomplices to justice, and favors their trial before "the courts of the special international tribunal" and their punishment in accordance with applicable criminal law.
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.
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.
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 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 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 visited on the ring leaders responsible for the organized murder of thousands of innocent persons and the commission of atrocities which have violated every tenet of the Christian faith.
BASELINE 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 in 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 population. 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 for the commission of atrocities which have violated every tenet of the Christian faith.
GERMAN POLICY OF EXTERMINATION
OF THE JEWISH RACE

Declared to the Senate December 1

The situation of the Belgian, Czechoslovakian, Dutch, Luxembourgh, 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 the Jews 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 slaughterhouse, the ghettos inhabited by the German invaders are being systematically emptied of all Jews except a few highly skilled workers required for war industries. None of these Jews are ever heard of again. The old and helpless are finally worked to death in labor camps. The infants are left to die of exposure and starvation or are deliberately murdered in mass operations. The number of victims of these bloody measures is recorded in many hundreds of thousands of entirely innocent men, women, and children.

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

Declared by the German Government

The situation of the Rumanian, Czechoslovak, Greek, Luxembourg, 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 horrors and brutality to eastern Europe. In Poland, which has been made the principal Nazi slaughterhouse, 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 laborers are ever seen again. The ghettos in Poland are invariably sealed in death to labor camps. The inmates are left to die of exposure and starvation or are deliberately starved to death in mass executions. The number of victims of these bloody crusades is recorded in many hundreds of thousands of entirely innocent men, women, and children.

The above-mentioned Governments and the French National Committee condemn in the strongest possible terms this brutal 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 tyrants. They reaffirm that position in order to ensure that these heinous deeds of the German criminal shall not escape punishment 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 Nazi 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 foul 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
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.
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.
DEPARTMENT OF STATE
FOR THE PRESS
NOVEMBER 1, 1943
NO. 465

PROCLAMATION DECREED FOR PUBLICATION AT NEW YORK, FRANCIE,ושן, NURNBRO, BLOK, CUNAI, AND IN ALL OTHER PLACES, TO whither it may be necessary, of the governments at war against the轴 powers, which have been directly or indirectly furnished by the governments in power, and which it is necessary to prevent, and to which the governments at war against the轴 powers, which have been directly or indirectly furnished by the governments in power, and which it is necessary to prevent, and to which the governments at war against the

The United Kingdom, the United States, and the Soviet Union have received from many countries evidence of atrocities, massacres and cruel and inhumane acts committed by the Axis powers in a number of the countries they have overrun and from which they are now being steadily expelled. The atrocities of Axis powers are now being exposed, and the people of those countries are now being released from the yoke of Axis powers. This is now evident to all the governments at war against the Axis powers. This is now evident to all the governments at war against the

Accordingly, the governments of the United States, the United Kingdom, and the Soviet Union have received from many countries evidence of atrocities, massacres and cruel and inhumane acts committed by the Axis powers in a number of the countries they have overrun and from which they are now being steadily expelled. The atrocities of Axis powers are now being exposed, and the people of those countries are now being released from the yoke of Axis powers. This is now evident to all the governments at war against the

Thus,
DEPARTMENT OF STATE

NOVEMBER 1, 1943

Statement issued by President Roosevelt, Prime Minister Churchill, and Premier Stalin Relating to Atrocities

The United Kingdom, the United States and the Soviet Union have received from many quarters evidence of atrocities, massacres and cold-blooded mass executions which are being perpetrated by Hitlerite forces in many of the countries they have overrun and from which they are now being steadily expelled. The brutality of Hitlerite domination is now being felt in every corner of these territories and the grip of terror has never been tighter. The resolute efforts of the Allied powers to liberate these territories and put an end to the reign of terror are now being met with a determined resistance by the forces of Nazi Germany. In order to ensure the complete elimination of these forces, it has been decided that all persons found guilty of crimes against humanity shall be brought to justice. This decision is in accordance with the principles enunciated by the Allied powers in their declaration of November 1, 1943.

Thus,
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.

* * *
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 clean 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 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 can no longer 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 subjugated
by the aggressors innocent Poles, Russians, homosexuals, Dutch, Poles,
French, Greeks, Hungarians, Chinese, Filipinos — and many others — are
being starved or shot to death or burned in oil pits in a massacre of
savagery.

The slaughter of Lutomir, Lidice, Sharkey and Beelitz — the

brutal torture and murder by the Japanese of one of civilization's

most brilliant American soldiers and fliers — are startling examples of what goes on day by day, year in and year out, wherever

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

barbaric purpose.

