

## 9. Memorandum by the Secretary of State to President Truman

8 April 1949

Washington

### MEMORANDUM FOR THE PRESIDENT

With reference to the daily reports I have made to you regarding our conversations with Mr. Bevin and Mr. Schuman on the subject of Germany, I take pleasure in attaching copies of the Agreements which were signed today. Among these, the agreed Memorandum regarding the principles governing the exercise of powers and responsibilities of the United States, United Kingdom and France following the establishment of the German Federal Republic is not intended for publication. The Occupation Statute defines the powers to be retained by the occupation authorities and will be communicated through the Military Governors to the German authorities who are now in process of framing a provisional constitution for Western Germany. We also agreed on a system of Tripartite Controls which we hope will provide a satisfactory basis for mutual cooperation of the three Powers in occupation of the Western Zones of Germany.

The establishment of the Western German Government, which will probably be called the German Federal Republic, will mark a change in Allied organization necessary to carry out occupation responsibilities. At such time Military Government will be terminated and the controls exercised by the United States, United Kingdom and France will be mainly supervisory. Each of the Allied establishments in Germany will come under the direction of a High Commissioner. The occupation forces, of course, will be in charge of military commanders. The three High Commissioners together will constitute an Allied High Commission which will be the supreme agency of control in Western Germany. It was also agreed that in order to permit the German Federal Republic to exercise increased responsibility for domestic affairs and to reduce the burden of occupation costs, personnel would be kept at a minimum. German Government Authorities will be at liberty to take administrative and legislative action, and such action will have validity if not disapproved by Allied Authorities. There will, of course, be certain limited fields in which the Allies will reserve the right to take direct action themselves, or to direct German Authorities to take action.

It was agreed that a major objective of the three Allied Governments is to encourage and facilitate the closest integration, on a mutually beneficial basis, of the German people under a democratic federal state within the framework of a European Association. It was understood that after its establishment, the German Federal Republic will negotiate a separate bilateral ECA Agreement with the United States participating as a member in the Organization for European Economic Cooperation, thus becoming a responsible partner in the European Recovery Program.

I would like to add a brief word of appreciation of the wholehearted cooperation which has been given by the Economic Cooperation Administration and the Department of the Army. Mr. Hoffman and member of his staff, and Mr. Royall and Mr. Voorhees of Army were both kind enough to be present at today's signing of these Agreements.

I am convinced that the success of these negotiations on German affairs has been greatly facilitated by the conclusion of the North Atlantic Treaty. Without it, I doubt that we have come to a successful conclusion of these Agreements at this time.

DEAN ACHESON

List of papers Agreed by the Foreign Ministers of France, the United Kingdom, and the United States

SECRET

AGREEMENTS ON GERMANY

The Foreign Ministers of France, the United Kingdom and the United States of America, having met in Washington, have reached agreement on the documents listed below:

1. Agreed Memorandum regarding the Principles Governing Exercise of Powers and Responsibilities of US-UK-French Governments following Establishment of German Federal Republic.
2. Occupation Statute Defining the Powers To Be Retained by the Occupation Authorities.
3. Agreement as to Tripartite Controls.
4. Agreed Minute respecting Berlin.
5. Agreed Minute on Claims against Germany.
6. Agreed Minute on Wuerttemberg-Baden Plebiscite.
7. Agreed regarding Kehl.
8. Message to the Military Governors from the Foreign Ministers of the US, UK and France.
9. "Message to the Bonn Parliamentary Council from the Foreign Ministers of the US, UK and France.

The Foreign Ministers confirms and approved the agreements made on plant dismantling, prohibited and restricted industries, and the establishment on the Ruhr Authority, all of which were recently negotiated in London.

ROBERT SCHUMAN	ERNEST BEVIN	DEAN ACHESON
Minister of Foreign Affairs	Secretary of State	Secretary of State
Of the French Republic	for Foreign Affairs	of the
	United Kingdom	United States of America

April 8, 1949, WASHINGTON.

**AGREED MEMORANDUM REGARDING THE PRINCIPLES GOVERNING THE  
EXERCISE OF POWERS AND RESPONSIBILITIES OF US-UK-FRENCH  
GOVERNMENTS FOLLOWING ESTABLISHMENT OF GERMAN FEDERAL  
REPUBLIC**

**SECRET  
FINAL TEXT**

[WASHINGTON, April 8, 1949.]

1. The Governments of the United States, United Kingdom, and France retain the supreme authority assumed by them under the Declaration signed at Berlin on June 5, 1945, including the right to evoke or alter any legislative or administrative decisions in the three Western zones of Germany.
2. The German governing authorities, whether Federal or Land, shall be at liberty to take administrative and legislative action, and such action will have validity if not vetoed by the Allied Authority. This means that military government will disappear, and that the function of the Allies shall be mainly supervisory.
3. There will be certain limited fields in which the Allies will reserve the right to take direct action themselves, including the issuance of orders to German officials at both the Federal and local levels. However, these fields will be restricted to a minimum; and aside from security matters, the exercise of direct powers by the Allies should be regarded as temporary and self-liquidating in nature.
4. Upon the coming into being of the German Federal Republic, the responsibility for supervision of the utilization of funds made available by the Government of the United States to the German economy for purposes of relief as well as of recovery shall rest with the Economic Cooperation Administration. It is understood that the German Federal Republic should become a party to the Convention for the European Economic Cooperation and execute a bilateral agreement with the Government of the United States. Such contributions as the Government of the United Kingdom agrees to make shall be through the intra-European payments agreement.
5. With the establishment of the German Federal Republic and the termination of military government, the functions of the Allied authorities shall be divided, military functions being exercised by a Commander-in-Chief, and all other functions by a High Commissioner. Each of the Allied establishments in Germany, aside from occupation Forces, shall come under the direction of the High Commissioner. The three High Commissioners together will constitute the Allied High Commission.
6. It is the aim of the three governments to restrict to a minimum the size of the staffs maintained within Germany for the above purposes.
7. It is a major objective of the three Allied Governments to encourage and facilitate the closest integration, on a mutually beneficial basis, of the German people under a democratic federal state within the framework of a European association.

