

INVESTIGATIONS OF THE NATIONAL
WAR EFFORT

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COMMITTEE ON MILITARY AFFAIRS
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A RESOLUTION AUTHORIZING THE COMMITTEE
ON MILITARY AFFAIRS TO STUDY THE PROG-
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JUNE 12, 1945.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

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INVESTIGATIONS OF THE NATIONAL WAR EFFORT

JUNE 12, 1945.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MAY, from the Committee on Military Affairs, submitted the following

REPORT

[Pursuant to H. Res. 20]

PRISONERS OF WAR

Adverse criticism has been directed at the War Department's method of handling enemy prisoners of war interned in this country. This criticism arises very largely from a lack of understanding of the objectives sought, as well as from a misconception of the basic provisions of the Geneva Convention and applicable international law on which the prisoner-of-war program is of necessity based.

In order that the American people may have a clearer comprehension of the facts and problems involved, the Committee on Military Affairs has prepared this second report on the treatment and condition of prisoners of war, the first having been issued November 30, 1944 (Rept. No. 1992, 78th Cong., 2d sess.).

It has been only a few months since our armed forces actually began the invasion of Germany. Prior to that time we knew nothing about the treatment of prisoners of war within Germany except what came to us through the neutral Swiss Government, the International Red Cross, other agencies of like character, and exchanged prisoners.

The present hearings which were initiated April 26, 1945, coincided with a considerable degree of popular indignation aroused by the revolting revelations of German brutality in civilian prison camps overrun by our troops advancing in Germany.

II

Brig. Gen. R. W. Berry, Deputy Assistant Chief of Staff, G-1, War Department General Staff, prefaced his testimony by reading a prepared statement, the salient features of which are here quoted:

In 1929 the nations of the world, having in mind the experiences of 1914-18, sent representatives to Geneva to formulate a charter for treatment of prisoners

of war. These meetings resulted in the Geneva Prisoners of War Convention of 1929, to which the United States and Germany became parties. The provisions of this Convention are a part of the supreme law of the land, which the War Department is bound to observe like every other law, unless and until it may be changed by proper authority. The Army's treatment of German prisoners of war is not, therefore, a question of Army policy but a question of law. In the handling of German prisoners in its custody, the War Department has been and is obligated to abide by the terms of that Convention. In the handling of our soldiers who have been taken captive by the Germans, the United States Government has the right to demand that Germany do likewise. The State Department, as the agency having primary responsibility in the field of this Government's treaty obligations and their proper interpretation, will discuss that subject in more detail shortly.

Let me, before the further statements of witnesses begin, first take a moment to present just a few of the general features of this many-sided prisoner-of-war picture.

GERMAN PRISONERS OF WAR IN UNITED STATES CUSTODY

The United States now holds over 2,000,000 German soldiers as prisoners of war. Of these, about 340,000 are in continental United States and the balance are held by our armed forces overseas. It is anticipated that the number of such prisoners within the United States may increase prior to VE-day. In the United States these prisoners work on posts, camps, and stations throughout the United States and under private contract labor.

These prisoners are fed and housed in continental United States on the basis of a standard of quality and quantity equivalent to that furnished United States troops at base camps, which is the basis prescribed in the Convention. On the other hand, it is entirely within our right and discretion to substitute on prisoner menus equivalent items of which there is no shortage, for items in critical or short supply throughout the country. This is being done.

The most basic and important feature of our handling of these prisoners is, in our view, the work program. The Provost Marshal General, as you know, discharges the responsibility of the commanding general, Army Services Forces, for the over-all supervision of enemy prisoners of war interned in continental United States. We feel that in addition to its manpower and production values, the prisoner-of-war work program has had an important effect in helping to get across to the prisoners a sense of the potency as well as the justice of the American way and American principles; and that our policy of firm—and I mean firm—but fair treatment has resulted in an excellent over-all record of both output and discipline.

ITALIAN PRISONERS OF WAR

The Italian situation is quite different from that regarding the Germans. After Mussolini's collapse in September 1943 a state of cobelligerency was established by the Allies with Italy. More recently, as of course all of you know, direct diplomatic relations have been resumed. However, since a technical state of war still exists, the Italians in our custody continue to be technically in the status of prisoners of war.

Immediately after the Badoglio government took over, this country and the British made an arrangement under which Italians were allowed to volunteer for war work other than direct combat. As to those who volunteered under this arrangement, the Italian Government waived the provisions of article 31 of the Prisoners of War Convention which require that labor furnished by prisoners of war shall have no direct relation with war operations. Some 102,500 of these volunteers have been formed into what we call Italian service units. About 32,500 of them in the United States, and about 70,000 of them in the zones of communication in north Africa, Italy, and northwest Europe, including Germany, are presently rendering valuable service of all kinds of military tasks except actual combat.

There are also held, not organized into service units but strictly as prisoners of war, about 13,000 Italians in the continental United States and about 5,000 Italians in Hawaii.

