

MR 370.1, Sec. 1 — DISPOSITION OF CAPTURED ENEMY EQUIPMENT

1944 - 1945

MR 370.1, Sec. 1 — DISPOSITION OF CAPTURED ENEMY EQUIPMENT
1944 - 1945

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WAR DEPARTMENT
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From: Supreme Headquarters Allied Expeditionary Forces,
Forward, Rheims, France

To : War Department

Nr : FWD 18729 SCAF 268 7 April 1945

Your WX-52069 of 13 March refers to for action 1
AGWAR for Combined Chiefs of Staff to for information 2 AMSSO
for British Chiefs of Staff signed Eisenhower ref nr FWD-
18729. This is SCAF 268.

Destruction of enemy equipment in Germany is subject.

Assume it is not intended that enemy war material
surplus to requirements of LMAB but suitable for civilian
use in either the liberated countries or Germany shall be
destroyed under authority quoted. Instructions will be
issued by this Headquarters that destruction will be limited
to enemy equipment of a warlike nature only for which no
civil use exists. Request confirmation.

End

ACTION: CC/S

INFO : Adm Leahy, CG AAF, OPD, General Bissell, Adm King,
C of S

CM-IN-6536 (7 Apr 45)

DTG 071745B da

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RHP
11-10-71

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NLR 101
By RT, NARA, Date 4/13/94

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PRIORITY

From: US Military Attache, London, England

To: War Department

Nr: 24531

15 March 1945

To MILID sr nr 24531. Joint Chiefs of Staff from
Joint US Advisers EAC. Please pass to CNO Navy.

Gen Crain and Capt Graubart USN request War and Navy
Depts furnish Military Adviser list of items and quantities
of enemy material and equipment including Naval craft that
may be found in Germany and Austria after cessation of hos-
tilities and which are desired for use by US agencies other
than the USA Army of Occupation. Similar lists are requested
from other USA depts and agencies.

Lifts are needed here at early date to open negotia-
tions in EAC for establishment of assignment machinery to
permit action immediately upon end of fighting. Suggest
list of each dept and agency be forwarded when ready without
waiting for all.

CNO has been requested for similar info by COMNAVEU
dispatch 201807 of Feb.

Ambassador approved this cable.

Reference not in WDCMC files

Tindall

ACTION: JC/S

INFORMATION: Adm Leahy, CG AAF, ASF, OPD, G-2, G-4, Adm King
Cofs

CM-IN-16334 (16 Mar 45) DTG 151750Z bjm

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JCS memo, 1-4-74

By RHP, NLR, Date

MAY 23 1974 30

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WAR DEPARTMENT
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FROM: British Members, C.M.A.B.

TO: British Members, L.M.A.B.

NO: 167

12 March 1945

J.S.M.(A) 167. Reference C.C.S. 200/5, 200/6 and 200/7.

I. Combined Chiefs of Staff have agreed that the following message be sent to the London Munitions Assignment Board.

Message begins:

1. In order to relieve theater commanders of the responsibility for care and custody of captured enemy war material as soon after its capture as possible, the Combined Chiefs of Staff desire that the London Munitions Assignment Board make precapture assignment of all items of captured enemy war material to meet the war needs of the United Nations.

2. The Combined Chiefs of Staff have issued a directive to SCAEF and SACMED as follows:

Directive begins:

1. The Combined Chiefs of Staff have had under consideration the disposal of finished enemy war material excess to your own needs and not suitable or required to meet an assignment by the London Munitions Assignment Board prior to the defeat of Germany.

CM-IN-13646

(13 Mar 45)

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JCS memo, 1-4-74

By RHP, NLR, Date MAY 23 1974

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JCS MEMO. 1-17-73
BY RT, DATE

MAY 23 1974

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Page 2

From: British Members, C.M.A.B.

No: 167

12 March 1945

2. The Combined Chiefs of Staff appreciate that the final surplus in its finished form is useless to the Combined Raw Materials Board unless first physically reduced to scrap. Further, it is realized that it is in the military interest to render this surplus equipment permanently unserviceable as soon as possible, so that you will be relieved of the responsibility of guarding and caring for it. In addition, the danger of this material being misappropriated in useable form by local inhabitants should be removed at once.

3. In accordance with the above, the London Munitions Assignment Board is being instructed to make pre-assignments of all captured equipment for which there is a requirement to meet war needs of the United Nations and to furnish you with a list of assignment credits, with proper notation as to desired priorities of fulfillment, against which you are authorized to make shipments as equipment becomes available. At intervals as agreed between you and the London Munitions Assignment Board, reports of deliveries made by you will be rendered to the London Munitions Assignment Board, together with information on availability of any unusual items for which the submission of pre-capture bids by any assignee would be unlikely. You are authorized to consider as surplus captured equipment and to treat in accordance with the provisions of paragraph 2 d, C.C.S. 200/4/D, captured equipment in excess both of your own needs and those required to fulfil the pre-capture assignment credits furnished you by the London

CH-IN-13646

(13 Mar 45)

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JCS memo, 1-4-74

By RHP, NLR, Date

MAY 23 1974

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JCS MEMO. 1-17-73

BY RT, DATE

MAY 23 1974

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Page 3

From: British Members, C.M.A.B.

