Folder 3. MR 210 Air Conference (1)—Chicago Air Conference, November–December 1944.
TOP SECRET

From: Opmav
To: Almera, London

15 March 1945

NUMBER 777. TOP SECRET AND PERSONAL FROM THE PRESIDENT FOR THE PRIME MINISTER.

I am surprised at your note. There must have been some misunderstanding of my position. Furthermore, the circumstances of the agreement with Ireland were fully explained to your people, Cadogan in particular, at Yalta.

During the latter days of the Chicago Conference when it became increasingly doubtful that full agreement on aviation would be reached on a multilateral basis we held preliminary discussions looking toward bilateral agreements, as Berle publicly stated, with a number of countries represented there. Ireland was naturally one of these in view of its obvious geographic importance to American air routes. The agreement followed the standard form drawn up with the assistance of your people at Chicago and in no way prejudices your right to make similar arrangements. In the circumstances we saw no need to do more than advise your people, which we authorized Gray to do, before signature. One hour before the scheduled time of signature a copy of your 897 was brought to the attention of Acting Secretary Gray. He advised me that in view of your message he was postponing signature until February 3 to give me time to comment but that, the negotiations having been satisfactorily concluded, we could not in good faith refuse to sign nor could we risk the damage to Anglo-American relations which would result should it become known that your Government had objected to our concluding this agreement with Ireland. I saw no reason to instruct the
State Department not to sign on February 3 and I fully approve of its action.

There can of course be no question of annulling the agreement. I am sorry but there it is.

I fully realize your concern on political grounds and your opinion, which I share, of Ireland's role during the war. We instructed Gray to make clear to the Irish that signature of the agreement indicated no change what-so-ever in our attitude toward Ireland any more than our signature of a similar agreement with Spain indicated any change in our attitude toward Franco.

This agreement is however a post war matter. You will recall how earnestly I endeavored to secure your cooperation on the future of aviation during the Chicago Conference. These bilateral aviation agreements were made necessary by the failure of that conference to reach a multilateral agreement permitting the natural development of aviation. While I fully understand your own position, I think it only fair to tell you that aviation circles in this country are becoming increasingly suspicious that certain elements in England intend to try to block the development of international flying in general until the British aviation industry is further developed. Of course any feeling of complacency, even though wholly unwarranted at any time, on the part of the Irish has now been somewhat deflated by their being left out of the San Francisco Conference.

ROOSEVELT

Released 1516432 March 1945.

RICHARD PEARCE, JR.
FROM THE PRESIDENT TO THE PRIME MINISTER

FILE or FILE NO. 717, 15 March 1945.

TO MAP ROOM VIA

SUBJECT: Air Agreement with Ireland.

ACTION:

1. Answers Pa #904, 6 Mar 45, which was sent to the President at Hyde Park as 44-007-282 and referred by the President in his 44-19-154 to the Secretary of State for preparation of reply.

2. State's draft reply received by memo, 8 Mar 45; approved without change by the President; dispatched 1516432.

COPY TO:

210 Air Conference

DATE: _____________________

BY DIRECTION OF: ________________
TOP SECRET

March 8, 1945

MEMORANDUM FOR THE PRESIDENT

Subject: Air Agreement With Ireland

In accordance with your request I attach a draft reply to the Prime Minister's message number 904.

Enclosure:

Draft reply to Prime Minister.

Acting Secretary

BC:TCA:MEI
(3-7-45)
FROM:  THE PRESIDENT
TO:  THE PRIME MINISTER

I am surprised at your 904. There must have been some misunderstanding of my position. Furthermore, the circumstances of the agreement with Ireland were fully explained to your people, Cadogan in particular, at Yalta.

During the latter days of the Chicago Conference when it became increasingly doubtful that full agreement on aviation would be reached on a multilateral basis we held preliminary discussions looking toward bilateral agreements, as Berle publicly stated, with a number of countries represented there. Ireland was naturally one of these in view of its obvious geographic importance to American air routes. The agreement followed the standard form drawn up with the assistance of your people at Chicago and in no way prejudices your right to make similar arrangements. In the circumstances we saw no need to do more than advise your people, which we authorized Gray to do, before signature. One hour before the scheduled time of signature a copy of your 897 was brought to the attention of Acting Secretary Gray. He advised me that in view of your message he was postponing signature until February 3 to give me time to comment but that, the negotiations having been satisfactorily concluded, we could not in good faith refuse to sign nor could we risk the damage to Anglo-American relations which
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TOP SECRET
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TOP-SECRET

THE WHITE HOUSE
WASHINGTON

6 March 1945

MEMORANDUM FOR
THE SECRETARY OF STATE

SUBJECT: Air Agreement with Southern Ireland.

By direction of the President, the attached copy of message #904 from the Prime Minister to the President is forwarded for preparation of reply.

Henry M. Luttman

1 Incl.
PS-PRES #904,
6 March 45.
FROM: THE PRIME MINISTER
TO: THE PRESIDENT
NO: 904, 6 MARCH 1945

1. On January 27 I sent you my telegram 897 about the aviation agreement with the Government of Southern Ireland. You could not at the time reply because of wireless silence. At Yalta, and also later at Alexandria, I understood from you that you did not approve this step and that it had been taken without your agreement. Mr. Stettinius also made this clear so far as he was concerned. At the same time as we sent out 897 to you Lord Halifax was instructed to let the State Department have a copy of the telegram at once so that they should hold their hand until you had had an opportunity to comment on it.

2. On January 31 the State Department confirmed that negotiations had been in progress but said that they had not reached readiness for signature. On February 3 however, without further warning, Lord Halifax was informed that the agreement had been signed and shortly afterwards it was published.

3. Our special concern with Eire is obvious on political and geographical grounds, and it is indeed much closer than that of the United States with the Argentine. We and the United States have, moreover, throughout kept in close touch in our general policy towards Eire, e.g., over the recent United States approach to De Valera for the removal of the Axis representatives. For this reason the political effect of the United States action in concluding an agreement with Southern Ireland on an important issue without consulting us seemed to us bound to injure our relations with De Valera politically, and may be embarrassing to the United States also, as it can only encourage him to
try to play off one against the other. It has, in fact, been hailed in
Southern Ireland as a diplomatic success for them.

4. I trust therefore that you will be able to take the necessary
steps to have the agreement annulled. So far no response has been made
to our telegrams or representations whether addressed personally to you or
handed formally to the State Department.

RECD 061650Z
TO HP as OUT-282, 061705Z.
FROM THE PRIME MINISTER TO THE PRESIDENT

DATE: 904, 6 March 1945

TO: MAP ROOM 06/16302

SUBJECT: Air Agreement with Ireland.

ACTION:

1. See PM #697, 27 Jan 45; MK-OUT-75, 30 Jan 45; and MK-IN-23, 31 Jan 45, all filed MK 210 AIR CONFERENCE.

2. To the President at Hyde Park as MK-OUT-282, 0617042.

3. President's MK-IN-124, 6 Mar 45, stated: "he MK-OUT-282. Please send copy to Secretary of State for preparation of reply."

4. Sent by memo to State, 6 Mar 45.

5. State's draft reply received by memo, 8 Mar 45 (Bohlen-Adm Leahy). Approved without change by the President, dispatched to Churchill as Pres-Pm #217, 13 March 1945.

COPIES TO: MK 210 AIR CONFERENCE

ORIGINAL: PRES-PM FILE

210 AIR CONFERENCE.
MR-IN-23

31 January 1945

FROM: THE PRESIDENT

TO: ACTING SECRETARY OF STATE

Referring MB-CUT-75. Withhold signature until 3 February. Will send you further instructions on 2 February.

No further reply made by direction of the Pres.
MR-OUT-75
30 January 1945

FROM: ACTING SECRETARY OF STATE GEEW
TO: THE PRESIDENT

Department was about to sign today with Government of Ireland a bilateral air transport agreement providing for specific routes between the two countries and freedom of transit on those routes when British Ambassador delivered copy of the Prime's message of 27 January addressed to you in which he suggests postponement of such negotiations until he has had opportunity to discuss question with you. Government of Ireland fully represented at the Chicago Aviation Conference and signed multilateral interim agreement on international civil aviation and multilateral convention on international civil aviation. Negotiation of bilateral air transport agreement has been concluded and if agreement is not signed within few days we fear good faith of this Government may be questioned by Government of Ireland. Similar air transport agreements signed recently with Iceland, Spain, Sweden and Denmark.

All our people here including Civil Aeronautics Board feel signature of this agreement with Ireland not only necessary as act of good faith but very much in best interests of United States. We feel in addition to objections voiced by the Prime Minister there may be British aviation considerations behind his message. In any event, we feel we have gone so far in matter we simply could not now turn back. Domestic consequences of refusing to sign might have repercussions out of all proportion to importance of civil aviation question.

We are fearful of delaying signature more than few days lest Irish suspect reason and let this leak to press. Therefore we shall sign agreement on 3 February unless we have your instructions to contrary.

INTERIM REPLY: MR-IN-23.
FURTHER REPLY TO BE MADE ON 2 FEB.
FROM Acting Secretary Grew  TO The President

DATE  30 January 1945

SUBJECT: Signing Air agreement with Ireland.

ACTION:

1. See FM-PRES #897, 27 Jan 45, which was sent to the President on board the USS QUIETLY enroute ANEZERUT conference, and which instigated this message.

2. President replied in his HE-IN-23, 31 Jan 45, to Grew, instructing him to withhold signature until 3 February, and that further instructions would be sent on 2 February.

3. On 2 February the President stated that no further instructions would be sent to Grew. Grew therefore signed agreement on 3 Feb.

4. See FM-PRES #904, 6 Mar 45, for Prime Minister's further comments.
FROM: THE PRIME MINISTER
TO: THE PRESIDENT
NO: 897, 27 January 1945

1. I have just heard from Dublin that your people are asking the Government of Southern Ireland to sign a bilateral civil aviation agreement. Naturally everyone here is astonished that this should have been started without our being told beforehand. We already complained when they were invited to the Chicago conference without a mention to us. We were together at Hyde Park and I thought you felt that my attitude deserved consideration. It was because of their behavior in the war that the Southern Irish were not asked to talk civil aviation with the rest of the British Commonwealth and Empire at Montreal. I cannot feel sure this affair has been brought to your notice and I am certain that you would have wished at least to acquaint us with your intentions beforehand.

2. The War Cabinet have very strong feelings on this episode and we all earnestly hope as good friends that you will consider the matter personally yourself. We went far to meet your requests about the Argentine meat in spite of the grave and growing injury to ourselves and the risk to the general war effort, which is now becoming evident. I am sure we may ask you to postpone these negotiations with the Southern Irish until at least you and I have a chance of talking it over together.

PRIME

MR-OUT-52.
FROM The Prime Minister
TO The President

SERIAL or FILE NO. 897, 27 Jan 45.

DATE

FOR MAP ROOM

VIA

SUBJECT: Air Agreement with Govt of Southern Ireland.

ACTION:

1. To the President on ALCORIUT trip as 48-OIT-52, 281162.
2. Acknowledged by PRES-P/W #707, 31 Jan 45, which was sent from the CINC to the Map Room as 48-OIT-21, 30 Jan 45.
3. (See also 48-OIT-75, from Grew to the President; and 48-11-23 from the President to Grew on this subject.)
4. See further PRES-P/W #897, 27 Jan 45.