SITUATION AS TO THE JAPANESE

There are at present about 3,250 Japanese prisoners in our custody in the United States and about 2,500 overseas. The number of our men held by the Japanese can only be approximated; the best present estimate is between 14,000 and 15,000. It is anticipated, however, that, at the committee's convenience, a suitable time may be arranged for an equally full presentation of all the known

facts concerning Japanese prisoners held by the United States and concerning our men in Japanese hands, to the end that we may provide you members of the committee complete factual information concerning the Japanese aspect of the prisoner-of-war problem.

General Berry explained that his knowledge of the subject under discussion was from the policy angle rather than from actual operation. Under interrogation by several committee members, he asserted that since the Geneva Convention was the supreme law of the land, the War Department's policy was to carry out its provisions faithfully until such time as it ceases to be such through orderly procedure by constitutional authority.

The policy of granting extra privileges and, to some extent, in relaxing discipline in the cases of certain Italian prisoners of war in service units had its genesis in economic necessity. Lack of adequate shipping space also retards their repatriation. "We felt it was absolutely necessary from the military standpoint to keep these people and get useful labor out of them." They have made a very valuable contribution to our production program from the standpoint of manpower. Their voluntary status as cobelligerents makes for greater flexibility in their employment, since the Geneva Convention's prohibitions in the matter of prisoner labor are thus removed.

General Berry declared that as a result of our policies as applied to prisoners of war, particularly Germans—

our boys over there were better treated as prisoners than they otherwise would have been;

that thousands of German soldiers surrendered to our forces—

on the basis of our promise to give them Geneva Prisoner of War Convention treatment * * * German prisoners in America write thousands of letters to their families in Germany telling of the treatment that they are accorded. This is America's greatest propaganda and is having a decided influence on the course of the war.

The knowledge that they would be given fair treatment influenced countless numbers of German soldiers to surrender even when it would have been possible to continue armed resistance. That knowledge also served to discourage retaliatory acts of violence against Americans held in German prison camps.

III

Edwin A. Plitt, chief of the Division of Special War Problems, Department of State, introduced his testimony by reading the following statement on the Geneva Prisoner of War and Red Cross Conventions, the functions and activities of the protecting power and the International Red Cross committee:

The United States and other powers sent representatives to Geneva in 1929 to participate in the negotiation of two conventions: One on prisoners of war and one with regard to the amelioration of the condition of the sick and wounded of armies in the field. The latter one is popularly known as the Red Cross Convention. Both conventions were signed at Geneva on July 27, 1929, and were ratified by the President of the United States on January 16, 1932, after ratification had been advised by the United States Senate. These two documents are treaties and are part of the supreme law of the land.

Germany signed and subsequently deposited her ratifications and is fully bound by the terms of the treaties. Shortly after the United States was drawn into the present conflict, this Government informed the German Government of its intention to apply the terms of the Prisoner of War Convention. The German Government replied that it would do likewise.

The Geneva Prisoner of War Convention sets up a standard of treatment for prisoners of war intended to insure that they will be given humane treatment and will be held in honorable captivity and not as criminals. It establishes standards of shelter, diet, medical care, clothing, and labor for prisoners of war.

The standards with regard to diet and shelter are relative standards. For instance, article 11 provides that the food ration of prisoners of war shall be equal in quantity and quality to that of troops of the detaining power at base camps.

The tenth article of the convention provides that prisoners of war shall be lodged in buildings or in barracks affording all possible guaranties of hygiene and healthfulness and goes on to state that the total surface and minimum cubic amount of air, arrangement, and material of bedding in the dormitories shall be the same as for troops at base camps of the detaining power.

Article 31 provides that the labor furnished by the prisoners shall have no direct relation with war operations and that it is especially prohibited to use prisoners for manufacturing and transporting arms or munitions of any kind, or for transporting material intended for combatant units.

Articles 37 and 38 of the convention provide that prisoners of war shall be allowed individually to receive parcels by mail, containing foods and other articles; that the packages shall be delivered to the addressees and a receipt given; and that such shipments shall be exempt from all postal, import, and other duties.

The repatriation of seriously sick and seriously wounded prisoners of war is provided for in the Geneva Prisoners of War Convention and the return of so-called protected personnel is provided for in the Geneva Red Cross Convention. This latter group includes medical personnel and chaplains. Only the protected personnel not needed for the care of their compatriots are permitted to return. An agreement was made between the American and German Governments defining which doctors, chaplains, and enlisted medical personnel will be considered repatriable.

The model draft agreement attached to the Geneva Prisoners of War Convention defines the nature of illness or wounds which will entitle a prisoner of war to repatriation. The American and German Governments have agreed to apply this model draft agreement and have made additional agreements with a view to defining as precisely as possible the kinds of illness which will qualify a prisoner of war for repatriation. The Prisoners of War Convention in article 69 provides for the establishment of Mixed Medical Commissions to examine the sick and wounded and to decide which of them qualify for repatriation. An additional agreement has been made by the American and German Governments that the doctors of the detaining power will qualify certain cases without reference to the Mixed Medical Commissions which are each comprised of two neutral physicians and one member appointed by the detaining power.

