

OF 5152
War Crimes Investigating Commission

5152

FOR THE PRESS

IMMEDIATE RELEASE

OCTOBER 7, 1942

STATEMENT BY 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 the purpose of this Government, as I knew it to be the purpose of the other United Nations, to see that when victory is won the perpetrators of these crimes shall answer for them before courts of law.

The commission of these crimes continues.

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

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

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

OFFICE OF THE
RECORDS
1 - 1943
ATTORNEY GENERAL

THE WHITE HOUSE
WASHINGTON

April 1, 1943.

MEMORANDUM FOR
THE ATTORNEY GENERAL

Will you do it? It would
be much the best choice.

F. D. R.

DEPARTMENT OF STATE

THE SECRETARY

OF 5152

March 30, 1943. ~~closed~~

MEMORANDUM FOR THE PRESIDENT

Attached is a copy of a communication dated March 11 from the British Embassy, regarding the establishment of the War Crimes Investigating Commission.

It will be noted that the British Government has apparently cleared this matter with the other Governments and has designated Sir Cecil Hurst as its representative on the Commission. We are requested to designate as soon as possible our representative, who might serve as Chairman.

Sir Cecil Hurst, as you may know, was for many years Legal Adviser to the British Foreign Office. He has represented that Government on various international assignments and for the past several years has been a member of the Permanent Court of International Justice. I think that our representative should be a man of high caliber.

If you could spare the Attorney General, at least until the work gets under way, he would make an ideal Chairman, and his designation would show the degree of importance we attach to the work. If, for any reason, this cannot be arranged, and you do not have another person in mind, perhaps you might consider one of the following names:

Edwin D. Dickinson —

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Edwin D. Dickinson — Formerly Professor of International Law at the University of Michigan, now Dean of the School of Jurisprudence of the University of California. He was largely responsible for the draft convention on Jurisdiction with respect to Crime, prepared under the auspices of the Research in International Law of Harvard Law School. He is now serving as Special Assistant to the Attorney General, having been granted leave of absence from the University for this purpose.

Francis B. Sayre — Has a background in both criminal law and international affairs. He taught at Harvard, was Director of the Harvard Institute of Criminal Law from 1929 to 1934, and has compiled a case book on criminal law.

Manley O. Hudson — Professor of International Law at Harvard, and a contemporary of Sir Cecil Hurst on the Permanent Court of International Justice.

CH
C.H.

COPY

His Majesty's Ambassador presents his compliments to the Secretary of State, and has the honour to inform Mr. Hull that the Soviet Government, whose views were being sought, have now agreed to the immediate establishment of the proposed United Nations Commission for the investigation of War Crimes and to appoint a representative to serve on it.

2. All the awaited observations of the Allied Governments having now been received, His Majesty's Government propose, as soon as possible, to call a meeting of representatives of all the Allied Governments concerned, including of course the United States Government, to make formal arrangements for the establishment of the Commission and to discuss various suggestions concerning its constitution and functions and connected matters which have been received from the Allied Governments in reply to His Majesty's Government's proposals. His Majesty's Government will consult the United States Government about agenda at

-2-

be glad to learn as soon as possible whom the United States Government propose to nominate as their representative.

4. His Majesty's Government have also had under consideration the question of the Chairmanship and location of the Commission. They would for their part be very happy if the United States Government would agree to the Chairmanship being accepted by the United States representative. His Majesty's Government consider however that headquarters of Commission could most conveniently be located in London since this is the most central capital for all the United Nations concerned and the seat of the great majority of the interested Governments. Evidence from Europe will provide the bulk of Commission's work and this could be obtained and assessed more easily and rapidly in London than in Washington or elsewhere.

5. If London were accepted as headquarters, His Majesty's Government would propose that panels of the Commission should, if the Governments concerned so desire, be established in Moscow, Chungking and Washington which should enjoy the greatest possible degree of autonomous action and prestige consistent with the central and co-ordinating functions and authority of the headquarters of the Commission.

6. His

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6. His Majesty's Government are assuming that the United States Government still consider that membership of Commission should be restricted to the four major United Nations, the Dominion Governments, if they so desire, and the Allied Governments in London. Arrangements will have to be made for French representation. The Soviet Government have independently expressed themselves as favouring restriction of representation on Commission to those countries actually bearing the brunt of military operations or of enemy occupation.

7. His Majesty's Government would be glad to learn as soon as possible the views of United States Government on the above proposals.

8. A similar communication is being made mutatis mutandis to the Soviet and Chinese Governments and the United States Embassy in London is being kept informed.

(initialed) PHGB

BRITISH EMBASSY
WASHINGTON, D. C.

March 11th, 1943.

DEPARTMENT OF STATE
THE SECRETARY

file 6/11/43

May 21, 1943.