**OCCUPATION STATUTE DEFINING THE POWERS TO BE RETAINED  
BY THE OCCUPATION AUTHORITIES**

**RESTRICTED  
FINAL TEXT**

[WASHINGTON, April 8, 1949]

In the exercise of the supreme authority which is retained by the Governments of France, the United States and the United Kingdom,

We, General Pierre Koenig, Military Governor and Commander-in-Chief of the French Zone of Germany,

General Lucius D. Clay, Military Governor and Commander-in-Chief of the United States Zone of Germany, and

General Sir Brian Hubert Robertson, Military Governor and Commander-in-Chief of the British Zone of Germany,

**DO HEREBY JOINTLY PROCLAIM THE FOLLOWING OCCUPATION STATUTE:**

1. During the period in which it is necessary that the occupation continue, the Governments of France, the United States and the United Kingdom desire and intend that the German people shall enjoy self-government to the maximum possible degree consistent with such occupation. The Federal State and the participating Laender shall have, subject only to the limitations in this Instrument, full legislative, executive and judicial powers in accordance with the Basic Law and with their respective constitutions.
2. In order to ensure the accomplishment of the basic purpose of the occupation, powers in the following fields are specifically reserved, including the right to request and verify information and statistics needed by the occupation authorities:
  - a. disarmament and demilitarisation, including related fields of scientific research, prohibitions and restrictions on industry, and civil aviation;
  - b. controls in regard to the Ruhr, restitution, reparations, decartelisation, deconcentration, non-discrimination in trade matters, foreign interests in Germany and claims against Germany;
  - c. foreign affairs, including international agreements made by or on behalf of Germany;
  - d. displaced persons and the admission of refugees;
  - e. protection, prestige, and security of Allied forces, dependents, employees, and representatives, their immunities and satisfaction of occupation costs and their other requirements;
  - f. respect for the basic Law and the land constitutions;
  - g. control over foreign trade and exchange;
  - h. control over internal action, only to the minimum extent necessary to ensure use of funds, food and other supplies in such manner as to reduce to a minimum the need for external assistance to Germany;
  - i. control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupying powers or occupation authorities; over the carrying out of sentences imposed on them; and over questions of amnesty, pardon or release in relation to them.
3. It is the hope and expectation of the Governments of France, the United States and the United Kingdom that the occupation authorities will not have occasion to take action in fields other than those specifically reserved above. The occupation authorities, however, reserve the right, acting under instructions of their Governments, to resume, in whole or in

part, the exercise of full authority if they consider that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their governments. Before doing so, they will formally advise the appropriate German authorities of their decision and of the reasons therefore.

4. The German Federal Government and the governments of the Leander shall have the power, after due notification to the occupation authorities, to legislate and act in the fields reserved to these authorities, to legislate and act in the fields reserved to these authorities, except as the occupation authorities otherwise specifically direct, or as such legislation or action would be inconsistent with decisions or actions taken by the occupation authorities themselves.

5. Any amendment of the Basic Law will require the express approval of the occupation authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreements made between the Federal State and foreign governments, will become effective twenty-one days after its official receipt by the occupation authorities unless previously disapproved by them, provisionally or finally. The occupation authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law, a land Constitution, legislation or other directives of the occupation authorities themselves or the provisions of this Instrument, or unless it constitutes a grave threat to the basic purposes of the occupation.

6. Subject only to the requirements of their security, the occupation authorities guarantee that all agencies of the occupation will respect the civil rights of every person to be protected against arbitrary arrest, search or seizure; to be represented by counsel; to be admitted to bail as circumstances warrant; to communicate with relatives; and to have a fair and prompt trial.

7. Legislation of the occupation authorities enacted before the effected amended by the occupation authorities in accordance with the following provisions:

- a. legislation inconsistent with the foregoing will be repealed or amended to make it consistent herewith;
- b. legislation based upon the reserved powers, referred to in paragraph 2 above, will be codified;
- c. legislation not referred to in (a) and (b) will be repealed by the occupation authorities on request from appropriate German authorities.

8. Any action shall be deemed to be the act of the occupation authorities under the powers herein reserved, and effective as such under this Instrument, when taken or evidenced in any manner provided by any agreement between them. The occupation authorities may in their discretion effectuate their decisions either directly or through instructions to the appropriate German authorities.

9. After 12 months and in any event within 18 months of the effective date of this Instrument the occupying powers will undertake a review of its provisions in the light of experience with its operation and with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields.

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