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

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

the first few years of the war — the wholesale systematic murder of the Jews of Europe
goes on unabated every hour. In a result of the war the few

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 advancenorth

nearly to their homes. Thirteen innocent people, who have already

survived a decade of Hitler's Führer's, should perish on the very eve of

the barbarism which their persecution symbolizes, 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 the nations that shall be

named. That warning applies not only to the Leaders but also to their

followers and subordinates in Germany and in the satellite countries, all

who knowingly take part in the perpetration of evil in their death by

death or by torment and murder and those 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 say every German and every man everywhere

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

doing what the Germans are doing, that he does not share these ill-begotten
deeds. Let him hide these poor unfortunates, help them to get over their terror, and do what he can to save them from the Nazi hounding. 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 is won, the United States will prosecute in its efforts to rescue the victims

of brutality of the Nazi and the Führer. In so far as the necessity of

military operations permit this Government will use all means at the com-

mand to aid the rescue of all victims of the Nazi and the Jap-

annexationists — regardless of race or religion or color. In call upon

the free peoples of Europe and Asia temporarily to open their frontiers

to all victims of oppression. We shall find haven of refuge for them,

and shall find the means to help them maintain 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 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 millions—men, women, and children—by the Nazis and the Japanese continue unabated. In areas subjugated by the aggressors innocent Poles, Slovaks, Hungarians, Dutch, Poles, French, Greeks, Russians, Chinese, Filipinos—and many others—are being starved or forced to death or murdered in cold blood in a campaign of savagery.

The slaughter of Jews, Lidice, Kharkov, and Hongkou—the brutal terror and murder by the Japanese, not only of civilians but of our gallant American soldiers and flyers—are all too frequent examples of what goes on day by day, year in and year out, wherever the Nazis 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 them 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, thousands 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 barbarism which their persecution symbolizes, 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 order that shall be set up. That wording applies not only to the leaders but also to their functionaries and subordinates in Germany and in the satellite countries. All who knowingly take part in the perpetration of Jews to their death by Polish or Hungarian or Russian or French or their death in Germany are equally guilty with the executioner. All who bear 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 base criminal desires. Let him hide those persons of virtue, help them to get over their bitterness, and do what he can to save them from the Nazi horde. I ask 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 Nazi and the Japs. In so far 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 Jap executioners—regardless of race or religion or color. I call upon the free peoples of Europe and Asia likewise to open their borders to all victims of oppression. We shall find haven of refuge for them, and we shall find the means to keep their comrades and support until the tyrant is 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.
REPLY BY THE SOVIET GOVERNMENT

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 Verbaux 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 Luxembourg Government, the Netherlands Government, the Norwegian Government, the Polish Government and the Yugoslav Government.

(MY DEAR MINISTER,

In reply to the Note of July 23rd which I received from you and M. Garreau, 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 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 Luxembourg 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 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 population, 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 14th, 1942, by the following note, to the Note Verbales 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 Luxembourg Government, the Netherlands Government, the Norwegian Government, the Polish Government and the Yugoslav Governments:

(Text)

MY 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 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 Luxembourg 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 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 population, 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 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, liberating struggle brings in its train, and knowing neither mercy to the enemy nor to his accomplices, the patriots of the countries oppressed by the Hitlerites are making use of all available means of struggle against the invaders, including the launching of popular guerrilla 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 oppressors. 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 brigands 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, derail 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 occupation 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 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, mass 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 their methods of annihilation and crime, nor by their incitement to internecine strife, nor by their plunder and starvation, nor by their bloody orders 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, liberating struggle brings in its train, and knowing neither mercy to the enemy nor to his accomplices, the patriots of the countries oppressed by the Hitlerites are making use of all available means of struggle against the invaders, including the launching of popular guerrilla warfare.

The courageous fighters for the honour, freedom and independence of the peoples oppressed by the Nazis are making 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 oppressors. 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 brigands 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, derail trains, inflict damage on merchant and naval vessels, cut telegraph and telephone wires.

They give practical aid to operations by the Allied air forces over occupied Hitlerite territory. They sabotage the measures of military and civil occupation 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 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 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.
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 brigand 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 expresses 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, concrete and 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, 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 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 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 trial 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.

Revealing 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 band of hara-kiri 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. FERLINGHER,
Envoy Extraordinary and Minister Plenipotentiary of Czecho-Slovakia,
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.

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.

Rememering 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 band of barefaced 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. FERLINGER,
Envoi Extraordinary and Minister Plenipotentiary of Czechoslovakia,
Kubisher.