5152

MEMORANDUM FOR THE PRESIDENT

On March 30 I sent you a memorandum regarding the establishment of the War Crimes Investigating Commission. I suggested the possibility of having the Attorney General represent this Government, or, if this were not deemed desirable, that Edwin D. Dickinson, Dean of the School of Jurisprudence at the University of California, now engaged in Government work in Washington; Francis B. Sayre; or Manley Hudson, Professor of International Law at Harvard and a member of the Permanent Court of International Justice, might be designated. # x10

The Attorney General feels that he should not take the assignment and has indicated his acquiescence in the designation of either Judge Hudson or Mr. Sayre.

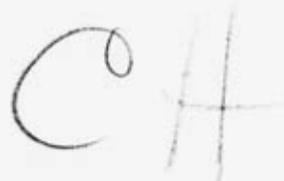
Mr. Sayre would not like to give up his work with Governor Lehman unless he could be assured that after, say, 60 days allowed for organizing the War Crimes work he would be given an assignment on post-war problems having some relationship to future peace.

While

-2-

While I think that Mr. Sayre would be a good choice, I am of the opinion that whoever undertakes the assignment should be prepared to continue with it on an indefinite basis. Moreover, my experience with respect to promises as to the future has not been such as to commend this course.

In these circumstances you may think it desirable to have us inquire of Judge Hudson whether he would be available.

Handwritten initials 'C.H.' in a cursive, slightly slanted font.

C.H.

x 20

(976)

hm

THE WHITE HOUSE
WASHINGTON

5152

April 1, 1943.

MEMORANDUM FOR

THE ATTORNEY GENERAL x10

Will you do it? It would
be much the best choice.

F. D. R.

x20

Memorandum for the President from the
Secretary of State, 3/30/43, attaching copy
of a communication dated 3/11 from the
British Embassy, regarding the establishment
of the War Crimes Investigating Commission. # W.C.
The British Government has designated
Sir Cecil Hurst as its representative on the
Commission. #
Mr. Hull suggests sppt. of the
Attorney General to be Chairman. If he cannot
serve, suggests Edwin D. Dickinson, Francis
B. Sayre or Manley J. Hudson. x

x

x

x *hm*
x PP7 1148

x48

*file
Attached held
at Press Conference July 30
x36*

DEPARTMENT OF STATE
WASHINGTON

July 29, 1943

5152

My dear Mr. President:

I refer to our conversation today and, in accordance with your request, enclose for your consideration a draft press statement warning neutral governments about giving refuge to Mussolini and other persons guilty of war crimes.

x233

Faithfully yours,

Cordell Hull

x70

Enclosure:
Draft press statement.

The President,
The White House.

x4675
x1965
x3186

filed 4672

On August 21, 1942 I issued a statement to the press in which after referring to the crimes against innocent people committed by the Axis Powers I stated:

"The United Nations are going to win this war. When victory has been achieved, it is the purpose of the Government of the United States, as I know it is the purpose of each of the United Nations, to make appropriate use of the information and evidence in respect to the barbaric crimes of the invaders, in Europe and in Asia. It seems only fair that they should have this warning that the time will come when they shall have to stand in courts of law in the very countries which they are now oppressing and answer for their acts."

filed 1947-7

On October 7, 1942 I stated that it was "the intention of this Government that the successful close of the war shall include provisions for the surrender to the United Nations of war criminals."

The wheels of justice have turned constantly since those statements were issued and are still turning. There are now rumors that Mussolini and members of his Fascist gang may attempt to take refuge in neutral territory. One day Hitler and his gang and Tojo and his gang will be trying to escape from their countries. I find it difficult to believe that any neutral country would give asylum to or extend protection to any of them. I can only say that the Government of the United States would regard the action by a neutral government in affording asylum to Axis leaders or their tools as inconsistent with the principles for which the United Nations are fighting and that the United States Government hopes that no neutral government will permit its territory to be used as a place of refuge or otherwise assist such persons in any effort to escape their just deserts.

SUGGESTION FOR THE PRESIDENT'S PRESS CONFERENCE
FRIDAY -- JULY 30, 1943

In my speech the other night I spoke about what we are doing to help the Italian people in Sicily.

I have just had a cable from General Eisenhower about this and I wanted to include some of the facts he sent me, but there was not time to get them in. However, I think the American people would be interested to know just what we are doing.

The immediate supply of food for both our troops and the civil population in Sicily had to be landed across the beaches. Emergency food for the civil population was set from the Army rations and continues from military stocks.

A stock pile of supplies, especially for civilians, has been established in North Africa and is now being moved in. It includes sugar, flour, milk, ~~meat~~ for children, olive oil, yeast, and an Italian favorite called pasta.

A generous amount of medical supplies and also soap and antiseptics have been furnished and the supply will ~~be~~ continue ^{to}.

Public health doctors went with assault elements. In addition, sanitary civil supply, transportation, and agricultural experts were also sent in for the purpose of organizing the food resources of the Island for the benefit of the population. To supply power for the milling of local wheat which is available, shipments of Diesel oil were supplied.

- 2 -

To assist in restoring the economy of Sicily, particularly with respect to its own food supply, General Alexander has been authorized to free selected ^{Sicilian} prisoners of war whose labor will assist in the well-being of the local population.