210 Air Conference.
Two 'Air Freedoms' Now Signed by 28

Twelve More Nations Have Agreed on the Five Aviation Conference Documents

WASHINGTON, Dec. 16—India, India and Iran have signed the international air service transit agreement, the "five freedoms" document, since the close of the World Aviation Conference at Chicago, bringing the total to twenty-eight.

A check on the five documents which emerged from that meeting disclosed today that twelve signatures have been added to them during the week they have been at the State Department. The totals now stand:

Final act, which summarizes the work of the conference, provides for new form for international transport agreements and recommends these:

Relational agreement, which sets up a provisional international civil aviation organization, three.

Only twenty-six signatures were needed.

The conference on international civil aviation, an agreement to set up a permanent organization to administer the air navigation rules and the technical standards, thirty-five. Signing is preliminary, as this is a treaty and must be ratified.

The "five freedoms" -- the right to fly across and land in non-commercial ships in a country's territory.

The agreements, which grants a mutual right to carry traffic from the home country of an airline to any other signatory State, to pick up traffic in any other State and carry it home, and to carry traffic between intermediate States, were signed by:

The "five freedoms" signers were Afghanistan, China, Dominican Republic, Honduras, Iran, Lebanon, Netherlands, Sweden, Turkey, Uruguay, Venezuela, and the United Kingdom (except New Zealand).

SWEDEN, DENMARK, AGREE TO AIR DEALS

Reciprocal Commercial Rights Discussed at Chicago Area

Confirmed in Notes

WASHINGTON, Dec. 16—A agreement for commercial air transport services between the United States and Denmark and Sweden were concluded today through an exchange of notes here.

The agreements resulted from discussions at the recent International Civil Aviation Conference in Chicago. They incorporate the standard clauses adopted at the conference for use in bilateral agreements relating to scheduled air services on a reciprocal basis.

Most-favored-nation treatment is provided for operations.

Under the agreement, airlines of the United States have reciprocal rights of transit and non-train traffic in Sweden, as well as the right to pick up and discharge international traffic in Stockholm, on the following route: New York or Chicago, via intermediate points, to Stockholm and return.

Airlines of Sweden receive reciprocal rights of transit and non-train traffic in the territory of the United States, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at New York or Chicago, on the following route: Stockholm, via intermediate points, to New York or Chicago and return.

The agreement with Denmark, similar to that with Sweden, grants rights in the United States airways to Denmark and Greenland. It will become effective provisionally on Jan. 1, and definitely upon confirmation by a free Danish Government when such government shall have been established following the liberation of Denmark.

The agreement with Sweden grants rights for establishing the contemplated services at the option of the respective governments, which will design the operating airlines.

Note that the commercial rights shall be exercised "at the earliest possible date."
FROM: THE PRIME MINISTER
TO : THE PRESIDENT
NO : 848, 6 December 1944. (MR-CUT-613)

Thank you for your telegram Number 664.

Although I have always felt that these discussions were premature and throw too heavy a burden on our minds at a time when so many anxieties of war weigh down upon us, yet I can assure you that I sympathise completely with your desire to take advantage of these pregnant negotiations at Chicago. It is our considered view, however, that further and, in the end, swifter progress will be made if we have an opportunity here to review the position in every one of its aspects and in its general setting in the world economy.

It is our desire, as it is yours, to reconcile the greatest possible freedom of air commerce with a broad justice to all nations, large and small.

It is your desire, as it is ours, that the free play of enterprise should not degenerate into an exploitation of national advantages which would in the end be found generally intolerable.

We are not satisfied, however, that the projects which have succeeded one another in such profusion during the intricate discussions at Chicago represent the final contribution of human ingenuity towards a solution.

Apart from our own views, we have to take account of Parliament and public opinion.
Criticisms of the Chicago proposals are already appearing in quarters of the press which are in no sense reactionary or narrowly nationalistic. These are symptoms which in the interest of ultimate agreement we cannot ignore. They serve to fortify us in our conviction that we should at this stage consult with our people. From such a consultation we shall expect to reach a clearer comprehension of issues which now seem to us extremely confused and to propound fresh constructive approaches.

PRIME
<table>
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<tr>
<th>FROM</th>
<th>The Prime Minister</th>
<th>TO</th>
<th>The President</th>
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<td>SERIAL or FILE NO.</td>
<td>848, 6 Dec 44.</td>
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<td>FROM MAP ROOM</td>
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<td>SUBJECT:</td>
<td>Chicago Air Conference.</td>
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**ACTION:**

1. Answers PRES-PW 6661, 6 Dec 44.
2. Sent to the President at Warm Springs as WH-OUT-613.
3. WH-IN-211, 06/21532, from the President to Sec State: "WH-OUT-613 to prepare reply if necessary."
4. To State by memo, 6 Dec 44.
5. No reply. Removed from Status Report 19 Dec 44.

**COPIES TO:**

ORIGINAL: "PRES-PM FILE"
Articles on Flight Over Territory, Non-Traffic Stops

By The Associated Press

CHICAGO, Dec. 3—The text of the major articles in the "Free Over" agreement, accepted tonight by the International Civil Aviation Conference, follows:

**International air services transit agreement.**

The States which sign and accept this international air services transit agreement, being members of the International Civil Aviation organization declare as follows:

**ARTICLE I**

Section 1. Each contracting State grants to the other contracting States the following freedoms of the air, in respect of scheduled international air services:

1. The privilege to fly across its territory without landing; all fees and charges to be paid for non-traffick purposes.

The privileges of this section will not be applicable with respect to airports utilized for military purposes to the exclusion of any international air services. In areas of active hostilities or of military occupation, and in times along the supply routes to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2. To the extent of the foregoing privileges shall be in accordance with the provisions of the Inter-American air agreement and, when it comes into force, with the provisions of the convention on international civil aviation, both drawn up at Chicago on Dec. 7, 1944.

Section 3. A contracting state granting to the airlines of another contracting state the privileges to stop for non-traffic purposes at the airports which any such service may use:

(a) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services; provided that, upon representation by an interested contracting state, the charges imposed for the use of airports and other facilities shall be subject to review by the council of the ICAO established under the above-mentioned convention which shall report and make recommendations thereon for the consideration of the states or states concerned.

Section 4. Each contracting state may, subject to the provisions of this agreement:

(1) Designate the routes to be followed within its territory by any international air service in the airports which any such service may use.

**ARTICLE II**

This agreement shall remain in force as long as the above-mentioned convention, provided, however, that any contracting state, a party to the present agreement, may terminate it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

**ARTICLE IV**

Pending the coming into force of the above-mentioned convention, all references to it herein, other than those contained in Article II, Section 2, and Article IV, shall be deemed to be references to the interior agreement on international civil aviation drawn up at Chicago on Dec. 7, 1944; and references to the International Civil Aviation Organization, the assembly, and the council shall be deemed to be references to the provisional International civil aviation organization, the interior council, and interim council, respectively.

**ARTICLE V**

For the purpose of this agreement, "territory" shall be defined as in Article 2 of the above-mentioned convention.
Summary of Agreement Adopted at Aviation Conference

CHICAGO, Dec. 5, 1944—Here is a summary of the Convention on International Civil Aviation as adopted today by the World Air Conference.

The agreement is a twenty-two chapter and nine-point agreement. The preamble sets out that whereas the future development of international civil aviation can greatly help to maintain world understanding and friendship because abuse of flying can threaten the general security, the Governments signing the convention have agreed on certain principles and arrangements.

The articles in brief follow:

1. The complete and exclusive sovereignty of each nation over its air space is recognized.
2. Territory is defined as the land and inland waters of the state excepting the sovereignty, suzerainty, protectorate or condominium.
3. Applies only to civil aircraft.
4. Agrees that all civil air traffic for any purpose whatsoever with the consent of the contracting parties shall be free from any objection on the ground of their nationality.
5. Foreign aircraft not engaged in scheduled services may land for the purpose of refueling and for other purposes without obtaining prior permission.
6. Possibility scheduled air services over the territory of a state except with specific authorization.

Privilges of Service Reserved

1. Each nation reserves the privileges of offering air services between points within its territory and agrees not to yield this privilege on an exclusive basis to any one or to seek such an exclusive right for itself.
2. No nation may demand the closing of the air space of another nation without a specific reason of public safety.
3. A nation may require foreign aircraft to land for customs and other examinations.
4. The right of overflight is reserved.

Regulations of the Convention

5. Requires that airlines operating within the convention area be able to operate and transport passengers and freight from one nation to another and fix rates and charges.
6. Confers right to search for aircraft and inspect certificates.

Registration Provided For

15.18.15. Gives aircraft nationality of state in which they are registered. Limits registration of aircraft to one state but provides for registration of aircraft to one state but provides for registration of aircraft to one state but provides for transfer of registration: provides that registration or tranfer of aircraft shall be subject to states' laws. Every aircraft flying internationally must be registered.

20. Calls for registration of civil aircraft with International Civil Aviation Organization (ICAO).
21. Agrees to facilitate the navigation of aircraft and prevent unnecessary delays.
22. Calls for an effort to standardize customs and immigration.
23. Establishes freedom for air navigation and equipment.
24. Agrees to maintain air service.
25. Permits uniform resistance of foreign aircraft compared to passenger service.
26. Calls upon each state to provide radio, radio, and meteorological services and other air navigation services.
27. Requires international registration of aircraft such as certification of registration.
28. To carry out the provisions, the member states shall enact such legislation as will assure the successful operation and development of international civil aviation.

Personal Must Be Licensed

29. Requires that all airio operators be licensed and that they be licensed for each specific operation.
30. Requires recognition of other's requirements for international recognition.
31. Requires aircraft to carry log books.
32. Permits operation of aircraft by armed forces.
33. Calls for participation in all international organizations.
Financial Arrangements Covered
81-92. Provides for financial arrangements; suspension of voting power of country which fails to pay obligations.
93. Provides that each country pay expenses of its delegation to the assembly.
84-85. Authorizes ICAO to enter into arrangements with whatever world serving organization may be established; also with other international bodies for maintenance of common services.
86. Authorizes ICAO to carry out functions placed upon it by documents known as "Two freedoms" and "Five freedoms," which are separate from the main agreement.
87. Requires each country to file with the council traffic reports, statistics and financial statements for its international air traffic.
88. Authorizes each country to negotiate routes to be followed in the territory of other countries;
89. Authorizes council to recommend to the States only those facilities up to agreement level, but provides no penalty if recommendations are ignored.
90. Permits States to arrange with council certain obligations of later recommendations; permits council to buy assets.
91. Permits council, if a country requests, to provide, maintain and administer facilities required for airline operations across the country.
92-72-74. Provides for acquisition of land, spending of money, authority to pay cost of operating facilities on request.
95-96. Provides that a State may not use facilities purchased by the council; latter may require return to the State which advanced money when such facilities are repurchased.
Joint Operation Permitted
77. Permits two or more countries to establish joint airline operation.
78-79. Authorizes council to suggest joint operation. Permits private companies to participate.
80. Requires signatory States to denominate the 1938 Paris Convention and the 1944 Havana Pact (superseded by new convention).
81-82. Calls for registration with council of all aeronautical agreements affecting States; abrogation of all existing obligations which conflict with terms of convention.
83. Permits member States to decline to participate.
84. Provides for settlement of disputes and appointment of arbitrators.
85. Covers effectiveness of certain decisions in disputes pending appeal to permanent court of international justice.
86. Requires member to forbid operations of foreign airlines above its territory if airline is not conforming to council resolutions.
87-88. Authorizes assembly to suspend voting power; suspend convention participation of member States affected by war.
99-101. Provides for adoption of technical annexes; for ratification of protocols by four-fifths of assembly of States not described as "United Nations" or "neutral" in World War II.
91-94. Provides for amendment of the convention by two-thirds vote; for denunciation of convention after one year's notice.
95-96. Defines certain conventions.
WORLD AIR PACT
SET FOR ADOPTION;
20-YEAR GAIN SEEN

On Eve of Parisy's Final Action
Bertie Halas Making Aviation
"an Instrument of Peace"

TWO FREEDOMS ASSURED

Chairman Also Cites Nations
Agreed on All Five and Body
Created to Correct Abuses

By RUSSELL PORTER
CHICAGO, Dec. 4—A
year-long session of three main
committees of the International
Civil Aviation Conference approved
today a convention setting up an
international civil aviation organiza-
tion, an agreement for an oblique
conference pending ratification of
the permanent body, and separate
agreements on all five "freedoms of
the air" (both political and com-
mercial) on the first two freedoms
(political only).