No: 167

12 March 1945

Munitions Assignment Board. An exception to the procedure is to be made, as indicated above, in the case of any unusual items for which a pre-capture assignment would be unlikely. These instructions will become effective at the time you receive from the London Munitions Assignment Board pre-capture assignment credit lists mentioned above, and shall continue in force until the cessation of hostilities or until superseded by later directive.

4. You are directed to insure, in so far as you deem practicable, that all surplus captured enemy war material is forthwith rendered permanently un-serviceable and, in so far as local facilities permit, reduced to suitable scrap. If necessary, you are authorized to make arrangements with the indigenous authorities for the work to be done, under proper supervision, by local people.

5. The provisions of this directive will not be interpreted to contravene the agreements concluded by the US and the UK with France and certain other liberated countries of Northwest Europe, with respect to disposal of enemy equipment captured in those countries.

Directive ends.

3. It is requested that you take the necessary action (a) to provide SCAEF and SACMED with necessary pre-capture assignment credit lists; (b) to revise the credit lists from time to time as may be necessary; and (c) to

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(13 Mar 45) DECLASSIFIED

JCS memo, 1-4-74

By RHP, NLR, Date MAY 23 1974

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JCS MEMO, 1-7-73
BY RT, DATE MAY 23 1974

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From: British Members, C.M.A.B.

Page 4

No: 167

12 March 1945

arrange with SCAEF and SACMED any further administrative details necessary to make the pre-capture assignment procedure operative.

Message ends.

II. Please pass copy of message to United States Members of London Munitions Assignment Board.

End

T.O.O. 122345Z

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JCS memo, 1-4-74

By RHP, NLR, Date MAY 23 1974

ACTION: CC/S

INFO: Adm Leahy; CG AAF; ASF; OPD; G-2; G-4; Adm King; C of S

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(13 Mar 45) DTG: 122345Z ev

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Combined Chiefs of Staff
WD Ext. 77500 Colonel Peck

12 March 1945

Supreme Headquarters, Allied Expeditionary Forces, Main
Echelon, Versailles, France

Commanding General, Allied Force Headquarters, Caserta,
Italy
WARX 52069

British Joint Staff Mission, Washington, D.C.

Book message to Eisenhower Versailles and Alexander Caserta
for action, to AMSSO pass to British Chiefs of Staff for
information. This message is FACS 159 to Eisenhower and
WAN 507 to Alexander from the Combined Chiefs of Staff

1. The Combined Chiefs of Staff have had under consider-
ation the disposal of finished enemy war material excess
to your own needs and not suitable or required to meet an
assignment by the London Munitions Assignment Board prior
to the defeat of Germany.

2. The Combined Chiefs of Staff appreciate that the final
surplus in its finished form is useless to the Combined Raw
Materials Board unless first physically reduced to scrap.
Further, it is realized that it is in the military interest
to render this surplus equipment permanently unserviceable
as soon as possible, so that you will be relieved of the
responsibility of guarding and caring for it. In addition,
the danger of this material being misappropriated in use-
able form by local inhabitants should be removed at once.

3. In accordance with the above, the London Munitions
Assignment Board is being instructed to make pre-assignments
of all captured equipment for which there is a requirement

CM-OUT- 52069

(Mar 45)

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Number: WARX 52069

Page 2

to meet war needs of the United Nations and to furnish you with a list of assignment credits, with proper notation as to desired priorities of fulfillment, against which you are authorized to make shipments as equipment becomes available. At intervals as agreed between you and the London Munitions Assignment Board, reports of deliveries made by you will be rendered to the London Munitions Assignment Board, together with information on availability of any unusual items for which the submission of pre-capture bids by any assignee would be unlikely. You are authorized to consider as surplus captured equipment and to treat in accordance with the provisions of paragraph 2 (d), C.C.S. 200/4/D, captured equipment in excess both of your own needs and those required to fulfill the pre-capture assignment credits furnished you by the London Munitions Assignment Board. An exception to the procedure is to be made, as indicated above, in the case of any unusual items for which a pre-capture assignment would be unlikely. These instructions will become effective at the time you receive from the London Munitions Assignment Board pre-capture assignment credit lists mentioned above, and shall continue in force until the cessation of hostilities or until superseded by later directive.