The American and German Governments also agreed to repatriate (1) all women who might come under article 86 of the Geneva Prisoner of War Convention, that is, women who may follow the armed forces without directly belonging thereto, such as newspaper correspondents; (2) unarmed female military personnel; and (3) female sanitary and religious personnel. Both Governments have repatriated women falling into these classes.

Article 79 provides that the international committee of the Red Cross shall propose the organization of a central information agency for prisoners of war to be created in a neutral country. During the present war that agency has been operated by the committee itself in Geneva.

The Geneva Prisoners of War Convention provides for the representation of the belligerent's interests by a neutral country known as the protecting power. The protecting power's duties and responsibilities are found primarily in articles 86 and 87 of the treaty, which read in part as follows:

ARTICLE 86

Representatives of the protecting power or its accepted delegates shall be permitted to go to any place, without exception, where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview them, as a general rule without witnesses, personally or through interpreters.

Belligerents shall so far as possible facilitate the task of representatives or accepted delegates of the protecting power. The military authorities shall be informed of their visit.

ARTICLE 87

In case of disagreement between the belligerents as to the application of the provisions of the present Convention, the protecting powers must, insofar as possible, lend their good offices for the purpose of settling the difference * * *

In addition to these provisions, there is a provision in article 42 that the prisoners of war shall have the right to address themselves to representatives of the protecting power to indicate to them points on which they have complaints to formulate with regard to the conditions of captivity, that these requests and complaints must be transmitted immediately and even if they are recognized to be unfounded, they may not occasion any punishment. Again, in article 44 it is provided that all facilities shall be accorded the agents, commonly called the spokesmen, of the prisoners of war for their intercourse with the military authorities and with the protecting power, that this intercourse shall not be limited and that no representative of the prisoners may be transferred without the necessary time being allowed him to inform his successors about affairs under consideration.

The activities of the State Department in this connection have been its traditional ones in the field of foreign affairs. This includes dealing with the protecting powers in all matters relating to prisoners of war. The State Department has at all times cooperated closely with the War Department which has custody of the prisoners.

Supplementing his formal statement, Mr. Plitt explained to the committee that the State Department has nothing to do with enemy prisoners of war held in this country, nor is it directly connected with prison-camp administration.

The Swiss Government acts as the protecting power for both Germany and the United States in the matter of prisoners of war abroad and it has given us good representation, as has also the International Red Cross.

From the very beginning reports have been received from the Swiss Government on maltreatment of American prisoners, but all were of a minor nature and none as serious as those received between the early part of December 1944 and just prior to VE-day.

It must not be forgotten that at the time those acts occurred, the German armies were being cut to pieces and that the Swiss Government was unable to get its reports or supplies through because of the destruction of communication facilities by our armed forces.

As our allies, the Russians, came in from the east, Germany was forced to move vast numbers of prisoners to the west. As our armies came in from the west, they were forced to move the other way. The only possible inference is that many of the prison camps must have been overcrowded. Perhaps in many places they did not even have camps or lodgings sufficient to take care of their people.

Protest is lodged immediately upon our learning of ill treatment to Americans. The protecting power is asked to get in touch with the German Foreign Office and have that office assist the Wehrmacht in bringing about a better compliance with the provisions of the Geneva Convention. Results were not always satisfactory, but some good has been accomplished and the treatment improved. If the commanding officer of a German prison camp is a Wehrmacht officer, it is possible to get somewhere; but if he is a Gestapo or an Elite Guard officer, it is quite another story.

Under ordinary circumstances the Swiss Foreign Office orders its representatives to make an inspection after a formal protest, but when a particular territory is completely overrun, it is often impossible to find out exactly what did happen. Naturally, the Germans deny many of the accusations made against them, and it is true, as stated above, that corrective measures have been taken by them in a number of instances.

When the protecting power sends one of its representatives to an American camp, he is generally accompanied by a Special War Problems Division man in order to keep the State Department fully

informed. This is not compulsory, but is rather a courtesy extended by the protecting power.

At the time of the alleged shooting of 100 Americans taken prisoner in the Bastogne pocket action and shot immediately thereafter without trial, the State Department protested in most vigorous terms against such acts.

On the other hand, the German Legation at Bern has registered many complaints against our treatment of German captives. One allegation is that prisoners of war were used as shields by United States troops, the truth or falsity of which has not yet been determined by the committee.

Mr. Plitt is again quoted:

Shall we denounce the Geneva Convention? Our first thought is to get the best possible treatment we can for our men in the hands of the enemy. There is no doubt that without the Geneva Prisoner of War Convention, our men who have been held as prisoners during this war would have suffered still greater hardships than they have. I need hardly remind you how the political prisoners of the German and Japanese Governments have been treated. A treaty obligation is one of the primary reasons our men were treated better than many other persons held behind barbed wire by our enemies. It is our primary duty to help our men and since the treaty has given them some adequate protection we should continue to keep it in force until we can get something which will accomplish the same purpose more effectively.