Changes decided upon during an
all-day debate were made in the
documents at night sessions of
drafting and coordinating com-
mittees for submission tomorrow
afternoon in a plenary session of the
entire conference of fifty-two
nations.

Bartering further controversial
points, the conference plenary is expected
to adopt all the documents as
amended, to meet the initial intent
of twenty-one members, select
the site for organization head-
quar ters and adopt a standard form
of bilateral agreements on provi sional
air routes.

Chairman also cites nations
Agreed on all five and body
Created to Correct Abuses
The British press reported that the British had forced the war on the side of the aggressors.

Another amendment adopted made it possible for a contracting nation to enjoy the privileges of the five freedoms even if its air lines are substantially owned by foreigners, provided the latter are nationals of another contracting state.

The previous draft had prohibited any foreign ownership, the purpose being to prevent concealed ownership by German or other enemy capital, as occurred in South America before the war. The new draft serves this purpose, but also permits countries to operate air lines owned by friendly foreign capital.

British to Sign Two Freedoms

A motion was adopted to refer all controversial matters which prevented complete agreement at the conference—sales, quotas, frequencies of service, the security clause, and the fifth freedom—to the internment council for further consideration as to whether they should eventually be incorporated in the permanent convention. Mayor La Guardia withdrew his previous opposition to this motion by Lord Swinton after the latter stated specifically in answer to the Mayor's question, that the British intended to sign two freedom agreements, with the understanding that all the signatories agree to give each other the right to fly over their territory and enjoy non-traffic stops for refueling and repairs.

The motion means that the internment council may still be able to break the deadlock on the three commercial freedoms, in the light of future operating experience, which arises when the British reject the idea of a semicircle clause to the fifth freedom. Previously the Americans had accepted the British plan for initial quotas dividing traffic 50-50, on the semicircle clause which would have enabled American air lines to increase their planes and trips on a particular route if they proved able to attract a certain percentage of traffic on the basis of service and efficiency.
WORLD AIR Pact
READY FOR PARLEY

Draft of Convention Sets Up
Organization and Machinery
to Guide Civil Aviation

BY HUBERT PORTER

From The New York Times

CHICAGO, Dec. 3.—A consolidated draft of the proposed convention on civil aviation, setting up
a world organization, was submitted to the International Civil Aviation Conference today by joint
drafting committees.

After a few minor changes the draft will be acted upon at a plenary session and the conference
is expected to wind up Tuesday afternoon.

The convention is one of the main documents on which
the conference has worked since
it was convened on Nov. 1. The other
parts are separate agreements where
several signatory nations will grant
each other the first civil freedoms of the air, the political
ones, or all five freedoms, includ-
ing agreements as well as political
privileges.

The convention states that the
organizations signing it agree on
the development of international
aviation operated commercially and
annually at a safe and orderly
manner, on the basis of equality of
opportunity, mutual agreement, discri-
natory or exclusive arrangements.

National Rights Respected

Every signatory nation's complete sovereignty over its air
space is recognized. Militia planes are excluded from the agreement,
and all nations agree not to use
aviation for any nonpeaceful purposes.

Freedom of flight is granted to
private planes not engaged in
scheduled international air serv-
ices, subject to every country's right to require landing, propa-
gulate routes and freely proclaimed areas for security reasons.

Freedom of flight for planes on

In electing council members, the
country must give adequate repor-
ts in air transport, to make the
country a party.

The council is to elect its own
president from within or without
the council. Its decisions require
majority approval.

Under its mandatory functions,
the council must submit annual re-
ports to the assembly, carry out
the latter's directives, establish an
air transport committee and an air
aviation commission, appoint a
director to operate international
airways and adapt international
code of ethics to the nation in the
convention.

It must also collect and publish
information about schedules,
technical data, and other stat-
ea, and any infradion of the
convention or refusal to carry
out council's recommendations.

Settlement of Disputes

If any disagreement cannot be
settled by negotiation between the
parties, it can refer it to the council.

If any member has a role in the
assembly and most decisions are to
be taken by a majority of the total
vote cast. A majority is required
for all decisions.

The assembly will have power to
elect its president, and other of-
ficers, make its own rules, elect
members, delegate powers and
authority to the council and pass on its reports, vote on an
annual budget and revise expen-
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elect its president, and other of-
ficers, make its own rules, elect
members, delegate powers and
authority to the council and pass on its reports, vote on an
annual budget and revise expen-
ses.

The council, a permanent body,
is to be composed of representatives of
nations which were elected at the
first meeting of the convention and thereafter every three years.

WORLD Air Pact
READY FOR PARLEY

Draft of Convention Sets Up
Organization and Machinery
to Guide Civil Aviation

BY HUBERT PORTER

From The New York Times

CHICAGO, Dec. 3.—A consolidated draft of the proposed convention on civil aviation, setting up
a world organization, was submitted to the International Civil Aviation Conference today by joint
drafting committees.

After a few minor changes the draft will be acted upon at a plenary session and the conference
is expected to wind up Tuesday afternoon.

The convention is one of the main documents on which
the conference has worked since
it was convened on Nov. 1. The other
parts are separate agreements where
several signatory nations will grant
each other the first civil freedoms of the air, the political
ones, or all five freedoms, includ-
ing agreements as well as political
privileges.

The convention states that the
organizations signing it agree on
the development of international
aviation operated commercially and
annually at a safe and orderly
manner, on the basis of equality of
opportunity, mutual agreement, discri-
natory or exclusive arrangements.

National Rights Respected

Every signatory nation's complete sovereignty over its air
space is recognized. Militia planes are excluded from the agreement,
and all nations agree not to use
aviation for any nonpeaceful purposes.

Freedom of flight is granted to
private planes not engaged in
scheduled international air serv-
ices, subject to every country's right to require landing, propa-
gulate routes and freely proclaimed areas for security reasons.

Freedom of flight for planes on

PARLEY ACCEPTS

2 AIR FREEDOMS

Agrés on Transit and Technical
Stops—British Balk
Accord on Other Three

By RUSSELL PORTER

Special to The New York Times

CHICAGO, Dec. 2.—The Interna-
tional Civil Aviation Conference,
august a proposal today advocating
the first and second freedoms of the air, the rights of
transit and of technical stops. A
move was taken without dissent at
a meeting of a joint subcommittee
representing all thirty-two participat-
ing nations. A drafting com-
mmittee was instructed to draw up
a document in the form of a
separate agreement.

Lord Swinton, chairman of the
British delegation, supported the
first two freedoms. His refusal to
accept the American fifth free-
dom—the right of international
air lines to pick up traffic in one
country along its route to pro-
cede to another, and return to
without severer restrictions on
its movements—triggered the
conference to a complete
breakdown.

In a Netherlands resolution pro-
posing adherence to the first and
second freedoms, as opposed by the
French delegation, which had supported
the British against the Americans
in the fifth freedom

Some of the participating na-
tions, it was authoritatively said,
would sign the Netherlands-French
agreement on the first two free-
doms, while others would sign
the American draft, previously
submitted to the conference, adhering
to all five freedoms, with no quotas
or restrictions of any kind. Some
nations, including the United
States, will sign both. In each case
the countries would grant recipro-
cal rights. The American draft
provides nations to make reserva-
tions denying the fifth freedom on
condition that they recognize that
this confers the.

With today's action, the con-
ference has virtually completed its
task, except for the final drafting of
the various documents, which
would be agreed upon in a final
conference, to be held in January
at the conference center on
带来更多内容...
Atlan.tto

PROPOSED AIR ROUTES TO AND ACROSS SPAIN

WASHINGTON, Dec 2. (AP) - Commercial airlines of the United States can begin operating immediately three routes to Europe and Africa via New York and Madrid under an agreement signed today in the latter city by Capt. J. M. Hayes, the United States Ambassador, and Jose Felix de Legueriana, Foreign Minister of Spain.

The routes specified in the agreement are from New York through Lisbon to Madrid and Barcelona, proceeding thence to Marrakesh and points beyond, return being made over the same route; from New York through Lisbon to Madrid, proceeding thence to Algiers and points beyond, return being made over the same route; from New York or Miami through South America, West Africa, Villa-Cerrone and French Morocco, to Seville, Madrid and Barcelona, proceeding thence to Paris and points beyond, return being made over the same route.

They add a virtual monopoly until they were driven from France.

The agreement grants Spain rights for operation in the United States, with the routes to be designated by negotiation, whenever the Madrid Government desires to start a service.

In general, the agreement is based upon the most-favored-nation principle in respect to many terminal details. Each government will designate the carriers to operate the services.

The provisions state that "one of equal standing" of the contracting parties agree not to impose, and to use its best efforts to prevent, the imposition of any restrictions or limitations as to use of airports and airways, connections with other transportation services, or in the designation of posts, on the services which might be competitively adverse to the other party.

The agreement was predicted by Harry G. Halden, Assistant Secretary of Commerce in charge of aeronautics, to promote the operation of a commercial air route from New York to Spain, which the United States and Spain announced today to permit the operation of a commercial air route was described by delegates to the International Civil Aviation Conference as "the first of a series" of such arrangements being developed between the American Government and other countries.

No indication was given as to when the countries involved in other negotiations or whether future announcements might involve equal importance to United States pilots serving the world by air.

Further negotiations will be necessary before the operation of the proposed routes as announced in Madrid, since the countries involved have not disclosed the terms of the contracts to be made with the Spanish Government.

Pan American Airways has a contract with Portugal for exclusive landing rights so far as American air carriers are concerned, but an official said the contract could be overridden by action of the two Governments if it were decided some other airlines should operate.
PELA BY LAGUARDIA STIRS AIR PARLEY

His Call for United Action Brings Naming of a Group to Reconsider 'Freedom'

By RUSSELL PORTER

CHICAGO, Dec. 1—In a debate with Lord Swinton, British chairman, Mayor La Guardia of New York, a member of the American delegation, persuaded the International Civil Aviation Conference in planenary session tonight to make a final effort to reach a more complete agreement on post-war aviation.