4. You are directed to insure, insofar as you deem practicable, that all surplus captured enemy war material is forthwith rendered permanently unserviceable and, insofar as local facilities permit, reduced to suitable scrap. If necessary, you are authorized to make arrangements with the indigenous authorities for the work to be done, under proper supervision, by local people.

5. The provisions of this directive will not be interpreted to contravene the agreements concluded by the U. S. and the U. K. with France and certain other liberated countries of north-west Europe, with respect to disposal of enemy equipment captured in those countries.

End.

ORIGINATOR : CG/3
INFORMATION: Adm Leahy; OPD; Gen Bissell;
CG AAF; Adm King; C of S
C4-OUT 52069 (Mar 45) DTG 130130Z fs/mcs

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Combined Chiefs of Staff
Col C R Feck WD Ext 77500

8 March 1945

Supreme Headquarters, Allied Expeditionary Forces, Main
Schelon, Versailles, France.

Commanding General, Allied Force Headquarters, Caserta, Italy.

British Joint Staff Mission, Washington, D. C.

Number: WARX 49695

Book message from the Combined Chiefs of Staff to Eisenhower
Versailles for action, to Alexander Caserta for action, to
AMSSC pass to British Chiefs of Staff for information and
British Chiefs of Staff pass to London Munitions Assignment
Board for action. This message is FACS 149 to Eisenhower and
and FAN 500 to Alexander.

Disposal of enemy war material is subject. The follow-
ing instructions are furnished in amplification and clarifica-
tion of those furnished in FACS 109 to SCAEF and FAN 453 to
SACMED:

1. On cessation of hostilities with Germany the pro-
visions of C.C.S. 200/4/D will cease to apply with respect
to enemy war materials in Germany and Austria. The Combined
Chiefs of Staff have agreed that at that time all such mater-
ial that has been captured in Germany and Austria and is not
already prepared for shipment to meet an assignment of the
London Munitions Assignment Board will be classified and
treated as equipment made available by the surrender or col-
lapse of Germany, subject to the provision that if no proce-
dure for dealings with captured or surrendered war material
has been established by the governments represented in the
European Advisory Commission, at the time of cessation of
hostilities with Germany, Intelligence Requirements from
War Material in Germany and Austria will continue to be met
promptly in accordance with paragraph 2 (lower case under-
scored) A of the directive contained in C.C.S. 200/4/D until
such time as an agreed procedure has been established by the
governments indicated above.

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Number: WARK 49695 (Mar 45) Page - 2

2. In a manner consistent with the agreements that have been concluded by the United States and the United Kingdom with the northwest European Allied Nations the provisions of C.C.S. 200/4/D will continue to apply outside Germany and Austria unless or until an alternative and effective procedure has been set up.

End

Note: FACS 109 and FAN 453 are CM-OUT-65517 (19 Nov 44)

ORIGINATOR : CC/S

INFORMATION : Gen Somervell
Adm Leahy
CG AAF
OPD
Gen Bissell
G-4
Gen Hildring
Adm King
Mr. McCloy
Log

CM-OUT-49695

(Mar 45)

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By RT, NARA, Date 4/2/94

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~~SECRET~~ TCT
PRIORITY

From: Supreme Headquarters in the Far East, Main
Versailles, France.

To: War Department

Nr: S 77687 SCAF 199 3 February 1945

S 77687 AGWAR for Combined Chiefs of Staff repeat for
information to AMSSO for British Chiefs of Staff signed
Eisenhower this is SCAF 199

1. Pending your reply to SCAF 195 of 31 January 1945,
we shall have to deal with certain goods found or captured
in Germany, right or title to which is claimed by the Govern-
ment or Nationals of a liberated territory.

2. The cases occurring so far are of a type dealt
with under para 1 of reference cable. We are, therefore,
delivering to the government of the country concerned, against
physical receipt with a notation.

(A) That the goods are exported from Germany.
(B) That a claim to right or title has been lodged,
(C) That SHAFV has not decided the claim by delivery,
but that it can be raised by the government concerned in due
course.

3. In cases of minor importance, we will continue
to deal with goods claimed, even if they do not fall within
para 1 of SCAF 195 using the procedure outlined in para 2
above, subject to operational requirements concerning the
transport and allocation of the goods concerned.

CM-IN-3396 (4 Feb 45)

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PRIORITY

Page 2

From: Supreme Headquarters in the Far East, Main
Versailles, France.

Nr: S 77687 SCAF 199 3 February 1945

4. Nevertheless, we consider that this system should not be continued indefinitely and that the planning body recommended in para 5 of SCAF 195 should be provided as soon as possible with terms of which would include the disposal of goods referred to in para 1 above.