If we were completely to abrogate that treaty, American prisoners in Germany would undoubtedly be the ones to suffer.

As a matter of fact, this treaty cannot be denounced in time of war. It can be denounced but the denunciation must be filed with the Swiss Federal Council 1 year before it becomes effective.

We should adhere to the convention as it stands and carry it out as we have done up to the present time, fairly and squarely, until the law has been changed.

IV

Responsibility for the control and treatment of enemy prisoners of war held in the United States is vested in the Office of the Provost Marshal General. The following statement was filed with the committee by Brig. Gen. B. M. Bryan, Jr., Assistant The Provost Marshal General:

GENERAL

As of April 25, 1945, there were 393,969 prisoners of war held in the continental limits of the United States including Hawaii. Of this number, 340,407 were Germans; 50,302, Italians; and 3,260 Japanese. At this point, I would like to emphasize that there are two categories of prisoners of war among the Italians. There are those Italians who have been formed into Italian service units and are used in direct support of the war operations. These units are replacing American units in the United States. The total number of Italians who have been organized into service units is 32,475. I want to impress upon you that these 32,000 Italians have volunteered and have replaced approximately 32,000 Americans, which means that 32,000 additional United States soldiers are available to the commanding generals in the theaters of operations. From now on, I will confine myself to the prisoners of war in this country exclusive of those formed into Italian service units.

WORK

The 356,560 prisoners of war who are confined as prisoners of war in the United States are in 490 camps. These camps are divided into two categories, base camps and branch camps. A base camp is one where a large number of prisoners are confined and which acts as a reservoir for the branch camps. Branch camps are established solely for work. There are 150 base camps and 340 branch camps. In the beginning, we established base camps principally from a security point of

view; that is, our idea was to hold prisoners of war, lock them up inside barbed wire, and keep them there. Few, if any, prisoners of war were worked outside the wire, and they were a burden, a dead loss to the United States. As time went on and the manpower problem began to make itself felt, the War Department began to use the prisoners to alleviate the manpower shortage. This necessitated changing the policy and camps were then located with a view to work. It was apparent that, if prisoners of war were to be worked, they could not be confined in groups of three or four thousand because sufficient work did not exist in any particular location to occupy that number of laborers. As a result of the change in policy, smaller branch camps were established from the base camps. These camps vary in size from 200 to sometimes as much as a thousand. The number of prisoners placed in any branch camp is determined by the need for labor in that particular area.

The policy of the War Department with respect to the labor of prisoners of war is simple, direct, and to the point. This policy is that every employable prisoner of war in the United States will be worked on essential work. Essential work is that work which would have to be done whether or not there were any prisoners of war. There are two general classifications of work. The first is work on or in connection with military or naval establishments. The second type of work is that for private employers called "contract work." On this type of work the employers pay the United States for the labor of the prisoners. In order to implement the work program for prisoners of war, certain priorities were established which are in effect today. Priority 1 work is essential work on military establishments. Priority 2 is contract labor for private employers. Priority 3 work is that performed on or in connection with the military establishments which, though not essential, is necessary. Within priority 1 work—that is, essential work on military reservations—preference is given to replacing a soldier with a prisoner of war. This is considered absolutely sound and is necessary so that the maximum number of troops may be available for use in combat.

In the earlier days of the work program, it soon became apparent that some definite machinery must be set up to guard against waste of prisoner-of-war manpower on nonessential work, and, above all, to prevent competition between prisoner labor and American civilian labor. As a result, on August 14, 1943, the War Department adopted a policy which required all requests for prisoner-of-war labor to be cleared by the War Manpower Commission. A further development of this plan was put in effect on March 25, 1944, by which the War Manpower Commission or the War Food Administration, after investigation of all requests for prisoner labor, certifies, not only the need for prisoners but designates the work projects which are found by them to be the most essential. This procedure has proved beneficial not only to the War Department but to the over-all efficiency by putting the prisoners in places where they are most needed. The War Manpower Commission and the War Food Administration are in a position to know where labor is needed. To illustrate, I will trace a request for labor originating the field so that you may fully understand exactly what occurs.

Suppose the operator of a food-processing plant desires additional labor. He tries to secure the necessary labor and cannot hire the required number of people. He goes to the local representative of the War Manpower Commission in the field and asks that they furnish him the necessary number of people. This request is for civilians, never for prisoners of war. If the War Manpower Commission cannot furnish the necessary civilian labor, they furnish the operator of the plant with a certification of need for prisoner-of-war labor. This certification contains among other things the following pertinent information: First, the number of people desired and the length of time their services will be required; second, the type of work which will be done; third, the prevailing wage rate for this work; and fourth, the priority of this work as compared with other contract work requiring prisoners of war. This certification is forwarded to the service command concerned to determine if prisoners of war are available, the housing requirements, and to take the necessary action to put the prisoners on the job. No certification of need will be issued by the War Manpower Commission if the working conditions are substandard or if there is a wage dispute in process.