Adolf A. Beria Jr., president of the conference as well as chairman of the American delegation, ruled that a special subcommittee meet tomorrow to reconsider the inclusion of at least some of the five freedoms in both the interim agreement and the permanent convention for an international air organization.

This temporarily thwarted Lord Swinton's motion to refer all "the freedoms" to the interim council which Mayor La Guardia criticized as shifting the problem.

To Weigh 6 of the 8 Freedoms

The subcommittee was directed by chairman to consider a motion made by Mayor La Guardia and seconded by M. F. P. L. Blenkinsop, chairman of the Netherlands delegation, that "eight freedoms may be considered as the minimum".

La Guardia's Plea for Unity

Mayor La Guardia said he was "unhappy, disappointed and discouraged" because the conference had not produced more tangible results. The people of the world, especially the fighting men and their families, he said, would be "dissatisfied if the conference did not make further progress to correct conditions which had caused two world wars."

He said that the American delegation had only tried to meet every proposition made by the British and Canadians and still hoped to reconcile the remaining "right" differences.

But he ridiculed Lord Swinton's contention that the British had taken their position in order to defend the interests of smaller nations, and implied that British "sufficiency" was the real obstacle to complete agreement, together with a desire for a world guarantee for British aviation against American competition.

Efforts Pledged by Swinton

Lord Swinton disagreed with the view that the issues between the United States and the United Kingdom were minor, arguing that they represented fundamental differences between the Parliaments of the peoples of the two countries.

He said that the desire for a world guarantee for British aviation was "very simple" and the real controversy was over application of the third, fourth and fifth freedoms.

The British, he held, wanted to avoid "excessive" competition and believed it necessary to have international aviation supervised and regulated by a strong world organization.

The difference between this British position and the American one, he said, that the international organization should have only consultative and advisory powers. He declared to be unsatisfied.

The conference was adjourned.
FROM:  THE PRESIDENT
TO :  THE PRIME MINISTER
NO :  664, 2 December 1944

Thank you for your letter. I am advised that Swinton's motion
which Berle seconded, to refer unfinished business to the Council
has now been deferred on a motion from the floor. The Conference
apparently still feels, as do I, that agreement should be reached
if possible. I would accordingly appreciate your further urgent
consideration of the matter.

ROOSEVELT
MEMORANDUM FOR ADMIRAL LEARY

In accordance with your request of this morning I enclose for the President's consideration a draft reply to the Prime Minister's most recent message concerning the Aviation Conference. Mr. Berle states that an urgent reply of this character would be helpful in view of the day's developments at the Conference.

Enclosure:
Draft message to the Prime Minister
FROM The President TO The Prime Minister

DATE 664, 2 Dec 44.

TO OR FROM Via

SUBJECT Chicago Air Conference.

ACTION:

1. Answers FM-PRES #840, 1 Dec 44, which was sent to the President at Warm Springs as RR-OUT-575.
2. RR-196 from the Pres to Adm Leahy stated, "The President has asked that RR-OUT-575 be referred to Adm Leahy for preparation of reply."
3. Referred to Sec State by Adm Leahy, 1 Dec 44, for preparation of draft reply for the President's consideration.
4. Draft reply prepared by State; to Adm Leahy on 2 Dec 44; to the President by Adm Leahy as RR-OUT-578.
5. RR-IN-102, 011555 Dec 44, stated, "FROM PRES TO ADM LEAHY. Your RR-OUT-578. Approved. Please send."
6. Dispatched 2 Dec 44.
7. Answered by FM-PRES #848, 6 Dec 44.

210 Air Conference
This telegram must be closely paraphrased before being communicated to anyone. (SECRET)

London
Dated December 1, 1944
Rec'd 6:16 p.m.

SECRETARY OF STATE,

WASHINGTON.

US URGENT

NIGOT 10024, December 1, 6 p.m.

PERSONAL AND SECRET TO THE SECRETARY AND FOR THE PRESIDENT.

Before receiving Department's 10024 of November 30 late last night, I had already followed up the President's message to the Prime Minister covering agreement on the Aviation program at the Chicago conference and had urged the acceptance of the Canadian compromise. I talked with Eden, Beaverbrook and Churchill. The Cabinet met yesterday afternoon and I was informed by Beaverbrook that before he could communicate their decision to Swinton, the conference had adjourned. The intention of the Cabinet was to accept the compromise but at the same time ask for a small passenger rate differential on pickups on long hauls. This was less than what we wanted. Churchill and Beaverbrook went over with me the message that was dispatched.
dispatched to the President this afternoon.
Churchill said that he would be glad to reopen the
subject at any time convenient to us. Beaverbrook
was plainly uncomfortable at this meeting. I blame
him most for the failure of the conference.

Once the President and twist the Department have
asked me to intervene in support of our position at
the conference. I did everything I could to persuade
the Prime Minister to accept the President's wishes
and I am very sorry that I failed to get done what
he wanted done. On the other hand, I want you to
know that I could have been far more effective in
talking with the Prime Minister if I had been
properly informed. The British had reams of papers
covering every detail of the conference's discussions.
I had nothing beyond the President's messages which
covered only one or two particular points of disagree-
ment. I hope this will not happen again with the man,
who is chosen to continue in my post. Even our Civil
Air Attaché had been assigned to the conference.

WINANT

LMS
FROM: THE PRIME MINISTER  
TO: THE PRESIDENT  
NO: 840, 1 December 1944

1. We consulted together at once on the issues discussed in your 661.  We decided to examine the prospect of an agreement based on the Canadian plan as suggested in the seventh paragraph of your 661, coupled with a further exploration of the differentiation of fares for Fifth Freedom Traffic, of which I spoke in paragraph five of my 836 as a valuable line.

2. By the time we had communicated with Swinton, however, the conference had already decided to approve all the technical decisions and to refer unfinished business to the Council of the International Organization.

3. I must confess to you that we have found it difficult at this distance to form a clear judgment of the rapidly changing phases of a negotiation so complex in character and far-reaching in scope. Swinton's return will give me an opportunity to conduct with him a comprehensive survey of the problem such as cannot be achieved in an exchange of telegrams.

4. Having reached an understanding, I would propose to give you an account of the plan which we can lay before the council in order to meet your wishes and, as far as may be possible, fulfil your expectations. You may be sure that your own desire to lay a sound foundation for the future civil air transport system of the world is paralleled by our own.

PRIME
FROM  The Prime Minister TO  The President

HERALD or FILE NO.  840, 01 December 1944.

TOR MAP ROOM  01/7402 VIA Army Code Room

SUBJECT: Chicago Air Conference.

ACTION:

1. Answers PENS-PM #561, 30 November 1944.
2. Sent to the President at Warm Springs as Ml-OUT-575.
3. Wl-IN-196 from the Pres to Adm Leahy stated, "The President has asked that Ml-OUT-575 be referred to Admiral Leahy for preparation of reply."
4. Referred to Sec State by Adm Leahy, 1 Dec 44, for preparation of draft reply for the President's consideration.
5. Draft reply prepared by State; to Admiral Leahy on 2 Dec 44; to the President by Adm Leahy as Ml-OUT-575.
7. Message as drafted by State Dept sent to PM as PENS-PM #561, 2 Dec 44.

COPIES TO: DATE: BY DIRECTION OF:

COPY: 210 AIR CONFERENCE

ORIGINAL: Prime Minister-President File.
1 December 1944

MEMORANDUM FOR:
The Secretary of State

The following message from the Prime Minister of Great Britain is by direction of the President forwarded for the preparation of a draft reply for the President’s consideration.

"We consulted together at once on the issues discussed in your 661. We decided to examine the prospect of an agreement based on the Canadian plan as suggested in the seventh paragraph of your 661, coupled with a further exploration of the differentiation of fares for fifth freedom traffic, of which I spoke in paragraph five of my 836 as a valuable line.

"By the time we had communicated with Swinton, however, the conference had already decided to approve all the technical decisions and to refer unfinished business to the Council of the International Organization.

"I must confess to you that we have found it difficult at this distance to form a clear judgment of the rapidly changing phases of a negotiation so complex in character and far-reaching in scope. Swinton’s return will give me an opportunity to conduct with him a comprehensive survey of the problem such as cannot be achieved in an exchange of telegrams.

"Having reached an understanding, I would propose to give you an account of the plan which we can lay before the council in order to meet your wishes and, as far as may be possible, fulfill your expectations. You may be sure that your own desire to lay a sound foundation for the future civil air transport system of the world is paralleled by our own."

"Signed: Prime."

WILLIAM D. LEAHY,
Admiral, U.S.N.,
Chief of Staff to the Commander-in-chief.
FROM: THE PRESIDENT
TO: THE PRIME MINISTER
NO : 661, 30 NOVEMBER 1944

I have given careful thought to your 836 and to the problems which you cite. You know that I have no desire for any arrangement by which our people would profit from the sacrifices which yours have made in this war. Your confidence in the justice and fair play of the American people is, I am sure, justified. I have equal confidence that your people have the same qualities in the same measure. I know that they want equal opportunity in the air and unquestionably they should have it. I cannot believe that they would want aviation, in which you as well as we have a great future, stifled and suffocated because they were for a moment in a less favorable competitive position.

You say that the British Empire is being asked to put bases all over the world at the disposal of other Nations. Of course it is. Would you like to see a world in which all ports were closed to all ships but their own or open to one foreign ship, perhaps two if they carried only passengers and cargo bound all the way from Liverpool to Shanghai? Where would England be if shipping were subjected to such limitations? Where will it be if aviation is? I am unable to believe that you do not want an agreement at this time.

I can not agree that the answer is to hold everyone back. It must be rather to go forward together. I know the handicaps under which your aviation industry has laboured during the war. We have found ways to help you before and I am confident that we can find ways to help you in overcoming this. We are prepared to make transport aircraft freely available to you on the same terms as our own people can get them. Our only stipulation is that aviation must be permitted to develop, subject only to reasonable safeguards, as far and as fast as human ingenuity and enterprise can take it.

We have no desire to monopolize air traffic anywhere. I do not see how increased frequencies on long routes would dominate traffic on short ones, when all lines would have the same right to increase their frequencies on the same basis. Nor do I see how in the long term such an arrangement would favor us over others, despite our head start.

You asked that I give further consideration to the fundamentals of your position and that I state the issues as I see them. I have done both and I am more convinced than ever that the answer is not to hold back but to go forward together.

I feel that the Conference can still reach an agreement vastly helpful both in the air and in wider fields. Swinton and Berle on November 27 publicly stated our respective positions. The smaller States have spoken and, if I may say so, our position seemed to have by far the greater support. If it is not
possible to reach complete agreement when our delegations have so closely approached it, the reasons, despite our best will, would be all too clear.

You speak of impartial arbitration within the general framework. The Canadians undoubtedly see both points of view, have laboured tirelessly to bring us together and on November 27 brought out a new formula which might provide a reasonable line of compromise if the small nations would indeed accept so limited a formula. I will give Berle latitude for one more try on the lines of that formula if you will give swinton the same.