End

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Note: This message has been relayed to ARGONAUT (2)

ACTION: CC/S

INFO:	Adm Leahy	Gen Bissell
	Gen Arnold	Gen Hilldring
	Gen Somervell	Adm King
	OPD	Mr. McCloy
	C of S	

CM-IN-3396 (4 Feb 45) DTG: 031630A pa

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~~SECRET~~ IVI
PRIORITY

From: Supreme Headquarters Allied Expeditionary Forces,
Main, Versailles, France.

To : War Department.
CG, United Kingdom Base Section, London, England.
Allied Force Headquarters, Caserta, Italy.

Nr : S 70252 SCAF 143 10 December 1944.

S 70252 to for action 1 AGWAR for Combined Chiefs
of Staff to for information 2 AFHQ 3 Central UK Base Sec-
tion for British Chiefs of Staff from SHAEF signed Eisen-
hower cite SHGDS.

With reference to FACS 109 and GOV 140 this is
SCAF 143 to assist in planning arrangements for disposition
materials affected, request forecast of probable date re-
ceipt by us of approved text of agreement disposal war
material in Belgium.

End.

ACTION: CCS

INFO : ADM LEAHY
CG AAP
OPD
GEN BISSELL
ADM KING
LOG

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CM-IN-9897 (10 Dec 44) 1826Z mcs

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Combined Chiefs of Staff
77500

6 December 1944

Supreme Headquarters
Allied Expeditionary Forces
Main Echelon
Versailles, France

Commanding General
United Kingdom Base Section
London, England

Number WARX 73280

Book message to SHAEF Versailles for Eisenhower for action,
to Central District United Kingdom Base Section London
pass to British Chiefs of Staff for information, FACS 114 from
the Combined Chiefs of Staff.

1. Policy as outlined in your Paragraph two of SCAP 129
agreed subject to safeguards as your Paragraph three same
message.

2. You should however make clear to French authorities and
General Koenig that exercise of military government in
Germany by the French under U. S. Army Group control during
operational period must be without prejudice to the position
during the post-defeat period which can only be decided by
government.

3. Paragraph two of FACS 106 still applies except that
European Advisory Commission channels are now open to the
French.

End

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ORIG: CC/S

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RHP 11-10-71

INFO: Adm Leahy; CG AAF; OPD; Gen Bissell; Adm King;
C of S.

CM-OUT-73280

(6 Dec 44)

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By RT, NARA, Date 4/13/94

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~~SECRET~~

Combined Chiefs of Staff
77500

19 November 1944

Supreme Headquarters
Allied Expeditionary Forces
Main Echelon
Versailles, France

Commanding General
Allied Force Headquarters
Caserta, Italy

Commanding General
United Kingdom Base Section
London, England

Number: WARX 65517

Book message to Eisenhower Versailles for action, to Wilson Caserta and to Central District United Kingdom Base Section London pass to British Chiefs of Staff for information. This message is FACS 109 to Eisenhower and FAN 453 to Wilson from the Combined Chiefs of Staff.

1. In reply to your SCAF 80, the Combined Chiefs of Staff have made the following decisions for your guidance in the event that the European Advisory Commission have not taken final decisions on policy for ownership and disposal of surrendered enemy war material before cessation of hostilities in Europe. These instructions will serve as guidance for initiation by you of appropriate action on surrendered war material if there be an interim period between cessation of organized resistance and assumption of control by the Tripartite Agency. Letters following refer to your letter questions in sender's sequence:

A. Definitions and categories are as set out in paragraph (A), article 5, draft instrument of unconditional surrender of Germany.

CM-OUT-65517

(19 Nov 44)

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WARX 65517

Page 2

B. Material that is of interest for intelligence, scientific or military research will be carefully safeguarded; its existence and location will be reported to the Combined Intelligence Objectives Subcommittee for purposes of immediate exploitation, but final disposition will be as directed by the Control Council when that body assumes control of the conquered territory. Guidance and technical assistance with regard to such material will be obtained from the Combined Intelligence Objectives Subcommittee.

C. As Supreme Commander you are authorized to use for forces under your command, or such other purposes directly related to your mission, both surrendered war material and captured equipment on hand and not already prepared for shipment to meet a definite assignment. You should keep such records as are practicable of the disposals authorized by you.

D. See answer to question "C".

E. See answer to question "C".

F. A survey of the general types of enemy war material which are available in sufficient quantities and which might be useful for the war against Japan will be made. Appropriate agencies of the United States and United Kingdom will submit to you lists of any equipment especially required. Availability of such items will be determined and reported by you.

G. No surrendered war material will be used for the equipping of national forces of liberated countries except to the extent required and approved by you to enable these forces under your control to take part in operations against Germany.

CM-OUT-65517

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WARX 65517

Page 3

H. (1) There will be no transfers except to those forces operating under you and you will make your own arrangements in the field.