In the event the prospective employer is a farmer, the farmer goes to the United States Employment Service, requests labor—if no labor is available, he is given a certification of need from the United States Employment Service, a division of the Department of Agriculture. This certification of need is made in two copies and is exactly like the certification of need issued by the War Manpower Commission except that the priority rating is left blank. One copy of

the certification of need goes direct to the service command headquarters. A duplicate copy is forwarded through the regional office of the War Manpower Commission for the insertion of a proper priority. The insertion of priority by the War Manpower Commission insures proper over-all coordination. The service commands treat this certification of need exactly as they treat the certification of need from the War Manpower Commission. In supplying the prisoners, they are guided by the priorities as furnished by the single agency, the War Manpower Commission.

What is accomplished by following the procedure just outlined? The first accomplishment is that there is no competition with free labor because no request will be certified if civilian labor is available. The second accomplishment is that it prevents unfair competition between the employers themselves because it insures that it will cost any contractor the same amount of money to do a given task whether he uses free civilian labor or whether he uses prisoners of war. This avoids subsidizing any agency. The third accomplishment is that prisoners are placed on work in accordance with the priority established by the War Manpower Commission.

The charts show the total number of prisoners of war you will find in the United States, the number available for work, and the number actually performing work. It is to be noted that for the month of March, 91.3 percent of the prisoners of war who could be forced to work were actually performing work. The 8 percent who were not performing work were either committed for labor at a future date or were being transferred from one camp to another so as to make them available at a place where work was required. In operating a labor pool of this size, that is something more than 230,000 over a country as large as the United States, it will never be possible to employ every single prisoner of war. It is seriously doubted if more than 92 or 93 percent of the prisoners can ever be efficiently employed; 100 percent utilization is most desirable. However, we should look the facts in the face and appreciate that the theoretical will never be reached.

The work program has developed into a hundred million dollar business. The labor of prisoners of war to date on military establishments is valued at above \$80,000,000. In addition, contractors have paid into the United States Treasury \$22,000,000 in cold cash. This money has been deposited in the miscellaneous receipts fund in the Treasury. In effect this represents a deduction from the cost of maintaining and guarding the prisoners of war.

FOOD

Much has been written and said about the food furnished prisoners of war. Some critics have been particularly emphatic in their condemnation. This is understandable, and I can't say that I blame any civilian from getting hot under the collar when he hears that prisoners are getting food that he, himself, can't get. The fact, however, is that the ration point value of the current prisoner of war menu is less than that authorized for civilians. The cost of the ration now authorized is 25 cents. (A regular garrison ration costs 59 cents.) It costs the District of Columbia 31 cents to feed a prisoner.

In the beginning of the war, we fed prisoners the same food which was fed to American soldiers in camps. At that time, there was plenty of food, and no one in the United States had to take an extra knot in his belt. Experience taught us that some items of the diet of the American soldier were not necessary for prisoners of war. Therefore, on July 1, 1944, menu boards at prisoner-of-war camps were authorized to alter the menus of prisoners of war in the interests of food conservation. A certain latitude was permitted, but the fundamental guide was that under no condition was the cost of the ration furnished prisoners of war to exceed that authorized for American troops.

As time went on, food in the United States became less plentiful. We, therefore, strengthened our directive on February 2, 1945, and stated that substitutes for sugar, butter, and such things were mandatory. The latest menu which is now being published provides a maximum of 4 ounces of meat per prisoner per day. This meat comes principally from the internal organs as distinguished from beef. This policy has been adopted as a food-conservation measure. It is sound. We are giving the prisoners a balanced diet of the proper number of calories and, at the same time, we are saving critical items of food for consumption by the civilian and the soldier. This balanced diet is equivalent in quantity and quality as required by the Convention.

DISCIPLINE

One of the most important things in any prisoner-of-war camp is discipline. There are many ways of maintaining discipline within a camp, and each command-

ing officer enforces the directives with respect to discipline by methods which he considers the most effective. There is one mandatory directive with respect to discipline which is fundamental. Prisoners of war at times refuse to work. The War Department has ordered that, when prisoners refuse to work, the Army will simply refuse to feed them. In other words, "no work, no eat." We must furnish bread and water, but beyond that, we give them nothing. This "no work, no eat" policy has been most effective in convincing the prisoners that they must work. So-called sit-down strikes don't last very long on a diet of bread and water. We never ask an enlisted prisoner of war whether or not he wants to work. We tell him to work, and he either works or he doesn't eat. There is nothing brutal about this treatment. It is simple, direct to the point, and gets results.

CIGARETTES

You have read much in the newspapers about prisoners of war having all the cigarettes they want. Until recently, prisoners of war could purchase a maximum of three packages of off-brand cigarettes per week. A directive has just been issued which will alter that and will remove all cigarettes from prisoner-of-war canteens and replace them with tobacco and cigarette papers.