Given, on both sides, that spirit of justice and fair play of which you speak, I know that an agreement can be reached which will be equally beneficial to both our interests and to the world.

ROOSEVELT

Released: 300120Z Nov 44.
FROM The President TO The Prime Minister

SPECIAL or FILE NO. 661, 30 November 1944

DATE VIA

SUBJECT: Air Conference at Chicago.

ACTION:

1. Answers PM-FRZ #836, 28 Nov 44, which was sent to the President at Warm Springs as WH-OUT-559, and also referred by Admiral Brown to the State Dept for information, 28 Nov 44.

2. WH-IN-190, from the President to Adm Leahy, stated: "Please take WH-OUT-559 with Sec State and have him call Berle on the subject. The three of you work out an answer and send me a draft of it."

3. (Also see WH-OUT-563, from Berle to the President, re Air Conference.)

4. Reply prepared by State Dept, approved by Adm Leahy and forwarded to the President as WH-OUT-569, 2923552.

5. WH-IN-191, from the President to Adm Leahy, stated: "WH-OUT-569 approved. Please send."

6. Dispatched 30 Nov 44.

7. Answered by PM-PKYo #840, 1 Dec 44.

COPIES TO: DATE: BY DIRECTION OF:

ORIGINAL: "WH PRESIDENT-PRIME MINISTER FILE."
CHICAGO, Nov. 29 (AP)—The text of the United States proposal for a freedom-of-the-air article in the proposed World Aviation Agreement, as issued at the International Civil Aviation Conference, was as follows:

ARTICLE II

Rights and Duties of Member States

Section 1

Each member State agrees not to use civil air transport for any purpose inconsistent with the aims of this convention.

Section 2

Member States agree to grant each to the other the following freedoms of the air:

(1) The privilege to land for traffic purposes;

(2) The privilege to put down passengers, mails and freight destined for the territory of the other State and nationalities of the aircrafts;

(3) The privilege to take on passengers, mails and freight destined for the territory of the other State and nationalities of the aircrafts;

(4) The privilege to take on passengers, mails and freight destined for the territory of any other member State and the privileges to put down passengers, mails and freight coming from any such territory.

With respect to the privileges specified under Paragraphs (1), (2) and (3) of this section, each member State undertakes to permit through service only on a direct line or from and to the boundary of the State whose nationality the aircraft possesses.

Section 3

Planes of a member State availing itself of the privilege of non-stop service may only be used in which such privileges are exercised to offer commercial service at the points at which such stops are made.

Section 4

No member State grants under this convention the privilege to take on in its territory passengers, mails and freight destined for another point within the territory. Each member State undertakes not to grant any such privilege to other State or an air carrier of any other State, and not to obtain such exclusive privileges from any other State.

Section 5

Each member state may, subject to the provisions of this convention:

(1) Designate the routes to be followed within its territory by any international air service and the airports which any such service may use;

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities.

These charges shall not be higher than would be paid by national airlines, engaged in comparable international services.

Provided that, upon representation by an interested airline through the state of which it is a national, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the states of states concerned.

Subject to the provisions of Article VI, each member state undertakes to make available such radio facilities, such meteorological services, and such other air-navigation facilities as may from time to time be required for the operation of safe, efficient and regular international air services under the provisions of this convention.

Section 7

Each member state undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statements and financial statements showing among other things all receipts and the sources thereof.

Section 8

Any member state may be reserving attached to its instrument of ratification of this convention, or at any time thereafter, on six months notice withdraw itself from the rights and obligations of Paragraph 4, Section 2 hereof. Such member state, on six months notice, reserving, may not make any agreement with any other member state which shall be subject to or agreed to or accepted by such member state under any such rights and obligations thereunder.

Section 9

A member state which desires that action by another member state under this convention be causing injuries or burdening it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter and shall call the states concerned to consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the member states concerned. If there

Section 10

Subject to the provisions of Article VI, each member state undertakes to make available such radio facilities, such meteorological services, and such other air-navigation facilities as may from time to time be required for the operation of safe, efficient and regular international air services under the provisions of this convention.

Section 11

Each member state undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statements and financial statements showing among other things all receipts and the sources thereof.

Section 12

Any member state may be reserving attached to its instrument of ratification of this convention, or at any time thereafter, on six months notice withdraw itself from the rights and obligations of Paragraph 4, Section 2 hereof. Such member state, on six months notice, reserving, may not make any agreement with any other member state which shall be subject to or agreed to or accepted by such member state under any such rights and obligations thereunder.

Section 13

A member state which desires that action by another member state under this convention be causing injuries or burdening it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter and shall call the states concerned to consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the member states concerned. If there

Section 14

Subject to the provisions of Article VI, each member state undertakes to make available such radio facilities, such meteorological services, and such other air-navigation facilities as may from time to time be required for the operation of safe, efficient and regular international air services under the provisions of this convention.

Section 15

Each member state undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statements and financial statements showing among other things all receipts and the sources thereof.

Section 16

Any member state may be reserving attached to its instrument of ratification of this convention, or at any time thereafter, on six months notice withdraw itself from the rights and obligations of Paragraph 4, Section 2 hereof. Such member state, on six months notice, reserving, may not make any agreement with any other member state which shall be subject to or agreed to or accepted by such member state under any such rights and obligations thereunder.

Section 17

A member state which desires that action by another member state under this convention be causing injuries or burdening it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter and shall call the states concerned to consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the member states concerned. If there

Section 18

Subject to the provisions of Article VI, each member state undertakes to make available such radio facilities, such meteorological services, and such other air-navigation facilities as may from time to time be required for the operation of safe, efficient and regular international air services under the provisions of this convention.

Section 19

Each member state undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statements and financial statements showing among other things all receipts and the sources thereof.

Section 20

Any member state may be reserving attached to its instrument of ratification of this convention, or at any time thereafter, on six months notice withdraw itself from the rights and obligations of Paragraph 4, Section 2 hereof. Such member state, on six months notice, reserving, may not make any agreement with any other member state which shall be subject to or agreed to or accepted by such member state under any such rights and obligations thereunder.
FULL AIR FREEDOM IS DEMANDED AGAIN

American Delegates, in New Proposal, Revert to Former Stand of Post-War Traffic

CONCESSIONS WITHDRAWN

British Also Offer a New Plan but Chicago Parley Doubts It Will Be Accepted

BY RUSSELL PORTER
Special to The New York Times

CHICAGO, Nov. 29—The American and British delegations submitted new proposals in the International Civil Aviation Conference yesterday, in an attempt to resolve their differences on the "fifth freedom" of the air—the right of a long line of traffic between two countries to continue through their own territory

Encouraged by the heavy support shown by the fifty-two participating countries at committee debates, the American delegation returned to its former position, asking unlimited freedoms of the air, including the fifth, and withdrew the concessions it had made to the British on 50-50 first-aims and a starting point of "reservation" and on competing by operating conferences, subject to review and recommendations by the international air organization.

After rejecting a Canadian compromise plan which came close to the American "fifth freedom" position, the British proposed in effect that the international organization would be the one to receive power to decide whether the "fifth freedom" should operate on any given international route.

Compromises Formulized

Both the American and British have dropped proposals for complicated formulas for determining how intermediate traffic should be awarded as a basis for "compensation"—that is, for increasing the planes each nation would have the right to contract out of the "fifth freedom" clauses.

Adolf A. Berle, Jr., Assistant Secretary of State and chairman of the American delegation, explained that the new American plan said it would consist of a mutual grant of the five freedoms of the air by all the countries signing the proposed multilateral convention. It provides that the routes under these privileges must be in a reasonably direct line out and back to the homeland. It also said that planes making non-traffic stops may be required to offer other commercial services by the country in which the stop is made. It reserves cabotage (the right of a country to carry traffic within its own borders) and the right of each state to designate the route to be followed through its own territory and requests non-discriminatory treatment.

It says each country to provide appropriate technical services and international controls in the traffic in and out and financial statements, right of withdrawal cited to permit any state to withdraw the fifth freedom if in that state cannot claim freedom. It has a general section by which a state considers it is substantial hardship or difficulties may apply to the assembly to inquire into the situation with all states concerned for remedial consultation.

In the event the difficulty cannot be resolved by consultation, the council may recommend to the assembly that a member state be suspended until the situation is cleared up, but it requires a two-thirds vote of the assembly to accomplish that purpose.

The United States is aware that this may not meet the views of certain of our colleagues. If sufficient agreement cannot be reached in line with this permanent convention, the United States will propose the adoption of this as an essential addition to the air navigation convention to be signed by those states wishing to adhere now or later. The United States will propose that substantially the same agreement be attached to the proposed interim agreement.

He said the permanent convention would include a clause permitting designation and termination of the agreement by any signatory state, and would avoid restrictions said to be laid on the American plan would permit the country and those in its region to accept the "fifth freedom" without the severe restrictions demanded by the British to operate under a multilateral convention including the "fifth freedom" without quota, ostensibly a rate-fixing or allocation of routes and frequencies and the financial obligations of the international body.

The British and a number of other countries can operate without the "fifth freedom" and with quotas and other restrictions on free competition. Bilateral agreements would be made by the United States and the British, for example, to regulate air traffic between them.

Operators' conferences, made up of the principal airlines, have had little effect in the shipping world, it was said, would deal with rates and other arrangements.

If the British demands to restrict the "fifth freedom" had been accepted, it was said by an American spokesman, the event would have been the strangulation of world aviation. American lines running under the "fifth freedom" would have been reduced to something like one trip a month for planes between the United States and Chile, it was said.

On the other hand, it was said, the United States would be able to maintain the historic procedure by which it has sold its services to commerce, and should develop an air route system of the United States and the great majority of the other countries and the great majority of the people of those countries and the great majority of the people of those countries. The United States and the great majority of the people of those countries, it was said, have never been down to the principle of "fifth freedom," the American representative said, and it has been adhered to by a few countries.
Security in the zone in which the American withdrawal of their previous concessions was announced. Some small countries, it was learned, believed the Americans had gone too far in their concessions and brought pressure to bear for reverting to the original American position.

Today's British proposal was regarded in American circles as indicating very little change from the position previously taken by Lord Swinton, chairman of the delegation from London. In a sense, it was seen as something of a reversion to the original British White Paper.

The British, however, thought their new plan might be acceptable on the basis that it allowed different practices to operate in different areas. Latin-American countries, said the British, which wanted more international air traffic to have it, and those European countries which feared it could avoid it.

A joint subcommittee representing all participating countries will
To: The President of The United States
Nr: 1080, 29 November 1944   Filed 222300Z
From MILATTACHE Ldn Sr. Nr. 1080. Winant to The President personal and secret.

You will have received the Prime Minister's message in relation to civil aviation.

If you care deeply about the issues which have divided the Chicago Conference I believe that it would be possible to work out a friendly solution if you could personally discuss the differences with the Prime Minister.

A white paper has been released today by the British Government which is in part covered by the evening papers and which will appear in more complete form in tomorrow morning's papers detailing the immensity of the British war effort. I feel that the timing of this release is related to actions which may be taken by the respective governments in the immediate future.
FROM  The Prime Minister  TO  The President  

SPECIAL or FILE NO.  1080, 29 November 1944  
DATE  

TOR MAP ROOM  2904152  VIA  Army Code Room  
SUBJECT:  Air Conference; British White Paper.  