So you see, we are making good on our promises -- and what we are doing today will pay dividends in gaining the cooperation of the Italians as our troops push forward.

This is particularly important right now. They're getting the harvest in in Sicily now. There'll be harvesting all through Italy during the next few weeks. We hope that this year the Italian people as a whole will be able to keep their own crops, as is ~~happening~~ ^{happening} in Sicily, and not let them go to the Germans.

5152

November 4, 1943

My dear Dr. Abbot:

I have received your letter of October 23, 1943 regarding the treatment of war criminals and the Axis nations, and I wish to thank you for sending me your suggestions in this regard.

You may have recently read in the papers that a meeting of representatives of the United Nations was held in London on October 20, preparatory to the prompt establishment of the United Nations Commission for the Investigation of War Crimes.

As you doubtless are aware I issued a statement on August 21, 1942 saying:

"The United Nations are going to win this war. When victory has been achieved, it is the purpose of the Government of the United States, as I know it is the purpose of each of the United Nations, to make appropriate use of the information and evidence in respect to barbaric crimes of the invaders, in Europe and in Asia. It seems only fair that they should have this warning that the time will come when they shall have to stand in courts of law in the very countries which they are now oppressing and answer for their acts."

On October 7, 1942 I stated that it was "the intention of this Government that the successful close of the

Dr. C. G. Abbot,
Smithsonian Institution,
Washington, D.C.

x302 1177116

-2-

war shall include provisions for the surrender to the United Nations of war criminals."

In the statement regarding atrocities signed by Prime Minister Churchill, Premier Stalin, and myself and released to the press on November 1, 1943, the Governments of the United Kingdom, the Soviet Union, and the United States, speaking in the interests of the United Nations, solemnly declared in part:

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1220
14725

"At the time of granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi Party who have been responsible for or have taken a consenting part in the above atrocities, massacres and executions 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 erected therein. Lists will be compiled in all possible detail from all these countries, having regard especially to invaded parts of the Soviet Union, to Poland and Czechoslovakia, to Yugoslavia and Greece including Crete and other islands, to Norway, Denmark, Netherlands, Belgium, Luxembourg, France and Italy."

x198
x3552

Very sincerely yours,

FRANKLIN D. ROOSEVELT

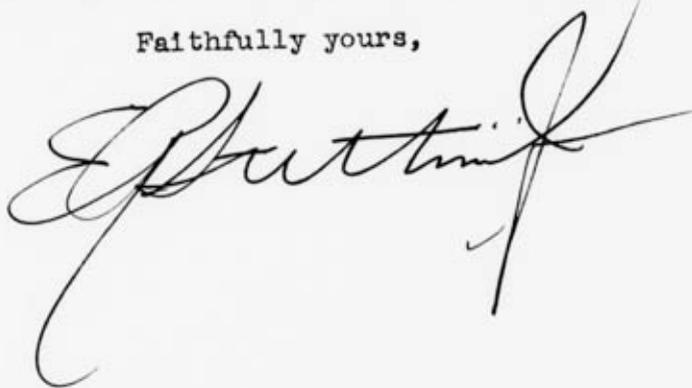
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DEPARTMENT OF STATE
WASHINGTON
November 3, 1943

My dear Mr. President:

I am enclosing herewith a suggested reply to the attached letter from Dr. C. G. Abbot of the Smithsonian Institution concerning the treatment to be accorded war criminals and the Axis nations.

Faithfully yours,

A large, stylized handwritten signature in cursive script, likely belonging to E. A. Tamm, the U.S. Attorney General at the time.

Enclosure:

From Dr. C. G. Abbot,
October 23, 1943.

The President,
The White House.

archd
11/24/43

SMITHSONIAN INSTITUTION

WASHINGTON

Oct 23, 1943.

Dear Mr. President

It doubtless is en-
gaging the thought of wise
men than I how to prevent
a repetition of atrocious
offensive war. Yet I ven-
ture to make the following
suggestions.

1. Those who have done cruel
unprovoked deeds worthy of death
are too numerous to exterminate
by civilized victors.

Nevertheless a list of them,
so far as known, should be
prepared.

For the expression of the
abhorrence felt for these un-
speakable deeds, a definite num-
ber, say 1000, of the leaders of

the aggressors, beginning at the very top, in Japan, for instance, with the emperor, and proceeding by importance in the aggressive tactics, should be solemnly condemned to bear the sin of the nation, and solemnly executed.

A large letter M for "murderer" should be tattooed on the foreheads of those named in the list, whose apprehension by the victors for the purpose should be a condition of the peace.

2. History having shown that certain nations are not to be trusted with arms, and success in present day

war inevitably requiring armored aircraft, those nations should be prohibited forever from making or possessing armored aircraft, and periodical inspections of their industry should be made by the victors indefinitely to assure compliance.

3. Lest a feeling of insecurity should lead those nations to desperate measures, the victors should solemnly repudiate aggressive war as an international measure, while retaining the air and fleet strength necessary to enforce peace.