PAY

Officer prisoners of war cannot be required to work and are given an allowance of \$20, \$30, and \$40 per month dependent upon their rank. This allowance is to be repaid by Germany. They receive food, clothing, and Government issue clothing in addition. If they buy uniform material from which uniforms of their own nationality may be tailored by prisoner-of-war labor, they are required to pay the cost from their allowances. Enlisted prisoners of war receive a daily allowance of 10 cents per day, which is the approximate cost of items which the United States furnishes to its soldiers. This 10 cents a day covers such items as shoe polish, toothpaste, handkerchiefs, razor blades, tobacco, and the other essentials necessary for health and cleanliness. When the prisoners of war are working for the benefit of the United States, they are paid at a rate of 80 cents per day. No prisoner of war ever receives any cash money. He is given canteen coupons which are good only at prisoner-of-war canteens.

ESCAPE

There is another matter which is widely publicized in connection with prisoners of war. That is the number of escapes. We operate prisoner-of-war camps on the basis of a calculated risk. If we desired, we could keep prisoners of war behind barbed wire, put a strong guard around them, and prevent all but a very, very few escapes. That would be a foolish policy, for we would get no work out of the prisoners and we would have a great number of American soldiers tied down guarding prisoners of war instead of fighting. Following the policy of a calculated risk, on April 21, there had been a total of 1,583 escapes. I want to emphasize, from the beginning, that is from the time the first prisoner came into the United States in 1942 until April 21, 1945, there were 1,583 escapes. That number sounds impressive. However, on that same date, there were only 22 prisoners still at large; 16 of these were German, 6 Italian. Of this number, that is 22 at large, only 7 had been out more than 12 days. Possibly, I could give you a little clearer idea of the escape rate. The following, while not up to date, is sufficiently accurate to permit you to draw your own conclusions. As of the year ending June 30, 1944, the Federal prisons had an average population of 15,691 from which 60 men escaped for a rate of 0.44 of 1 percent. During a like period, the average prisoner-of-war population was 288,292 and there were 1,036 escapes for a rate of 0.45 of 1 percent. When you consider the Federal penitentiaries have all the most modern devices for keeping people within certain limits and compare that with a barbed wire or double barbed-wire fence and a soldier who is unfitted for combat carrying a gun, the War Department is, I believe, justifiably proud of its low escape rate.

The largest and most publicized escape we have had occurred just before Christmas last year, December 24, 1944, when 25 German prisoners escaped from the prisoner-of-war camp at Papago Park, Ariz. It was a well-organized escape and aroused considerable resentment among our citizens. However, I want to report that on January 28, 1945, every single one of these men was retaken and returned to confinement. During their brief period of so-called freedom, they were too busy hiding to do any damage. Not a single act of sabotage was committed.

SABOTAGE

It is interesting to note just what the escaped prisoners have done. Have they sabotaged anything? To the best of our knowledge and beliefs, and according to the official records in the War Department, there has never been a single account of sabotage on the part of any escaped prisoner of war. I would like to go even a little further than that on the particular point of sabotage in the United States. We have had a possible three cases of sabotage. Two we know about. The third is somewhat doubtful. The three cases were: First, two prisoners of war threw some sand in the journal box of a coal car. These men were tried and received sentences of 10 and 15 years' confinement at hard labor. The second case was of a prisoner of war who drove nails in the tires of a jeep at Camp Chaffee, Ark. This man is being tried, and I have confidence in the judgment of the military court which will try him. The third case occurred when a prisoner of war was working in a paint factory. This man or men put some foreign material in the paint and ruined it. The case is under investigation, and if proof can be had, he or they will be tried. Gentlemen, that is worthy of consideration—three cases of sabotage out of over 60,000,000 man-days of labor and not a single one committed by an escaped prisoner of war.

GUARDS

Prisoners of war are guarded at all times by United States Army personnel. At the very beginning of the war it was absolutely essential to send overseas a maximum number of soldiers so that the maximum pressure could be put upon the enemy without delay. Therefore, every man who was physically qualified for combat duty was assigned to a unit which was destined for ultimate use overseas. Upon the arrival of prisoners of war in the United States only those soldiers who were physically unqualified for combat duty were available to guard prisoners of war. At this time the War Department is in the process of replacing as many prisoner of war guards as possible by individuals who have returned from overseas and most particularly by persons who have been in prisoner-of-war camps in Germany. There are today about 47,000 American soldiers guarding prisoners of war and administering prisoner-of-war camps. This number is approximately 14 percent of the total number of prisoners in the United States. This small number of Americans guarding the Germans is consistent with the policy of calculated risks, that is to guard prisoners with as few people as is reasonably possible.

It is realized that all of the problems incident to the custody and employment of prisoners of war in the United States have not been perfectly handled. It is believed, however, that where mistakes have been pointed out the War Department has been quick to correct them. If you will stop to think, there have been no precedents upon which to base any action. The Geneva Convention has been the guiding principle and that is in such broad terms that it may be interpreted in many ways.