ACTION:  
1. Refers to PM-PRESS #836, 28 Nov 44.  
2. To President at Warm Springs as WH-OUT-562, 2911552.  
3. No reply.  

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<th>INDEXED: &quot;PRESS-WIREFILE&quot;</th>
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20 Air Conference
FROM ADOLPH BERLE TO THE PRESIDENT

You have Churchill's wire of November 28th declining to modify the British proposal and asking that we adjourn the Air Conference.

British proposal is reasonable for the United States across the Atlantic but would substantially exclude our or anyone's aviation Eastward from the gateway cities such as Stockholm, Amsterdam, London, Paris and Rome. Prominent limitation is placed by British plan on number of planes which could go between these points and points East, the top limit being the plane capacity efficient to carry through traffic direct from the United States but not including intermediate traffic. There is not much through traffic from the United States to Prague or Cairo or Baghdad. Expert opinion here holds that no American line could pay expenses beyond the populous cities of Western Europe.

Yesterday British argued their proposal in closed committee claiming their plan was needed to protect small states. Fifteen small states promptly got up and supported American position pleading that British proposal would prevent them from ever having self-supporting aviation. The line-up: France supported Britain luke-warm; all others supported United States including all Latin America, all Scandinavia, Netherlands, Spain, Canada, New Zealand, Australia, India, South Africa, stayed on the fence. The position of the smaller countries supporting us is that they want to carry traffic between intermediate points just as we do. In the jargon of the conference they want an unlimited fifth freedom.

* British now want a quiet adjournment. LaGuardia and I think this might be misunderstood by American public and prefer to present the American plan in simple English; get a record vote, and then leave the problem to an interim council. Otherwise we think the British would seek to pose as martyrs trying to protect small nations against us. They raised this issue and we think they should face it rather than we.

Stettinus and I believe you should pass on this question and we would much appreciate your judgement.

Adolph Berle.
FROM Mr. Berle TO The President

SPECIAL or FILE NO. SH-IN-263, 29 Nov 44.

TO MAP ROOM VIA

SUBJECT: Air Conference at Chicago

ACTION:

1. Mr. Berle dictated this telegram by telephone from Chicago at 11:15 a.m., November 29, 1944, to the State Department and requested that it be sent to the Map Room for transmission to the President as early as possible on the morning of Nov 29, 1944.

2. See PM-PRES 836, 28 Nov 44, to which this message refers.

3. No reply.

COPIES TO:

DATE:

BY DIRECTION OF:

210 Air Conference
FROM: THE PRIME MINISTER  
TO : THE PRESIDENT  
NO : 836, 28 November 1944

1. Winant has brought me your message about the air in reply to my number 827, and naturally it has caused me much anxiety. I agree with you that this is a grave matter in which not only governments but parliaments and peoples may become deeply agitated, with consequences which cannot fail to be disastrous both to the prosecution of the war and to the prevention of future wars. I feel it my duty, therefore, to place before you in simple terms the issue as it presents itself to me after hearing all the advice of the special committee under Beaverbrook, of which Stafford Cripps is an important member, as well as the unanimous views of the War Cabinet.

2. The foundations of our position at this conference, which is being held at the time and place which you proposed, are:

(a) The British Empire is asked to put invaluable and irreplaceable bases for air transport all over the world at the disposal of such nations as are capable of using them. This means of course primarily and in bulk placing them at the disposal of the United States.

(b) It was agreed between us as a war measure that you should make the transport aircraft and specialize upon them on account of the character of the war, the need to supply China over the Hump, the vast distances of the Pacific Ocean, etc., and that we should concentrate our efforts upon fighting types. In consequence the United States are in an incomparably better position than we are to fill any needs of air transport that may arise after the war is over, and to build up their civil aircraft industry. We would venture most earnestly to suggest that these two points are not receiving adequate consideration.

3. However, in partial recognition of the above two points, Lord Swinton believed that he had reached an agreement with Mr. Berle at Chicago on November 17th about the amount of aircraft capacity that should be put into service by our respective countries (frequencies) on a basis of "embarked traffic." Agreement was also reached about fares to prevent undercutting, unfair subventions, etc.

4. All the above was satisfactory to us and, I think, to the world. On November 18, however, your side of the table put forward an entirely new set of ideas and arguments which, in our judgment, took away with one hand what had been given with the other in consideration of our fundamental position set forth above in paragraphs 2 (a) and (b).

5. For instance, the escalator clause was sought, not only for traffic to and from your country but also for traffic between any two foreign countries.
This meant that the number of services on any route could be increased when an airline achieved a load equal to 65% of its full capacity. We had already agreed, reluctantly, that this escalator clause should apply to traffic to and from an aircraft's own country. We had also agreed to a so-called fifth freedom which would grant to an aircraft on through services the right to pick up and set down traffic between foreign countries at intermediate stops. It is true that provision was made for a differentiation of fares to safeguard the local traffic. That seemed to me a valuable line to explore.

6. Mr. Berle then asked for a combination of the escalator clause and the fifth freedom which would enable American aircraft to carry most of the traffic between the United Kingdom and the Dominions and India and all foreign countries, as well as between all nations of the Commonwealth. It would, in fact, give to United States airlines the right to everything save sabotage.

7. We must accept the fact that the arrangements about frequencies will very soon be completely different from those agreed upon before the escalator clause was proposed. There is very little doubt that our position relatively to yours is markedly injured thereby. This applies not only to Great Britain but to many other neutral powers who are now in a weak condition to design and build suitable transport aircraft and to embark traffic.

8. On top of this escalator clause, which we have conceded for traffic to and from your country, Mr. Berle now demands the right of duplication over any section of any through route and also provision for increasing frequencies so that any airline could carry all the intermediate traffic it could get. This might well mean that aircraft embarking traffic in the United States would not only excel, as they are welcome to do on merits, but dominate and virtually monopolise traffic not only between our country and yours, but between all other foreign countries and British Dominions besides.

9. I have the opinion that both this point of linking the escalator clause and the fifth freedom together, and the claim for duplication on foreign air routes, require further patient study with a view to reaching agreement between our two countries. Thus, we could make sure that Great Britain and the Dominions and many other countries as well are not in fact run out of the air altogether as a result of your flying start with no regard to the fact that we are willing to throw all our bases all over the world into the common pool. I am sure I could not obtain the agreement of the Cabinet or of either House of Parliament to anything which wore that aspect. Nor would I try.

10. It may be that you will say I have not rightly posed the issues. If this be so, I should be most grateful if you would state them in your own words. It is suggested, for instance, that we are going to challenge the right of all nations of innocent passage in Freedom I, or the consequential right of refuelling and repair in Freedom II, except in so far as these are mixed up in the much more refined issues arising out of your doctrines of escalator and duplication. There may well be other simplifications which
11. Should it not be possible for us to reach an agreement at this stage on Freedoms III, IV and V, when great battles in which our troops are fighting side by side are at their height and when we are preparing for immense new further efforts against Japan, I cannot see that a temporary adjournment to allow of the aforesaid patient discussions would do any serious harm. On the contrary, I believe that it would be as readily understood as was the postponement of final decision at Dumbarton Oaks. There is always the great body of technical matter upon which agreement has been secured. Therefore, unless complete agreement is reached, I plead that there shall be an adjournment. Such adjournment for a short time, if asked for by an intimately-allied power like us, ought not to be denied, nor ought we to be confronted with such very serious contingencies as are set out in your message received on Saturday. As open dispute carried out by Parliament and Congress, both of which would have to be informed and in our voluminous free press on both sides, would do far more harm to the war effort and to our hopes of the future than an adjournment of a few weeks or even months, while both parties persevered behind the scenes for a settlement.

12. It is my earnest hope that you will not bring on this air discussion the prospect of our suffering less generous treatment on Lend-Lease than we had expected from the Quebec discussions. But even if I thought that we were to be so penalized, I would not feel myself able to agree to a decision contrary to the merits, as we see them, on this matter.

13. I should be ready, of course, to accept impartial arbitration on the points outstanding at the Chicago conference, provided that they were discussed in relation to the general framework. We have not yet got our World Court again, but there are friendly states and neutral states from whom competent judges might be found.

14. Let me say also, that I have never advocated competitive "bigness" in any sphere between our two countries in their present state of development. You will have the greatest navy in the world. You will have, I hope, the greatest air force. You will have the greatest trade. You have all the gold. But these things do not oppress my mind with fear because I am sure the American people under your re-acclaimed leadership will not give themselves over to vainglorious ambitions, and that justice and fair-play will be the lights that guide them.
From: The Prime Minister
To: The President

Date: 836, 28 Nov 44

Subject: Air Conference in Chicago.

Action:

1. Answers FR-10851/94 #346, 28 Nov 44.
2. To President at Warm Springs as Mi-OUT-559.
3. By direction of Admiral Brown, copy sent to State Dept for inform-
   ation, 28 Nov 44.
4. Mi-IN-190, from the President to Adm Leahy, stated: "Please take up
   Mi-OUT-559 with Sec State and have him call Berle on the subject. The
   three of you work out an answer and send me a draft of it."
5. (See Mi-OUT-563, from Berle to the President, re Air Conference.)
6. Draft reply to Mi #836 prepared by State Dept, approved by Adm
   Leahy and forwarded to the President as Mi-OUT-569, 29155/2.
7. Mi-IN-191, from the President to Adm Leahy, stated: "Mi-OUT-569
   approved. Please send."
8. Reg sent to Mi as Mi-661, 30 November 1944.

Copies to:

Original: Prime Minister—President File.

Date: By direction of:

Air Conference.
FROM: THE PRIME MINISTER
TO : THE PRESIDENT
NO : 835, 27 NOVEMBER 1944

We have spent all the weekend and this morning on the issues raised by the air conference and by your message to me of the 25th, and we have arrived at definite conclusions. I hope you will forgive me for not sending them to you till tomorrow as we have to give reasonable prior notice of our United Kingdom decisions to the Dominions and India. We can, of course, act for ourselves apart from them, but such discordance would represent a failure on our part in managing our own commonwealth affairs. I will make sure that our message placing our full position before you is in your hands during your morning of the 28th.

PRIME
FROM: The Prime Minister
TO: The President

SINGAL or FILE NO.: 835, 27 November 1944

DATE: 27/120072

TO MAP ROOM: Army Map Room

VIA: Army Code Room

SUBJECT: Air Conference in Chicago.