(2) The policy regarding enemy factories engaged in production of war material is under discussion (which may be protracted) in London. This will be covered in separate directive. Meanwhile any spare parts required for enemy equipment should, where possible, be drawn from stocks.

I. The allocations amongst the United Nations will be done by Tripartite machinery to be set up as the result of European Advisory Commission agreement.

The actual distribution will be done under the supervision of the respective zone commanders.

J. The priorities are (B), (G) to the extent indicated above only, (F) and (I).

K. Enemy stocks of gas or other material considered dangerous to public or military security will be safeguarded or destroyed as within your discretion may be necessary in the interest of public or military security.

L. Subject to any policy agreed between governments, surrendered war material will be pooled as the property of the United Nations. It will not necessarily be automatically the property of the country in whose zone of occupation it is found.

M. Machinery for restitution in general is under discussion here, and you will be informed of it as soon as agreed.

War material uncovered in France is already dealt with by the agreement with the French and we anticipate that similar agreements will be made with the other Allies shortly.

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WARX 65517

Page 4

N. The Combined Intelligence Objectives Subcommittee, in consultation with SHAEP, is making arrangements for the necessary technicians to be available for the period of your responsibility. After this period it will be the responsibility of the Control Commission Council to coordinate arrangements for the provision of the necessary technicians.

O. Surrendered German military supplies may be used for civil relief purposes in your sphere to the extent that they are needed to carry out your relief responsibilities.

P. Yes, for extent to which these are included in definition of war material as given in answer to question "A" above. Where not so included a separate directive will be issued in due course.

Q. No action need be taken by you as to fortifications and military installations constructed by the Germans in liberated countries. The British Foreign Office have already approached or will approach the governments of all liberated countries with proposals for the destruction of these fortifications and military installations.

2. Reference your paragraph 4, with the exception noted in answer "K" above, no general destruction of enemy material can be authorized pending decision by the Tripartite Agency.

ORIGINATOR: CC/S

End

INFORMATION: Gen Somervell
Adm Leahy
CG AAF
OPD
Gen Bissell

Gen Maxwell
Gen Hilldring
Adm King
Log

CM-OUT-65517

(19 Nov 44)

1636Z hrt

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By RT, NARA, Date 4/13/94

WAR DEPARTMENT
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Combined Chiefs of Staff
77500

17 November, 1944

Commanding General,
Allied Force Headquarters,
Caserta, Italy.

Supreme Headquarters,
Allied Expeditionary Forces,
Main Echelon,
Versailles, France.

Commanding General,
United Kingdom Base Section,
London, England.

Number: WARX 64711

Book message to Wilson for action, to SHAEF Versailles for Eisenhower, to Central District United Kingdom Base Section London pass to British Chiefs of Staff for information, FAN 452 from the Combined Chiefs of Staff.

Para. 1. The Combined Chiefs of Staff have considered the questions presented by you in your letter AG 400.93/107 GCT-0, subject: "Directive to III Corps (Force 140) on surrendered material", dated 12 October 1944.

Para. 2. Combined Chiefs of Staff policy with relation to captured enemy material prior to the collapse or surrender of Germany is set forth in C. C. S. 200/4/D. Policies for the disposal of surrendered enemy material subsequent to the collapse or surrender of Germany will be a matter for determination by the European Advisory Commission or the tripartite agency to be established as the control council.

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Number: WARX 64711

17 Nov 44

Page 2.

Para. 3. Your directive to the Commander of the III Corps conforms to Combined Chiefs of Staff policy on this question and simply extends the geographical application of the policy. Accordingly, the Combined Chiefs of Staff approve your directive as issued to remain in force until the collapse or surrender of Germany. When the Combined Chiefs of Staff reply to SCAF 80, a copy will be transmitted to you for your further guidance.

Para. 4. You are not responsible for the collection or disposal of enemy material in areas in which you are not in military control with special reference to Hungary, Rumania and Bulgaria, nor are you responsible for these functions in Yugoslavia or Albania, unless these countries later come under your military control.

Para. 5. C. C. S. 200/4/D confers the authority for transfer by you of captured Italian war material to the Italians, provided only that the limitations as to the strength of Italian forces as approved by the Combined Chiefs of Staff are not exceeded. Equipment in excess of the requirements for the Italian forces and which is excess to your other theater requirements shall be reported to the London Munitions Assignment Board for disposition. Your authority in this respect remains in force until the collapse or surrender of Germany, at which time further instructions will be issued to you.

End.

ORIGINATOR : CCS

INFORMATION: ADM LEAHY
CG AAF
OPD
GEN BISSELL
ADM KING
LOG

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PRIORITY

From: Supreme Headquarters, Allied Expeditionary Forces,
Main, Versailles, France.

To: War Department

No: S 65496 SCAF 125 4 November 1944.