Yours sincerely
E. G. Abbot

(2006)

hms

THE WHITE HOUSE
WASHINGTON

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October 25, 1943.

MEMORANDUM FOR

THE ACTING SECRETARY OF STATE

x20

FOR PREPARATION OF REPLY
FOR MY SIGNATURE.

F. D. R.

Letter from Hon. C. G. Abbot, Smithsonian Institution, Washington, D. C., 10/23/43, to the President, submitting suggestions to prevent a repetition of atrocious offensive war.

5152

November 4, 1943.

File

Memorandum to Honorable Steve Early:

Dear Steve:

#4675-Moscow Conf. #

The Moscow Conference did not say, I suppose for very good reasons, that the atrocities against Jews would be also punished, which according to some of our American enemies is being interpreted as an invitation to Mr. Hitler to continue his atrocities against Jews. I tried to point out that the Moscow Conference did not mention any religious group, like Catholics or Protestants.

+76-c

However, it can be, I suppose, used by our political enemies here. Would it be possible for some one at the Press Conference to ask the President if, when the other groups were mentioned it did not also mean Jews, and all the President would need to say for the record would be "Of course."

I thought I would pass this on to you for whatever you may think it worth.

DRN.

DAVID R. NILES #4247

Mr. Ingling -

This can be filed
with you since it has no other
writing of the Pres. than the O.K.
on it.

Audrey Turner

79/27/44

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OK W

FOR THE PRESS

On August 21, 1942, and again on July 30, 1943, President Roosevelt publicly denounced the crimes which the Axis powers, their leaders and criminal associates were committing against innocent people. In his statement of July 30, 1943, the President expressed incredulity that any neutral country would give asylum to or extend protection to such persons, and added that the Government of the United States "would regard the action by a neutral government in affording asylum to Axis leaders or their tools as inconsistent with the principles for which the United Nations were fighting". He expressed the hope that no neutral government would permit its territory to be used as a place of refuge or otherwise assist such persons in any effort to escape their just deserts.

The governments of the neutral nations in Europe and of Argentina were formally apprised of this statement.

The rapid progress of the armed forces of the United Nations in recent weeks led the Department of State late in August to call this matter again urgently to the attention of a number of neutral governments. This Government's action had the support and approval of the British and Soviet Governments.

The neutral governments were reminded that it was the intention of this Government that the successful close of the war would include provision for the

surrender

surrender to the United Nations of war criminals. They were advised that if they refused to admit Axis leaders and their henchmen and criminal subordinates to their territories problems between those governments and the United Nations could be avoided. It was pointed out that the neutral governments themselves would undoubtedly regard persons guilty of such crimes against civilization as thoroughly undesirable aliens whose admission to their territories would not be in the interest of the neutral governments even if such persons were not wanted for eventual trial by the United Nations. They were advised that the American people would not understand the extension of asylum or protection by neutral countries to any of the persons responsible for the war or for the many barbaric acts committed by the Axis leaders, and that relations between the United States and the neutral governments concerned would be adversely affected for years to come should the Axis leaders or their vassals find safety in those countries.

Some of the neutral governments had already been giving serious thought to this problem. The Swedish Government's policy was publicly announced on September 5 in a declaration to the effect that Sweden's frontiers would not be open to those who by their actions had defied the conscience of the civilized world or betrayed their own countries and that persons of this character who succeeded in slipping into Sweden would be promptly

deported

deported. It is understood that the Swedish Government has taken concrete steps to implement that policy.

No representations were made to the Turkish Government in view of its recent rupture of relations with Germany. The Turkish Government, nevertheless, announced on September 8 that Turkish frontier authorities had been instructed not to permit Axis nationals, either civil or military, to enter Turkey by land or by sea.

The Swiss Government has indicated that it is fully alive to the problems which would arise should Axis leaders find asylum in Switzerland.

Public statements have been made by representatives of the Spanish and Argentine Governments denying that there was any basis for suppositions that Axis leaders might find refuge in their territories.

No indication has yet been received of the views of certain other governments.

The Department is continuing to impress upon those governments whose policy has not yet been clearly stated the importance which it attaches to the taking of adequate measures to insure that Axis war criminals do not find asylum in their countries.

MEMORANDUM

#

The press has for sometime been requesting the Department to issue a statement on its efforts to insure that Axis war criminals do not find asylum in neutral countries. A statement on this subject has hitherto not been made in view of the British suggestion, which was communicated to the President with the Department's memorandum of September 22, 1944, that a tripartite declaration on this subject be issued.

*inf - Miss Tamm
does not have
memorandum*

In view of Mr. Churchill's statement in the House of Commons yesterday, however, it is now believed that a statement along the lines of the attached draft might well be made at once, unless the President wishes to participate at this time in such a tripartite statement as that suggested by the British Government.

x20
x48
x144

September 27, 1944.

~~Respon Peter H.~~

THE WHITE HOUSE
WASHINGTON

5152

March 20, 1945.