ACTION:

1. To President via usher.
2. No reply. See further PM-PRES #836, 28 Nov 44.

COPIES TO:

DATE: 

ORIGINAL: PRESIDENT-PRIME MINISTER FILE

BY DIRECTION OF:

210 Air Conference
FROM: AMBASSADOR WINANT
TO: THE PRESIDENT
NO: 1069, 26 NOVEMBER 1944

* * * * * * 
It was immediately after clearing this situation [Argentine beef] that I received your wire asking that I convince Winston that the British should meet us in settling the differences which were blocking agreement at the air conference. Your message arrived Friday night. I at once called Downing Street and found that Churchill had gone to Chequers and arranged to see him there Saturday morning. We had a serious talk on this subject that lasted more than an hour and a half. He outlined in detail the exchanges at the conference. I was at a disadvantage because the only information I had was limited to your two brief messages on the subject. He felt he was being pushed and was disturbed about the reactions in Parliament if he were to concede the points which we insist upon. I think I made him realize that your message was a friendly message and looked beyond the immediate differences to larger issues. He told me that the Ministers who were handling this problem for him were Beaverbrook and Cripps. When your message was read to Beaverbrook I happened to know that it was not well received. However, the Prime Minister insisted that I meet Beaverbrook in London at seven o'clock that evening. When he called on me at the Embassy last night he was most affable and explained that the difficulty was the Prime Minister who was upset because of the delayed tripartite meeting, the message on synthetic rubber, a further recent message involving Lend-Lease and British exports which I had not seen and a sense of being pressured into agreeing to concessions
in aviation that would be interpreted in Great Britain as damaging to their interests. I had found out enough about the subject by that time to give reasonable answers to the questions on the immediate issues and I am certain that I made him understand the larger problems involved. I am never sure of him but if he reported honestly I think my conversation with him was helpful.

2. It was my understanding that the Prime Minister planned to send you a message today. I saw two friendly cables, one relating to General Wilson and another thanking you for the courtesies shown Cherwell but nothing beyond that has gone through our Signal Office.

* * * * *
TOP SECRET

FROM: OPMAY
TO: ALUSNA, LONDON

241658 NGR 6355
NUMBER 126, PERSONAL AND TOP SECRET, FROM THE PRESIDENT FOR AMBASSADOR WILKIN.

Please take the following message personally to Winston and convince him that he has got to come through. You will understand how important it is that he does.

"I have read carefully the message in your 827 and am responding to it in my next telegram. I am afraid you do not yet fully appreciate the importance of reaching a satisfactory agreement. Our people have gone as far to meet yours as I can let them go. If the conference should end either in no agreement or in an agreement which the American people would regard as preventing the development and use of the great air routes the repercussions would seriously affect many other things.

"We are doing our best to meet your lend-lease needs. We will face Congress on that subject in a few weeks and it will not be in a generous mood if it and the people feel that the United Kingdom has not agreed to a generally beneficial air agreement. They will wonder about the chances of our two countries, let alone any others, working together to keep the peace if we cannot even get together on an aviation agreement.

"I hope you will review the situation once more and see if we cannot get together."

ROOSEVELT

Released, 2416072 Nov 44.

1. Deleted by direction Mr. Hopkins. See Para 5 of STATUS REPORT.

ORIGINAL filed "MR PRESIDENT-HARRISAN FILE"
<table>
<thead>
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<th>FROM</th>
<th>The President</th>
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<tr>
<td>TO</td>
<td>Winant (for Prime Minister)</td>
</tr>
<tr>
<td>DATE</td>
<td>12/24, Nov 44</td>
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<td>SUBJECT</td>
<td>Aviation conference</td>
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</tbody>
</table>

**ACTION:**

1. Answer PM-PRES #827, 27 Nov 44, which was sent to the President at Hyde Park as 45-077-541, 22 Nov 44.
2. By direction Mr. Hopkins, paraphrased copy of PM #827 sent to State Dept for preparation of reply.
3. Draft reply submitted by State Department to Mr. Hopkins. Several changes made by Mr. Hopkins. Sent to the President at Hyde Park for his approval as 45-077-545, 24/1/44.
4. President telephoned Mr. Hopkins giving his approval to the message as written. Message sent to the Navy Code Room for transmission to London.
5. By direction of Mr. Hopkins, exact copy of #126 sent to Mr. Achilles in the State Department. Mr. Achilles called Mr. Hopkins' office, suggesting that the clause "and am replying to it in my next telegram" be deleted from the message since no further message from the President would be sent. Mr. Hopkins agreed. Navy Code Room notified and directed to make change.

Note that this message was sent to Ambassador Winant to be delivered personally to the Prime Minister. Therefore the message to the Prime Minister was unnumbered.

6. Answered by WINANT-PRES #1069, 27 Nov 44; PM-PRES #835, 27 Nov 44; and PM-PRES #852, 28 Nov 44.

**ORIGINAL:** PRESIDENT-WINANT FILE

**COPY TO:**

**DATE:**

**BY DIRECTION OF:**

---

210 Air Conference
FROM: THE PRIME MINISTER
TO: THE PRESIDENT
NO: 827, 22 November 1944

We have sat all day on your message No. 654 which only reached me at 2:15 a.m. this morning.

The cabinet after prolonged discussion desire me to send to you the following expression of their views which I endorse. If there is anything in this message on which you would like further explanation I earnestly request that you should send for Lord Swinton.

Message from Cabinet begins:

1. We would like to draw your attention to the course of the negotiations at Chicago which have been marked by a large measure of concessions on both sides.

2. Whereas, in order to reach a common agreement your Delegation has agreed to a method of regulating the share of the various countries on the different routes and of regulating the fares, we have agreed to the throwing open of our airfields all over the world to aircraft of other nationalities and to such planes being able to carry not only through traffic but local traffic between two neighbouring countries on the route.

3. We had very much hoped that the agreement thus arrived at between your Delegation and ours, which was embodied in the form of the draft of November 17, would be a satisfactory document to submit for the approval of the whole body of the conference.

4. We feel that we have gone to the limit of concession in this draft especially with relation to the so-called Escalator Clause which enabled the share of operators to be increased if they in fact carry more traffic between terminals than they are allotted under the frequency arrangements.

5. In our understanding it was only because of the new proposals brought forward by your Delegation on the evening of November 18 after the agreement had been arrived at, that the present difficulties have arisen. These proposals we could not accept, since they demand a share of the local traffic between two neighbouring countries by the aircraft of a third country far beyond that which the granting of the right to take up traffic on through service would warrant.

6. We were prepared to agree to the so-called Fifth Freedom subject to adequate protection of the local operators by a price differential, to which your Delegates agreed in the draft accepted.

7. We are, of course, prepared to stand by what Swinton had already agreed with Berle, but we cannot see our way to accept these new suggestions.
put forward, which would gravely jeopardize our own position.

8. We suggest, therefore, that if you are unable to confirm the agreement arrived at on November 17 by our Delegations at Chicago, the Conference should finalise the valuable technical agreements which have been arrived at, and that the rest of the matters should be adjourned for a time during which we can consider the matter more fully and see whether there is some solution of the problem at which we can arrive.

9. We share with you the most earnest desire to come to a fair and satisfactory agreement by which both our countries can play their full part in the development of world-wide civil aviation as soon as possible.

10. We hope that you will be able to examine this and we feel sure you will agree that it is a wise and workable compromise between two points of view which originally diverged widely.

PRIME
FROM The Prime Minister TO The President

DATE 8/7, 22 Nov 44.

TO: MAP ROOM 222343Z VI: Army Code Room

SUBJECT: Aviation conference in Chicago.

ACTION:

1. Answer PMPB-PW #827, 22 Nov 44.
2. To the President at Hyde Park as MN-OUT-541, 22 Nov 44.
3. By direction Mr. Hopkins, paraphrased copy sent to State Dept for preparation of reply.
4. Draft reply submitted by State Department to Mr. Hopkins. Several changes made by Mr. Hopkins. Sent to the President at Hyde Park for his approval as MN-OUT-545, 221100Z.
5. President telephoned Mr. Hopkins giving his approval to the message as written. Message sent as PRES-HINNRT #126, 24 Nov 44. Note that message was sent to Hinrrt to be given personally to the Prime Minister.

COPIES TO:

ORIGINAL: "MR PRES-PW FILE"

DATE: BY DIRECTION OF:

220 Air Conference
BRITISH OAKS VIEW

Government Stresses Role of Defeated States in Proposed World Security Agency

LONDON, Nov. 21—It will obviously be impossible to give to defeated enemy States "special treatment" for a long period he subject to special restrictions." The appeal to the charter of the proposed world security organization against those States which are responsible for seeing that the sanctions are maintained, says a White Paper on the Dumbarton Oaks proposals issued tonight by the British Government.

The White Paper is a commentary on the proposals. It argues that the great threat to the political independence of States comes from war, points out that the governing principle is "that responsibility should match with power" and asserts that "in the field of security the main responsibility rests with the strongest country." The paper calls for a "social and economic organization of security in which experience, sagacity and wise often financial strength, is much more widely distributed and it is therefore appropriate that responsibility should rest with the body representing a wider circle of States, the general assembly working mainly through the committees and sub-committees which it is to select."

Comparing the projected world organization with the old League of Nations, the White Paper points out that the first of the principles on which it will be founded is that in the provisions of the new declaration, "sovereign equality" and urges that "the first criterion for action is that all States have equal rights of all States and the maintenance of their independence."

It is considered that the recognition of this principle of sovereignty equality gave protection to States against arbitrary action by other States or by the organization itself while at the same time it does not involve the maintenance of the "safety gun for all time."

It is made clear that the chief difference between the new organization and the old is the instrument of organized defense composed of the staff of the great powers which is to form the backbone of the plan. This body will be responsible for the direction of the forces of national forces which will be placed under disposal of the Security Council."
PLENARY SESSION
TO STUDY AIR PACT

Chicago Conference Calls 3
Committees Today to Weigh
Anglo-U. S.-Canadian Plan

BY RUSSELL PORTER

CHICAGO, Nov. 31.—A joint
plenary session of three commit-
tees of the International Civil
Aviation Conference was called
today for tomorrow afternoon to con-
sider the partial agreement
made public by the American,
British and Canadian delegations
last night for the establishment
of an International Air Adminis-
tration to deal with post-war com-
mercial aviation.

The committees were appointed
at the beginning of the conference
three weeks ago to consider plans
for a multilateral convention to
permanent organization, an inter-
national commission and provi-
sional routes. All fifty-two participating
countries are represented and
a decision will be amount to ac-
tion by the conference.

Despite the incomplete nature
of the present, it was regarded
as representing an important step
forward from the seventeenth cen-
tury idea that predominates today,
East and West India companies
and wars between great powers for
control of sea commerce, into a twentieh century concept of
international collaboration for peace
and prosperity. In the journey
is not yet continued, it was said. It
has at least been started in
the Chicago plans for the coming air
age.

Delegates who did not take part
in the trilateral talks which be-
gan a week ago Monday, studied
the partial draft today. It was
expected that there would be con-
siderable debate and criticism at
the plenary session and that some
changes would be made in the draft,
but that it would be ap-
proved as a whole.

American Suggestion Prevailed

The draft meets the American
insistence, supported by Latin
America and a number of small
countries, on an organization
with limited functions and no
relations on national

Taxis, and rates, will be
by the British, and with
a democratic structure, commis-
sion, of which the
assembly of all nations, large
and small, and the right of all
air powers to adequate represen-
tation on the board.

It would also permit American
ingress to the radio routes,
flying on provisional air routes
regulated by an international
body in times of emergency, under
provisions of the

on the basis of nationals

Air power is to be the

regional

rates will be determined by
non-exclusive regi-

voting in board.

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A proposed international aviation agreement, as drafted in Chicago, is the text of the proposed international air convention, as made public tonight.