From SHAEF Main G-4 Division, S 65496, to for action
AGWAR for Combined Chiefs of Staff pass to for information
Joint Chiefs of Staff, British Chiefs of Staff, SHAEF Rear.
This is SCAF 125 signed Eisenhower cite SHGDS.

Policies referred to in SCAF 80 is subject.

Your 204/4/D of 27 September 1943 and W-85343 of
23 August 1944 refer. Disposal of war material captured in
Belgium, Netherlands and Luxembourg is still governed by
your 200/4/D.

Much of this war material is established as having
been in the ownership of these countries prior to its
possession by the enemy. Paragraph 16 of "Arrangements for
civil administration and jurisdiction in Belgian territory
liberated by an Allied Expeditionary Force" dated 16 May
44, states "The ultimate disposition of booty, the custody
of enemy property.....shall be dealt with by further agree-
ment as may be required".

The absence of such agreements on this point
similar to that with the French Government is hindering speedy
disposal of war material and is troubling the Belgian
Government.

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PRIORITY

Page 2

From: Supreme Headquarters, Allied Expeditionary Forces
Main, Versailles, France.

No: S 65496 SCAF 125 4 November 1944

Recommend therefore that agreements as to captured
war material be completed as a matter of urgency with
Belgium, Luxembourg and Netherlands and that such agreements
correspond with that with the French.

End

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ACTION: CC/S

INFO: Adm. Leahy, CG AAF, OPD, Gen Bissell, Adm King, Log

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FROM	COMINCH & CNO			ASTERISK (*) MAILGRAM ADDRESSEE			
RELEASED BY	R S EDWARDS	FOR ACTION	ALUSNA MOSCOW	PRIORITY	1		
DATE	30 OCTOBER 1944			ROUTINE	2		
TOR CODEROM	301851			DEFERRED	3		
DECODED BY		INFORMATION	COMNAVEU	BASEGRAM	4		
PARAPHRASED BY	MCNROE			CHECKED BY	POWLEY	PRIORITY	5
ROUTED BY				DITTOED BY	MCNROE	ROUTINE	6
UNLESS OTHERWISE INDICATED THIS DISPATCH WILL BE TRANSMITTED WITH DEFERRED PRECEDENCE AND AS ADMINISTRATIVE.				DEFERRED	7		
301851				BASEGRAM	8		
NCR 47649				IF OPERATIONAL	9		
				CHECK BELOW	10		
				☐	11		

Originator fill in DATE AND TIME GROUP (Use G. C. T.)

ON OUTGOING DISPATCHES PLEASE LEAVE ABOUT ONE INCH CLEAR SPACE BEFORE BEGINNING TEXT

REPLYING YOUR 261359 U.S. DRAFT DIRECTIVE ON DISPOSITION OF GERMAN AND GERMAN CONTROLLED NAVAL CRAFT EQUIPMENT AND FACILITIES APPROVED BY JCS ON 21 OCTOBER WAS FORWARDED BY AIR POUCH TO MR. WINANT ON OCTOBER 26.

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By RT, NARA, Date 4/21/04

WAR DEPARTMENT
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Joint Chiefs of Staff
77500

2 October 1944

Headquarters, Communications Zone
European Theater of Operations
Main Echelon
Paris, France

Supreme Headquarters
Allied Expeditionary Forces
Forward Echelon
Versailles, France

Number: WARX 39989

To Eisenhower from Joint Chiefs of Staff.

1. Policies referred to in SCAF 80 is subject.
2. It is the policy of the Joint Chiefs of Staff that no bilateral agreements be sought on the subject of post-surrender treatment of Germany but that such questions be openly discussed before the European Advisory Commission. Accordingly, the Joint Chiefs of Staff are unable to subscribe to any reply by the Combined Chiefs of Staff on the subject matter presented in your cable.
3. Policies on the disposal of enemy equipment have received considerable study by the Joint Chiefs of Staff, and their views are being forwarded to the State Department for transmission to the American representative on the European Advisory Commission with the request for early consideration.
4. In order that you may be advised of the views of the Joint Chiefs of Staff for your interim guidance pending final decision on the policies for disposal of enemy equipment by the European Advisory Commission, the following replies to the lettered questions in your cable are furnished you:

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Page 2

2 October 1944

Number: WARX 39989

A. The definition of enemy equipment as proposed by the Joint Chiefs of Staff is as follows:

- (1) All arms, ammunitions, explosives, military equipment, stores and supplies and other implements of war of all kinds, and all other war material.
- (2) All naval vessels of all classes both surface and submarine, and all auxiliary naval craft, whether afloat under repair or construction, built or building;
- (3) All aircraft of all kinds, aviation and anti-aircraft equipment and devices;
- (4) All military installations and establishments, including airfields, sea plane bases, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments.

It is not intended to subdivide enemy equipment into broad categories.