MEMORANDUM FOR MISS TULLY:

I spoke to the President about
this and he said he might see this
man.

E. R. PPF-2

never arranged
filed 3-13-45

2315 MASSACHUSETTS AVENUE, N. W. #14-4
WASHINGTON 8, D. C.

ADAMS 8800

הוועד לשחרור העם

X HEBREW COMMITTEE OF NATIONAL LIBERATION

March 17, 1945

My dear Mrs. Roosevelt,

I am enclosing a copy of the appeal which we addressed to the President of the United States concerning the crimes committed against the Hebrews of Europe. #

x76-C
There are still over a million Jews and Hebrews in German concentration camps and slave labor battalions whom the Germans are threatening to kill to the last man. With a record of more than four million such murders already committed, the threat to the lives of these people is very real and imminent. That is why this is an extremely urgent problem.

I am convinced, however, that in the light of the Germans' knowledge of the inevitable victory of the United Nations and their own rapidly approaching day of reckoning, they would not have the temerity to commit this last crime if the United Nations were to make it definitely and insistently clear that they will consider crimes committed against the Hebrew people - irrespective of their citizenship or lack thereof - as war crimes, and that such crimes will be punishable as war crimes.

An initiative on the part of the President in this direction by accepting our proposals may thus save the lives of more than a million innocent men, women and children. If nothing is done during the coming few weeks that separate us from victory in Europe, the Germans are sure to carry out their threat, believing as they do that the great powers do not really care.

The confusion between the terms "Hebrew" and "Jew" must not be permitted to cost that many more human lives.

Mrs. Franklin D. Roosevelt,
The White House,
Washington, D. C.

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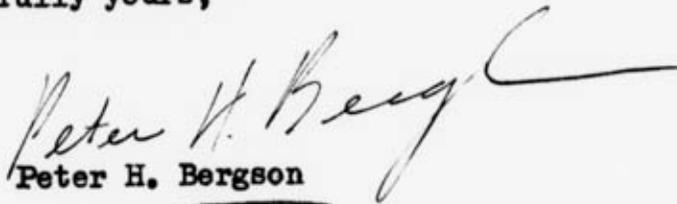
By proclaiming crimes committed against the Hebrews as war crimes, the United Nations will not be "segregating the Jews," but will be saving the lives of hundreds of thousands of Hebrews. Incidentally, tens of thousands of these people are not even Jewish by religion, the Germans having proclaimed as "Jews" all people of Hebrew ancestry, even those who have long adhered to a Christian faith or those born of Christian parents.

I take the liberty to repeat my belief that if I could have a few minutes to present this problem before the President personally, it might greatly help to obtain appropriate action before it is too late.

I appeal to you, Mrs. Roosevelt, with the strongest and humblest words I know, to come to our aid in this the one instance of our desperate effort for the survival of the remnants of our people in Europe.

Please accept my deep gratitude for the courtesy you have shown me and for thus giving me the opportunity to serve my tormented people by presenting their plight and desperate need for your consideration and support.

Faithfully yours,


Peter H. Bergson

X

COPY

Washington, February 7, 1945

His Excellency
The President of the United States,
The White House.

On historic occasion of meeting of leaders of principal United Nations, Hebrew Committee of National Liberation, while leaving aside for the moment other concerns of the Hebrew people, however vital and urgent, considers it its solemn duty to request that problem of continued mass murder of Hebrews still under German control be placed on meeting's agenda. For many months War Crimes Commission in London, on which Great Britain and United States are represented, refused to include such murder under category of war crimes punishable by United Nations. Recent American and British declarations on subject still treat these crimes differently from rest, leaving open possibility their punishment will be left to Germans themselves.

We beg to draw your attention, however, to fact that as far as Hebrew people of Europe are concerned it is not merely a question of punishing those guilty, but there is grave and urgent task of preventing Germans and Hungarians from murdering hundreds of thousands of Hebrews still in their territories. Most of these survivors were formerly Axis citizens and as things stand today Germans know that the two leading governments of the United Nations do not plan to punish these wanton acts as war crimes. We beg to stress that we are referring to "Hebrews" and not to "Jews," since crimes committed against

-2-

United Nations nationals of the Jewish religion are included in crimes committed against the United Nations. It is only those crimes committed against Hebrews - people now referred to either as stateless Jews, German Jews, or Hungarian Jews, which are not being considered as war crimes since the Hebrews are not recognized as a part of the United Nations. These people are neither stateless nor Germans nor Hungarians. They are Hebrews, belonging to the nascent Hebrew Nation. To the German criminal mind, which invented, planned and executed mechanized murder of millions of innocent Hebrew men, women and children, such an attitude on part of United Nations' governments means but one thing - consent and encouragement to proceed with their planned total extermination of every Hebrew in Europe.

We therefore respectfully urge that Your Excellency back our request that this conference issue a declaration proclaiming that crimes committed against Hebrews in Europe, irrespective of territory on which crime is committed or citizenship or lack of citizenship of victim at time of death, be considered as war crimes and punished as such.