SEGREGATION

The War Department has from the very beginning followed a definite policy with respect to the segregation of prisoners of war. Navy prisoners are kept completely separate from Army prisoners. Officers are segregated from enlisted men. Rabid Nazis are segregated from other Germans and interned at Alva, Okla. To date, about 4,500 rabid Nazis are confined in that camp. Anti-Nazis are confined in separate camps. Such camps are located at Fort Devens, Mass., and Camp Campbell, Ky. To date, a minimum of 3,300 persons have been so segregated. The segregation of prisoners of war must be carried on without interfering with the work program and it must be a continuous process. It is impossible to look at a man or talk to him and determine whether he is a Nazi, an anti-Nazi, or merely a German. Mistakes are made in the segregation program, the most outstanding of which occurred at Fort Devens, Mass. At this camp about 1,300 anti-Nazis were confined in one compound. After these men had been confined for approximately 2 months, four prisoners stated that they were Gestapo agents, and they had secured all the information they desired about the anti-Nazis in that compound and that they wished to be transferred to a Nazi prisoner-of-war camp. These four men are still at Fort Devens and are well subdued by the anti-Nazis.

CORRECTING INCORRECT STATEMENTS

So far I have confined myself to affirmative statements. I should like to take this opportunity to correct certain incorrect statements by a commentator.

First I will state the broadcast or comment, and then I will give you the actual fact.

Broadcast of March 25, 1945:

"The commanding officer of the Eighth Service Command in Oklahoma is a kindly man. He appears to be concerned about Nazi prisoners under his control, especially those Nazi war prisoners who have been deafened by our very naughty shell fire. The C. O. in Oklahoma, I am told, by officers there, has decided to make things a little more cozy for these poor little Nazi prisoners of war who can't hear so good anymore. Now, ladies and gentlemen, hold on to your hats and tempers. These Nazi prisoners of war are now being outfitted with hearing aids, which cost the Army only \$60 a set—humph, six very wonderful American words were censored here."

Fact: The case was investigated. No hearing aids were bought nor was it ever intended to spend any American money for such a purpose. Arrangements were completed long before this broadcast whereby the International Red Cross would furnish hearing aids should they be required. To date not a single hearing aid has been purchased for a prisoner of war.

This same broadcaster later claimed credit for stopping the purchase of hearing aids. Since the purchase of such aids was not contemplated, you may draw your own conclusions as to the correctness of his claim.

Broadcast of February 11, 1945:

"Recently, at Camp Gordon, Ga., the Nazi prisoners complained of the cold when the weather was merely chilly. Well, what happened? They were transferred to sunny Florida!"

Fact: The prisoners were transferred because the prisoner-of-war camp at Gordon was abandoned. Three hundred out of two thousand seven hundred and seventy-two prisoners were transferred to Florida to work in citrus fields. No prisoner has ever been moved because the weather was too cold or too hot for him. The German spokesman at Camp Gordon stated, "Any German would be crazy to complain of the climate in Georgia."

In the column of a daily newspaper, dated February 19, 1945, the following appears:

"The Philadelphia Quartermaster asked pajama manufacturers to bid on 200,000 pairs of pajamas for immediate delivery for use of Nazi prisoners of war. Our own boys are not issued pajamas unless hospitalized, and shops can't obtain them for civilians."

Fact: The 200,000 pairs of pajamas were ordered for American prisoners of war held by Germany. Not a single German prisoner of war in this country has been issued pajamas.

CONTROL

With the number of prisoners of war in custody of the United States, it is impossible to control and administer them from one central location. The commanding general of the Army Service Forces had decentralized the handling of prisoners of war to the commanding generals of the nine service commands. The general supervision of all prisoners of war in this country is exercised for the commanding general, Army Service Forces, by the Provost Marshal General. Directives are issued from Washington stating the general policies, and the service commanders carry out these directives.

The War Department is bound by the Geneva Convention. As a solemn treaty entered into by this Government, it is bound to its terms and spirit. We do not coddle prisoners of war, but we treat them firmly and fairly. To do otherwise would be contrary to American tradition and to one of the principles for which our Armies in the field are fighting. We believe in working the man, and we do work him, hard. We do not believe that the work of a prisoner should keep a single civilian out of a job, and we do not compete with civilian labor. We believe that each prisoner can do an honest day's work and that, if he doesn't, we don't have to feed him until he sees the light. Notwithstanding this, we further believe that to wantonly mistreat the German in this country would be to lower ourselves to the Nazi standards.

General Bryan's oral testimony in amplifying his prepared statement went far to clear up many popular misconceptions of the Army's handling of enemy prisoners of war. He denied emphatically that prisoners were coddled or pampered in any way in connection with food, clothing, medical and surgical treatment, luxuries, or privileges

beyond what is mandatory under a strict interpretation of the Geneva Convention. The general stated in effect that the German soldier of today is so imbued with Nazi concepts of military discipline that even in captivity any manifestation of kindness or approbation would be fatal. His response to such is entirely different from that of an American.

German prisoners of war are being sent here in great numbers at the solicitation of the Office of War Mobilization and Reconversion to meet the urgent needs of the War Manpower Commission and the War Food Administration. Despite the multitude of prisoners in the continental United States, there is still urgent need of thousands more to meet manpower shortages in industry and agriculture, especially the latter. No prisoner of war is ever used to replace a civilian worker. They perform contract labor only when civilian workers are not obtainable. If free labor is available in a given area, prisoners are sent elsewhere. The American Federation of Labor is in complete agreement with the War Department's policies in respect to prisoner-of-war labor.