B. Material required for intelligence, technical and military research purposes will be taken into custody, its existence and location to be later reported to the Control Council, and its disposal will be determined by that body. Prior to the collapse or surrender of Germany, information on the specific items for which a requirement may be foreseen should be obtained from the Combined Intelligence Objectives Subcommittee.

C. No decision has been made with respect to the time of termination of the provisions of CCS 200/4/D. Powers

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Page 3

2 October 1944

Number: WARX 39989

conferred on you by that directive are the right to retain any captured material or equipment for the use of forces under your command, with the exception of items of equipment required for technical research, and the right to deal as you see fit with clothing and similar supplies not required for military purposes, but which might be applied for civil use. Even though the directive CCS 200/4/D should be terminated at an indefinite date in the future, it is not contemplated that the powers mentioned above will be taken from you. However, for operation subsequent to the actual formation of the Control Council specific agreement on this point should be reached in the Council as a matter of high priority.

D. In the event of there being a formal cessation of hostilities, the specific provisions of CCS 200/4/D will cease to apply, but it is assumed you will continue to be authorized to use such enemy material as you require to fulfill your mission of occupation.

E. The disposition of captured enemy equipment, yet unassigned as of the date of cessation of hostilities is a question in which the U. S. and U. K. have a combined interest, and one in which no agreement has been reached. A paper is being transmitted for approval by the Combined Chiefs of Staff in which the United States Chiefs of Staff propose that all such enemy equipment be considered the same as equipment made available by the surrender or collapse of Germany, and to be disposed of by the same agencies and in the same manner as the latter equipment. You will be notified of the action taken in this matter. The present policy of the Joint Chiefs of Staff, if approved by the European Advisory Commission, will require destruction of all enemy equipment obtained in the collapse or surrender of Germany, except in the case of unique and new development items desired for research or for military purposes, and such items as may

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Page 4

2 October 1944

Number: WARX 39989

be otherwise agreed upon by the U. S., U. K., and U. S. S. R. The exception "as may be otherwise agreed upon by the U. S., U. K., and U. S. S. R." is intended to provide, among other things, a means of authorizing the retention of equipment whose destruction will serve no useful purpose and which may be useful in the mission of occupation.

F. Certain enemy war material may be required for use in the war against Japan. Requests for such equipment will be addressed to the Control Council. After agreement upon the retention of such equipment for use by the Allies has been reached by the U. S., U. K., and U. S. S. R. representatives on the Control Council, that body will issue the necessary directives for implementation by the military zone commanders. It is unknown at this time what specific items will be required for use in other theaters.

G.H. and I. The policy proposed by the Joint Chiefs of Staff is that no distribution of German arms, ammunition and implements of war to any of the Allied nations shall be made. This is interpreted, however, to permit, on agreement by the U. S., U. K., and U. S. S. R., the distribution of certain categories of equipment whose retention and continues use will not result in a demand on German factories for replacements or spare parts. The Joint Chiefs of Staff perceive no military objection to the use of such categories of equipment in equipping national forces of liberated countries or for other purposes as may be desired by the U. S., U. K., and U. S. S. R. The decision on such matters and the implementation thereof will be the responsibility of the Control Council.

J. No policy for priority of assignment of enemy equipment not to be destroyed under the basic policy proposed by the Joint Chiefs of Staff has been formulated. It is intended that such priority will be established by the

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Page 5

2 October 1944

Number: WARX 39989

Control Council and they will presumably give priority to requirements for use in other theaters against other nations still remaining at war with the Allies.

K. The policy enunciated above calling for the destruction of enemy equipment, when approved, will account for the disposal of enemy stocks of gas or other material considered dangerous to public and military security. Meanwhile, such items should be safeguarded or destroyed as, within your discretion, may be necessary in the interest of public safety.

L. It is contemplated that all surrendered war material will be at the disposal of the Control Council, and will not be treated as the property of the U. K., U. S., or U. S. S. R., depending on the zone in which it is located.

M. With regard to restitution to liberated countries of war material originally belonging to them, and captured prior to the cessation of hostilities, such material shall be distributed in accordance with agreements already made or to be made by the governments of the U. S., U. K. (copies of which have been, or will be furnished SCAEF) and the governments of the individual liberated countries; such war material obtained in the collapse or surrender of Germany will be taken into custody and safeguarded until disposition thereof is made by the Control Council.

N. The necessary machinery for exploiting research centers and factories of Germany is the subject of study now under consideration by the Joint Chiefs of Staff. The question of what technicians will be furnished you for performing this work will be answered in later directives.

O. See answer to questions C, D, and E, above with reference to the policy for use of surrendered German military supplies suitable for civilian relief in your sphere.

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2 October 1944

Number: WARX 39989

P. Patents covering military equipment or formulae and special processes used in the production of munitions are not considered as enemy war material to be disposed of in accordance with the general policy. Separate directives will be furnished you on these items.