We also respectfully request that representatives of the Hebrew people be given membership on War Crimes Commission and that temporarily, until such time as a Hebrew national sovereignty be re-established, the Hebrew Committee of National Liberation be authorized to constitute the Hebrew representation on War Crimes Commission.

We pray that our desperate appeal on behalf of a nation which has been virtually decimated in this war not be ignored lest the just cause of United Nations be stained with moral responsibility for our catastrophe.

Respectfully,

Peter H. Bergson, Chairman
HEBREW COMMITTEE OF NATIONAL LIBERATION



הוועד לשחרור האומה
HEBREW COMMITTEE OF NATIONAL LIBERATION

Bulletin

Copies of this Bulletin are filed with the Department of Justice where the statement of Hebrew Committee of National Liberation which is registered as representing the interests of the Hebrew Nation is available for public inspection.

Issued by the Information Department, 2315 Massachusetts Ave., N.W., Washington, D. C.

DEMAND HEBREW REPRESENTATION ON UNITED NATIONS WAR CRIMES COMMISSION

Following is the text of a statement made by Peter H. Bergson, Chairman of the Hebrew Committee of National Liberation, at a press conference Saturday, November 25, 1944, concerning the punishment of Germany for war crimes committed against the Hebrew people, and Hebrew representation on the United Nations War Crimes Commission charged with this task.

The War Refugee Board has released, for publication on Sunday, November 26, a detailed report containing evidence of the unspeakable atrocities systematically committed in the two extermination camps set up in Oswiecim and Birkenau, in German-occupied Poland. Men of various religions and nationalities were the victims of these atrocities, but, as was known before and as is again confirmed by this report, the main victims were Hebrews.

It is exceedingly difficult for me to discuss this report. I could hardly gather the strength to read it through. But I believe that the War Refugee Board should be highly commended for bringing these monstrous activities of Germany to the attention of the American people in full detail.

It is in connection with the publication of this first detailed report of the atrocities issued on the authority of an agency of the United States Government, that the Hebrew Committee of National Liberation wishes to raise a question which can no longer be delayed. This question concerns the inexplicable abstinence of the governments of the United Nations from taking any measures that would effectively interfere with this slaughter of a whole people or that would, at least, make it clear that those guilty of the slaughter will be punished.

There is a wide-spread impression that a joint agency of the United Nations, known as the United Nations War Crimes Commission, is sitting in London and is assembling data that would make possible to bring to just trial the people who participated in these cruelties. This impression is totally erroneous. The truth is that the War Crimes Com-

mission, under the interpretation placed upon its terms of references by the Chairman of that Commission, Sir Cecil Hurst, has refused to take into consideration any acts committed against persons other than nationals of the United Nations. The truth is, further, that despite all efforts, none of the governments of the major powers among the United Nations has instructed its representative on the War Crimes Commission to broaden its activities so as to include crimes committed against stateless persons and persons who are or were subjects of the Axis nations.

In the case of the Hebrews slaughtered by the Germans, a great many were subjects of the Axis nations. In the course of the war, most of them were deprived of their citizenship by the governments of those nations. They have thereby become stateless in name, after having been stateless in effect for quite some time. Others among those slaughtered Hebrews have been stateless all along.

The consistent refusal of the War Crimes Commission to take into consideration crimes committed against these persons, the consistent refusal of the major United Nations to instruct the War Crimes Commission to change its stand, amount, in the circumstances, to a declaration that crimes against such people are of no concern to the United Nations and, as far as they are concerned, may remain unpunished. It amounts to a declaration that people who committed these crimes are not regarded by the United Nations as war criminals and, as far as the United Nations are concerned, may go scot free and continue in the post-war world

preaching the doctrine which they have been practicing in Oswiecim, Birkenau and in innumerable other charnel houses. This attitude amounts to proclaiming that a Jew may not be tortured or killed if he happens to be a citizen of one of the United Nations, but that his life is considered of no value if he is a stateless Jew—a Hebrew.

This attitude may have resulted in many cases from a lack of attention given to this issue. It is a product of thoughtlessness rather than of cruelty. This is why we hereby draw public attention to the issue and its implications.

One implication is the stake which, whether it realizes it or not, the world has in a just solution of this problem. In 1933 the Germans began their butchery of Hebrews who were Axis subjects. The world shut its ears to warnings that the butchery was not going to stop with Hebrews. Today millions of the best youths of many nations are dead because this warning was not heeded and the activity of the German murderers was not curbed before it spread. We feel duty bound to sound another warning today. The German nation-murderers have created a precedent which carries in it all the threats of neo-barbarism in which nations will try not merely to subjugate other nations and conquer their territory, but in which nations will endeavor to bring about the extermination of entire segments of populations. If humanity and civilization are to survive, this system must be eradicated at its source. Leaving unpunished crimes of this kind on the pretext that they were committed only against Hebrews would mean to leave in existence a free zone for crime and extermination. Within this free zone the philosophy of barbarism would continue to

coming peace only via armistice which is sure to be followed by another war, just as surely as the present war followed the last.

