

President's Secretary's File
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DEPARTMENT OF STATE
WASHINGTON

September 5, 1944

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Appeal for Denial of Refuge to War Criminals.

In response to your memorandum of August 31, the proposed Swedish announcement that asylum will not be granted to war criminals results from urgent representations which we instructed our Missions in Bern, Stockholm, Madrid and Lisbon on August 23 to make. A paraphrase of the telegram to Bern is attached. The rapid progress of events in France did not allow time for consultation with the British and the Russians, but they were advised on August 24 of the action taken. Nothing definite has yet been heard from the Spanish, Portuguese or Swiss Governments and a further urgent telegram was sent the Legation at Bern on August 31.

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PARAPHRASE OF TELEGRAM

The text of the President's statement in regard to war criminals made on the preceding day was transmitted by you under instructions to the Swiss Government on July 31, 1943. The President declared in that statement that it was difficult to believe that asylum or protection to any such persons would be given by any neutral countries and that this Government would consider the harboring of any of the Axis leaders or their henchmen by a neutral government as contrary to those principles for which the peoples of the United Nations were waging war.

In its reply the Swiss Government expressed the belief that the American Government did not question the right of asylum as such. That belief was correct. Throughout its history, as the Federal Council is aware, the United States has been a haven for those who have been politically oppressed in Europe.

The real purpose of the President's statement of July 30, 1943, was not correctly recognized in the Swiss reply. It was in essence an appeal not to permit Axis leaders and their tools to take refuge in neutral countries.

The President's statement of July 30, 1943, pointed out that surrender by the Axis of war criminals to the

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United Nations would be required at the successful close of the war. Obviously no problem would arise between Switzerland and the United Nations in this connection if the Swiss Government would not allow such persons to enter Swiss territory. It is further our belief that the Swiss authorities would regard such war criminals as undesirable aliens, whose admission into Swiss territory, even if they were not wanted for trial by the United Nations, would not be in the interest of Switzerland.

Please discuss this matter fully, frankly, and informally with the appropriate Swiss authorities and request assurance that they will not admit to Swiss territory these Axis leaders and their cohorts. You may leave with them an aide memoire in the sense of this telegram. You should frankly urge the appropriate Swiss authorities to give you this desired assurance, pointing out that their Government may be required momentarily to make a decision in regard to this question, as the wheels of justice are turning rapidly. In presenting the case you might draw attention to the following considerations.

Almost nine percent - nearly twelve million people - of the United States population are in our armed forces. The Merchant Seamen of the United States number over 200,000 men who are sailing thousands of vessels to all theaters of

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action to supply the forces of the United Nations with vital implements of war. American civilians in the tens of millions are doing vital war work; almost every individual in the United States has been affected by the war. These people recognize the fact that a small group of individuals played the leading role in bringing the United Nations into this ghastly war against the Axis countries. If asylum or protection in neutral countries were given to any of these war criminals who are responsible for this war, the American people would not be able to understand or condone such action. The feeling of the American people that adequate measures must be taken to hold Axis leaders and their henchmen to strict accountability for their crimes and actions is increasing with the daily mounting casualty lists. I do not wish you to threaten the Swiss authorities; nevertheless you would be lacking in candor should you conceal from them our conviction that American-Swiss relations would be affected adversely for many years to come in the event that country should harbor within its borders any of the Axis leaders or their lackeys.

We have no doubt that our views on this matter are shared by large sections of public opinion in neutral countries as well as by other members of the United Nations and their associates.

Keep me fully informed of your discussions and urge the

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Swiss authorities to make an early reply.

We are giving the substance of this telegram in confidence to the British and Soviet Governments. The urgency of the matter did not permit advance consultation with them. We may communicate its substance in confidence to other United Nations governments.