Q. No action will be taken as to fortifications constructed by the Germans in liberated countries. The disposition of these fortifications will be left for future determination.

5. Reference your paragraph 4, the authority requested by you to reduce to scrap certain enemy material cannot be extended until after agreement has been reached by the European Advisory Commission, except that no restriction is implied limiting your authority to take such security measures as may be necessary pursuant to your mission as commander of an army of occupation.

End

ORIGINATOR: JCS

INFORMATION: Adm. Leahy
Gen. Arnold
Gen. Handy
Gen. Bissell
Gen. Maxwell
Gen. Hilldring
Adm. King
Gen. Tompkins
Log

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INCOMING MESSAGE

From: Supreme Headquarters, Allied Expeditionary Forces,
Forward on Continent

To: War Department
Quebec, Canada (Relayed from War Department as
number 31243)

CG, European Theater of Operations, Rear Echelon,
London, England
Supreme Headquarters, Allied Expeditionary Forces,
Main

Nr: FWD 14748 SCAF 80 13 September 1944

FWD 14748 signed Eisenhower cite SHGDS 131800B
SCAF 80.

Disposal of surrendered war material after cessation
of hostilities is subject.

1. I have been studying the problems relating to
the disposal of surrendered enemy war material after the
cessation of hostilities on the assumption that I shall
be responsible for initiating disposal measures pending
the assumption of control by a tripartite body.

2. If this assumption is correct, I shall require
as a matter of urgency guidance on certain matters prior to
the surrender.

3. The following questions are, therefore, sub-
mitted for your consideration:

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(16 Sept 44)

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Page 2.

From: Supreme Headquarters, Allied Expeditionary Forces,
Forward on Continent

Nr: FWD 14748 SCAF 80 13 September 1944

(a) What is the accepted definition of surrendered enemy war material, and into what categories will it be subdivided?

(b) What is to be the general policy for dealing with material required for intelligence, technical and military research purposes, and is any equipment particularly required by the CCS?

(c) In the event of there being no formal cessation of hostilities up to what stage in the occupation of Germany will the powers given to me for the disposal of material in CCS 200/4/D of 17th September 1943, continue to apply?

(d) In the event of there being a formal cessation of hostilities will the powers given to me in CCS 200/4/D continue to apply?

(e) Will the enemy war material captured before the cessation of hostilities, but not already disposed of, continue to be subject to these powers if they no longer apply to war material surrendered after the cessation of hostilities?

(f) What material will be required for use in operations in other theaters against any nations still remaining at war with the Allies? What is the policy for its disposal and through what agencies is disposal to be effected?

OCTAGON-IN-167

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Page 3.

From: Supreme Headquarters, Allied Expeditionary Forces,
Forward on Continent

Nr: FWD 14748 SCAF 80 13 September 1944

(g) What is the policy regarding equipping national forces of liberated countries with surrendered war material?

(h) If it is intended to equip national forces of liberated countries with surrendered material- (I) through what agencies are the transfers to be arranged, and (II) what arrangements are to be made concerning the enemy factories which supply spare parts.

(i) What is the policy for distribution among the United Nations of surrendered material, and through what agencies is the distribution to be effected?

(j) What are the priorities for obtaining possession as between and within question (b), (f), (g) and (i) above?

(k) Do you wish any special steps to be taken regarding the disposal of enemy stocks of gas or other material considered dangerous to public and military security?

(l) Is all surrendered war material to be pooled, or is it the property of the British, US or Russian nation in whose sphere it is located?

(m) What steps am I to take for the restitution to liberated countries of war material, originally belonging

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Page 4

From: Supreme Headquarters, Allied Expeditionary Forces,
Forward on Continent

Nr: FWD 14748 SCAF 80 13 September 1944

to them which has been requisitioned or appropriated by the
Germans?

(n) What provision will be made of technicians
for investigating the work carried out as research centres
and factories?

(o) What is the policy with respect to use of
surrendered German military supplies suitable for civil
relief in my sphere?

(p) Are patents governing military equipment
of formulae for special processes used in the production of
munitions to be considered as enemy war material and disposed
of in accordance with general policy or will these be covered
by separate directives?

(q) What is the policy for the destruction of
fortifications constructed by the Germans in liberated
countries?

4. Recommend as a guiding policy I be given full
authority to reduce to scrap all enemy war material not
required for paras. 3 (b), 3 (f), 3 (g), or 3 (i) above.

End

CONFERENCE DISTRIBUTION:

ACTION: CC/S

INFO : Admiral Leahy, General Marshall, Admiral King,
General Arnold, General Handy, General Bissell,
Admiral Cooke

OCTAGON-IN-167

(16 Sept 44)

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