Another implication concerns the moral issue involved: Is it tolerable or is it not that the United Nations wash their hands of the wholesale murder of the kind described in the report being published by the War Refugee Board? This, and this alone, is the moral question involved. Attempts are being made to disguise this moral issue by raising objections allegedly springing from respect for international law. It is suggested in some quarters that the United Nations are stopped from assuming jurisdiction over these murders on the ground that they concern people who did not have a right to the protection of the United Nations during their lifetime.

It is difficult to conceive that this objection is made in good faith. Intervention in the treatment of persecuted stateless individuals in foreign countries and even in the treatment of members of persecuted minority groups is a well established procedure in international law. It was practiced in numerous cases by the United States, by the British Empire, by Russia and by many other nations of the western world, even in time of peace. More reason why such intervention and consequent retribution be practiced in times of war. At the basis of such intervention there always lay the assumption that the systematic and large-scale extermination or persecution of human beings sins against the elementary precepts of humanity and that civilized nations have a right and a moral obligation to prevent their occurrence.

Since this is the case, the refusal of the United Nations to include the perpetrators of such crimes in any scheme for punishment of crimes against humanity during the present war cannot be justified on the ground that the acts in question have not hitherto been regarded as war crimes. It is true that no specific punishment has been proclaimed as applicable to such crimes previous to their commission, and that no specific tribunal has been given jurisdiction over such crimes before they have occurred. But this is equally true of all crimes over which the United Nations, acting through the War Crimes Commission or otherwise, are ready to assume jurisdiction. With the sole and narrow exception of crimes foreseen under the Hague Conventions, the War Crimes Commission is taking cognizance of cruelties committed by the Axis on the sole and sufficient ground that the conscience of civilized mankind considers them to be crimes. Unless it is desired to emphasize, for the guidance

of some future Himmlers, that exterminating Hebrews is no crime in the conscience of mankind, it is inconceivable that the exception which has been made will be allowed to stand.

The issue, therefore, is not one between morality and far-sighted statesmanship on the one hand and international law on the other. No valid objection can be raised under international law to a course of action which is so obviously dictated by both morality and statesmanship. The objection can proceed from two sources only: indifference or bad will.

This issue is being submitted hereby to the people of America, the standard bearers of decency and true justice, in the hope that they will raise their voice and induce their government, as well as other governments concerned, to instruct the War Crimes Commission that a German who tortured and killed Hebrew men, women and children coming from Berlin, Budapest, Bucharest, Rome or Sofia, is no less a war criminal than had he tortured and killed men, women and children coming from Moscow, Paris, Warsaw, Brussels or Amsterdam.

There is another point to which attention is drawn herewith.

The extermination of the Hebrews by Germany was not directed against citizens of particular countries. It was directed against the Hebrew people as such. Some of the Jews who found their death in the horrible manner described in the report being published by the War Refugee Board will be more or less wholeheartedly represented by the delegates of their respective countries on the War Crimes Commission.

But who will represent those Jews who did not have the status of citizenship in one of the United Nations and who nevertheless suffered horrible death to the number of over one million? Who will represent the Hebrews? It is because they were and are unrepresented that the thoughtless injustice against which we are compelled to protest publicly today could have occurred. No one thought of them because no one represented them.

We, therefore, believe it only fair and proper that the Hebrew people as such be given representation on the War Crimes Commission and thus be accorded the chance, equal to all other victims of Axis cruelty, to see to it that the guilty be punished. It is a travesty upon justice that the War Crimes Commission should include representatives of all nations against whom atrocities were committed except the one nation against which more atrocities were com-

mitted than on all the others combined.

There is a third point to which attention may be drawn at this juncture, because it too illustrates the injustice resulting from the Hebrew people's being recognized by the Axis only but not by the decent peoples of the world: Time after time leaders of the United Nations gave warning to the Axis Powers against using poison gas, declaring that should poison gas be used against any of the Allies, retaliation would be practiced against Germany. For a long time it has been known that Germany had consistently used poison gas against the Hebrew people. The report now being published by the War Refugee Board again confirms this fact. The report states that well over a million Hebrews were murdered by poison gas. The Hebrew Committee of National Liberation has on numerous occasions in the past drawn the attention of the Government of the United States and the Government of Great Britain in repeated communications that the warning which was given to Germany against the use of poison gas be specifically extended to cover the use of poison gas against Hebrews. We feel constrained to express our deep regret that no action has been taken on these proposals, and confidently hope that the publication of the present governmental report on the use of poison gas will be followed by an appropriate warning, and unless effective, appropriate action will be taken against the Germans.