To the International Civil Aviation Conference, the ways and means of bringing about an international civil aviation organization and the principles on which it should be based.

The delegations of the United States, the United Kingdom, and Canada, without committing themselves at this time, submit the attached partial draft of a section of an international air convention, relating primarily to air transport, for the study and consideration of the conference. It will be observed that certain articles and provisions are still under discussion. That is indicated in the text.

There is given a table of contents of the agreement by articles.

Article I

The Administration

Section 1

An administration to be named the International Air Administration is formed by this convention.

The administration is formed to foster the planning and development of international air services as to:

(2) To foster air traffic of international importance.
(3) To offer to users of international air services the means to secure such services under the best possible terms, to be free to choose in accordance with their preferences.
(4) To meet the needs of the United States.
(5) To meet the needs of the particular member state.

Section 2

The administration is formed to foster the planning and development of international air services as to:

(6) To promote world trade and to encourage and facilitate international cooperation for this purpose.
(7) To promote the development of international air transport services.
(8) To promote the development of international air transport services.
(9) To promote the development of international air transport services.
(10) To promote the development of international air transport services.

Article II

 Undertakings of Member States

Section 1

Each member state takes the pledge to transport such passengers, mails and freight as may be necessary.

Section 2

Each member state takes the pledge to transport such passengers, mails and freight as may be necessary.

Section 3

Each member state takes the pledge to transport such passengers, mails and freight as may be necessary.

Section 4

Each member state takes the pledge to transport such passengers, mails and freight as may be necessary.

Article III

The Assembly shall be composed of representatives of the member states. Each member state shall be entitled to one vote in the Assembly. Each member state shall be entitled to one vote in the Assembly. Each member state shall be entitled to one vote in the Assembly. Each member state shall be entitled to one vote in the Assembly. Each member state shall be entitled to one vote in the Assembly.
THE BOARD OF DIRECTORS

Section 1

The board of directors shall be a permanent body responsible to the Assembly. It shall consist of a president, elected under the provisions of Article III, Section 24, and four other members. Each member state shall appoint one representative to the board. The Board shall meet at such times as the Assembly may determine.

Section 2

The Board shall have the power to appoint such officers as may be necessary to carry out the provisions of this Convention.

ARTICLE IV

THE BOARD OF DIRECTORS

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The board of directors shall be a permanent body responsible to the Assembly. It shall consist of a president, elected under the provisions of Article III, Section 24, and four other members. Each member state shall appoint one representative to the board. The Board shall meet at such times as the Assembly may determine.

Section 2

The Board shall have the power to appoint such officers as may be necessary to carry out the provisions of this Convention.

ARTICLE V

PERSONNEL

Section 1

The personnel of the administration shall be appointed in accordance with rules made by the Board under the provisions of the Convention (Article VI, Section 2).

Section 2

The personnel of the administration shall be appointed in accordance with rules made by the Board under the provisions of the Convention (Article VI, Section 2).

Section 3

Each member state undertakes to respect the International character of the personnel and not to make any discharge of their personnel.

Section 4

Each member state undertakes to respect the International character of the personnel and not to make any discharge of their personnel.

ARTICLE VI

AIRPORTS AND OTHER GROUND FACILITIES

Section 1

If an airport, operating in accordance with the provisions of the Convention, is not available for the operation of air services by any other state, the state may require the operator to provide an alternative airport.

Section 2

An airport shall be required to provide an alternative airport as soon as practicable.

Section 3

A state may require the operator to provide an alternative airport as soon as practicable.

Section 4

A state may require the operator to provide an alternative airport as soon as practicable.

ARTICLE VII

FINANCE

Section 1

The Board shall submit to the Assembly an annual budget and statement of accounts. The Assembly shall vote the budget with such modifications as it may see fit to prescribe, and may also approve the expenditure thereof.

Section 2

Any state which has paid any part of the expenses under Article VI of this Convention shall have the right to be represented at the Assembly.

Section 3

Any state which has paid any part of the expenses under Article VI of this Convention shall have the right to be represented at the Assembly.
VIII ORGANIZATION

Section 1
Air matters relating to aviation affecting world security may become subject to a general organization set up by the nations of the world to promote peace. The administration of this organization must be matters relating in its by its constituted, and by a two-thirds majority of the Assembly, may enter into appropriate arrangements with that organization.

Section 2
The board may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the administration.

ARTICLE XIV
JOINT OPERATIONS AND ARRANGEMENTS

Section 1
Any agreement in this convention regarding the use of any of the aircraft of the member states in international operations shall be entered into by the member states on the basis of the common interest and the preferences of the individual state. All agreements to be entered into must be in writing and may be entered into by the member states on the basis of the preference of the member state or by the member states on any other basis.

Section 2
The board may recommend to the member states to enter into arrangements to operate air services on any routes or in any regions.

Section 3
A state may participate in joint operations outside the jurisdiction of an international organization or in pooling arrangements, either through its government or through an air company or companies designated by the government. The company may, at the sole discretion of the state concerned, be state-owned or privately-owned.

ARTICLE X
TARIFFS

Section 1
Tariffs shall be established by the board and submitted to the General Assembly for approval. Any state may join the appropriate association or, if the state so desires, may establish such an association. Each member state shall have a seat on the board, and the president of the board shall be elected from among the member states. Each member state shall have the best interest of any country in the promotion of its interests. Each member state shall be entitled to one vote on the board.

Section 2
The board may consult with postal administrations regarding the rates of carriage paid to air services for the carriage of mail between an airport of a member state and any airport of a non-member state. The rates shall be fixed in accordance with the principles of the convention.
ARTICLE XV
NATIONALITY OF AIRLINES

No State shall be bound in any of the privileges of this convention to an airline of any State unless it shall be satisfied that substantial ownership and effective control are vested in the nationals of that State.

ARTICLE XVI
WAR

In case of war, the provisions of this convention shall not affect the freedom of action of any of the member States, whether as belligerents or as neutrals.

ARTICLE XVII
ANNEXES

The provisions of this convention are completed by the annexes...which have the same effect and come into force at the same time as the convention itself.

ARTICLE XVIII
PROVISIONAL PROCEDURE

Section 1

The first meeting of the assembly shall be summoned by...as soon as the convention has come into force to meet in two months.

Section 2

If any party to a dispute in which the board is involved, or a party to a similar dispute, or a State has made a complaint of the conduct of the board... the board may... by its decision, or by election or by agreement between the parties.

ARTICLE XIX
AMENDMENTS AND RATIFICATIONS

Section 1

The convention shall be subject to ratification and shall come into force in respect to ratifying States when it has been ratified by... the signatures of the signatory States. Instruments of ratification shall be deposited with the Government of the United States of America.

Section 2

Amendments or extensions of this convention may be adopted by the board in a conference... of States present... and the board may submit the amendments to the States for ratification.

ARTICLE XX
DEFINITIONS

For the purpose of this convention, the expression... means...an air service which flies through space over... and is subject to international law.

ARTICLE XXI
DENUNCIATION OR TERMINATION

(Still under consideration.)

Signature of Convention

Done at Chicago the 10th day of November, 1944, in a single copy...
FROM: THE PRESIDENT
TO: THE PRIME MINISTER
NO: 654, 21 November 1944

The aviation conference is at an impasse because of a square issue between our people and yours. We have met you on a number of points, notably an arrangement for regulation of rates and an arrangement by which the number of planes in the air shall be adjusted to the amount of traffic. This is as far as I can go. In addition, your people are now asking limitations on the number of planes between points regardless of the traffic offering. This seems to me a form of strangulation. It has been a cardinal point in American policy throughout that the ultimate judge should be the passenger and the shipper. The limitations now proposed would, I fear, place a dead hand on the use of the great air trade routes. You don't want that any more than I do.

The issue will be debated tomorrow. I hope you can get into this yourself and give instructions, preferably by telephone, to your people in Chicago so that we can arrange, if possible, to agree. It would be unfortunate indeed if the conference broke down on this issue.

ROOSEVELT

Released: 2121162 NCR 5901
THE UNDER SECRETARY OF STATE
WASHINGTON

URGENT

November 21, 1944

MEMORANDUM FOR MISS GRACE TULLY

Subject: Aviation Conference

Mr. Berle telephoned Mr. Hopkins from Chicago this morning and requested that a message be sent by the President to the Prime Minister. Mr. Hopkins asked me to clear the matter with the President.

Would you please be good enough to show the attached wire to the President, and if he has any question I am sure Mr. Hopkins will clear it up with him. I understand that Mr. Hopkins will return to his office from the Combined Chiefs of Staff at three o'clock.

E. R. Stettinius, Jr.
<table>
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<tr>
<th>FROM</th>
<th>The President</th>
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<tr>
<td>TO</td>
<td>The Prime Minister</td>
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<td>SERIAL or FILE NO.</td>
<td>654, 21 Nov 44.</td>
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<td>TO MAP ROOM</td>
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<td>SUBJECT:</td>
<td>Aviation Conference in Chicago.</td>
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**ACTION:**

1. See memo, Stettinus to Tully, 21 Nov 44, filed herein, which gives background for this message.
2. Msg first drafted by Mr. Hopkins; altered by State Department; approved by President 21 Nov and dispatched.
3. Answered by PA-FRR M827, 22 Nov 44.

**COPIES TO:**  
**DATE:**  
**BY DIRACTION OF:**

**ORIGINAL:** "MR PRESIDENT-PRIME MINISTER FILE"
CONFIDENTIAL

MEMORANDUM RE INTERNATIONAL AIR RIGHTS

(Draft of 9/6/44)

Our problem of international negotiation for air transport agreements has been complicated by the British preference for an international authority having power to allocate routes and fix frequencies of service. Up to now, this government has opposed British policy on this point. Such an arrangement would be unacceptable to American public opinion. It would probably operate to the disadvantage of this country while benefiting nations with large colonial empires who would be permitted to establish connecting services with their territorial possessions quite independent of the additional routes which might be allocated to them by the international authority. It seems clear that delay in our negotiations with other countries for adequate air rights merely to accommodate the British would be very distasteful to American public opinion.

Under these circumstances, it is believed that if we could reach an immediate satisfactory agreement with the British, the log jam might be broken and prompt progress could be made. The agreement with the British should be that we receive landing rights and other aeronautical privileges called for by the Civil Aeronautics Board's international route pattern, issued June 14, 1944, in all the British Commonwealth and India, and that the British should cooperate in any other quarters where they have influence to see that we obtain such other similar rights in other countries as may be called for by this route pattern. This agreement should also include making available for use by United States air carriers the necessary communications systems. Of course, we should reciprocate on any reasonable basis when we know concretely what routes the British Commonwealth wants.

It is believed that it would be highly desirable for the President to discuss the matter with the British Prime Minister with the view of converting British opposition into support for our bilateral negotiation of air transport agreements. Free access to world markets is one of the basic concepts of the Atlantic Charter which the President and Mr. Churchill jointly drafted.

If such an agreement could be reached with Mr. Churchill, that fact should be reported to the people of the United States as evidence of world leadership in the postwar planning. International aviation is a subject which has great appeal to the people of our country, many of whose friends and relatives have fought in the air force and all of whom firmly expect this nation to maintain its preeminence in air transport development as an instrument for the preservation of the future peace.