The Hebrew Committee of National Liberation is therefore making the following requests of the governments of the United Nations concerned:

1: *That they issue a joint declaration proclaiming that crimes committed against Hebrews in Europe, irrespective of the territory on which the crime was committed or the citizenship or lack of citizenship of the victim at the time of death, be considered as a war crime and punished as such.*

2: *That the governments of the United Nations concerned instruct their representatives on the War Crimes Commission to see to it that the above mentioned declaration is put into effect.*

3: *That representatives of the Hebrew people be given membership on the War Crimes Commission and that temporarily, until such time as a Hebrew national sovereignty be re-established, the Hebrew Committee of National Liberation be authorized to constitute the Hebrew representation on the War Crimes Commission.*

April 3, 1945

5752

Respectfully referred to the
Secretary of State for attention and ^{x 70}
appropriate acknowledgment.

WILLIAM D. HASSETT
Secretary to the President

Peter H. Bergson ^x
Chairman, Hebrew Committee
of National Liberation
2315 Massachusetts Ave., N.W.
Washington, D. C.

Letter to the President, dated April 1, 1945:

Stating that reports from Europe disclose Nazi plans for a monstrous
massacre of over a million Hebrew people still in concentration camps
and slave labor battalions, and pleading with the President to take
immediate action to avert this tragedy. Suggests statement from Secy.
of State that crimes committed against Hebrews be regarded as war crimes
and punishable as such; a warning from the President and similar warnng
direct to the German people by General Eisenhower. ^{x 196-A}

x 76-C

DWIGHT D. EISENHOWER #5419

JJ

ORIGINAL RETIRED FOR PRESERVATION

For the President

E.R.

ORIGINAL RETIRED FOR PRESERVATION

Dear Audrey:-

Please pick up and see what
we did with the original of this
letter from Mr. Bergson.

G. G. T.

2315 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 8, D. C.
ADAMS 8800

וועד לשחרור תימן

HEBREW COMMITTEE OF NATIONAL LIBERATION

April 2, 1945

My dear Mrs. Roosevelt,

I take the liberty to enclose herewith a copy of an appeal addressed to the President of the United States.

The deep concern for the fate of our imperiled people which you expressed during my recent conversation with you gives us the hope that you will agree that the action we advocate is just, and urgently necessary, and that you will endeavor to help bring it about immediately, while there is still time.

Faithfully yours,


Peter H. Bergson

Mrs. Franklin D. Roosevelt,
The White House,
Washington, D. C.

4-4
Thank you to Mrs. Roosevelt

2315 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 8, D. C.

ADAMS 8800

HEBREW COMMITTEE OF NATIONAL LIBERATION

HEBREW COMMITTEE OF NATIONAL LIBERATION

April 1, 1945

Mr. President:

Persistent reports from Europe, quoting official German radio broadcasts, disclose NAZI plans for a monstrous massacre of over a million Hebrew people still in Germany's concentration camps and slave labor battalions, as a climax to the planned extermination of our nation.

As servants of the Hebrew people, we appeal to you on behalf of these Hebrew men, women and children who have withstood six years of untold suffering and torture, deriving strength and endurance from their invincible belief in the ultimate victory of decent humanity. Only the sure knowledge that the leaders of the United Nations really do not care and will exact no punishment encourages the Germans to plan and commit these gigantic and ghastly crimes at the very hour of their own defeat.

For many months now not a word of warning has been given them. During these months a public debate has been carried on by the statesmen of the United Nations as to whether the extermination of Hebrews is a war crime or not. Indeed to this day the issue is undecided, to the everlasting shame of our own "legalists," whose pedantic minds have surely, though unconsciously, become infected with Germany's barbaric concepts of law. They have ignored your own clear and repeated pronouncements on punishment for these crimes.

Mr. President, there are no words to express the disaster that has befallen our nation. There are no words to express the strength of our demand and the humility of our appeal to you to take immediate action to avert this further tragedy - action which may still save more than a

His Excellency
The President of the United States of America,
Washington, D. C.

-2-

million lives.

The following steps taken now could be decisive in their effect:

1. A statement by the Secretary of State making it unmistakably clear that the Government of the United States regards crimes committed against Hebrews, even if committed on Axis territory and irrespective of the citizenship of the victims, as war crimes and punishable as such.

2. A stern warning from you expressing once again the abhorrence of the American people of the mass murder of the Hebrews, and the future consequences of these sordid deeds for the German people.

3. A similar warning beamed direct to the German people by General Eisenhower urging the German population to prevent the execution of this diabolic plan.

Aware of their defeat, the Germans have announced numerous concessions and improvements in the treatment of prisoners of war and of slave labor, obviously in an effort to gain some favor with the victors.

The above steps, therefore, are sure to be effective in making the Germans cease their crimes against the Hebrews, too, for they stopped torturing and murdering other peoples, not because they stopped hating them, but out of fear. That same fear can make them stop murdering Hebrews.

Mr. President, in your leadership the world rightly sees its greatest hope for the re-establishment of human decency and justice without which there can be no real peace. Tens of thousands of Hebrews are alive today in the liberated territories due to your previous action on their behalf. Hundreds of thousands more will owe their lives to you if you act again now to save them.

Respectfully yours,

Peter H. Bergson
Chairman

ORIGINAL RETIRED FOR PRESERVATION