Shortages of meat in commercial markets and procurement difficulties have made it necessary to restrict prisoners' solid meat allotment to 4 ounces per man per day, consisting of hearts, livers, kidneys, necks, tails, feet, fat backs, shanks, flanks, tripe, brains, and the like—no choice or prime cuts whatever. Cigars and cigarettes, both standard brands and so-called off-brands are now denied prisoners of war, as are beer and all cola drinks.

The Nazi salute has been banned.

The formula for dealing with shirkers is simple: "No work, no eat."

Supreme Headquarters Allied Expeditionary Force caused millions of copies of safe-conduct passes to be dropped over Nazi troops during the penetration of Germany. They were printed in both German and English. The obverse read:

SAFE CONDUCT

The German soldier who carries this safe conduct is using it as a sign of his genuine wish to give himself up. He is to be disarmed, to be well looked after, to receive food and medical attention as required, and to be removed from the danger zone as soon as possible.

DWIGHT D. EISENHOWER,
Supreme Commander, Allied Expeditionary Force.

The reverse read:

BASIC PRINCIPLES OF INTERNATIONAL LAW REGARDING PRISONERS OF WAR

(According to the Convention of the Hague, 1907, and the Geneva Convention, 1929)

1. From the moment of surrender, German soldiers are regarded as prisoners of war and come under the protection of the Geneva Convention. Accordingly, their military honor is fully respected.

2. Prisoners of war must as soon as possible be taken to assembly points, which are far enough from the danger zone to safeguard their personal security.

3. Prisoners of war receive the same rations, qualitatively and quantitatively, as members of the Allied armies, and if sick or wounded, are treated in the same hospitals as Allied troops.

4. Decorations and valuables are to be left with the prisoners of war. Money may be taken only by officers of the assembly points and receipts must be given.

5. Sleeping quarters, accommodations, bunks, and other installations in prisoner-of-war camps must be equal to those of Allied garrison troops.

6. According to the Geneva Convention, prisoners of war must not become subject to reprisals nor be exposed to public curiosity. After the end of the war they must be sent home as soon as possible.

General Bryan's testimony in this connection follows:

I have recently talked with an officer from SHAEF who has first-hand knowledge of this subject. Furthermore, the War Department received on Saturday from General Eisenhower's headquarters a brief summary of some of the results of this activity. It shows that the willingness of German soldiers to resist and continue fighting has been seriously undermined by a widespread belief in the kind of treatment that would be afforded them by Americans should they be taken prisoners, and by the promises made in the safe-conduct passes, coupled with the knowledge that the United States has in the past lived up to its obligations under the Geneva Convention.

Interrogations of German prisoners of war who surrendered voluntarily indicate that an overwhelming majority of them expected good treatment. Eighty-six percent of those captured shortly after D-day, 82 percent of those captured during August 1944, and over 90 percent of those captured in October 1944 apparently had accepted the fact that the United States treated prisoners in accordance with the Geneva Convention, despite German efforts to make them believe otherwise. It is worthy to note that General Eisenhower's promise of such treatment, as contained in the safe-conduct pass, was remembered by 59 percent to 73 percent of those prisoners captured from December 1944 through February 1945. The officer from SHAEF stated that considerable numbers of German soldiers came to our lines bearing the safe-conduct passes in their hands.

Statements culled from interrogations of German prisoners reflect the foregoing. I will quote just two of the replies to such interrogations:

(a) "It is known everywhere that the Americans treat us strictly according to the Geneva Convention."

(b) "Nobody exactly wants to get captured, but I and my comrades all expected humane treatment from the Americans."

V

Maurice Pate, director, Prisoners of War Relief, American Red Cross, filed the following prepared statement on relief supplies for American prisoners of war in Europe.

I. SUMMARY OF SHIPMENTS

Supplementary relief supplies for American and Allied prisoners of war held in enemy countries in Europe have been shipped by the American Red Cross from the United States by year, and by value, as follows:

1941.....	\$1, 000, 000	1944.....	\$81, 000, 000
1942.....	7, 000, 000	1945 (first 3 months).....	21, 000, 000
1943.....	39, 000, 000		

Out of the above total of \$149,000,000 in relief supplies, approximately \$90,000,000 have actually been delivered to the camps of American and Allied prisoners; the balance of approximately \$59,000,000 in food packages, clothing, medicines, and other supplies are in Europe with every effort being made to push the maximum possible amount of these goods into Germany day by day.

II. TECHNIQUE OF DISTRIBUTION

A. HOW THE GOODS ARE ASSEMBLED

We start with four Red Cross packing centers located in St. Louis, Philadelphia, New York, and Brooklyn. At these centers 4,000 women volunteers working on mechanized assembly lines have been turning out 1,400,000 food, medical, and miscellaneous packages per month for American and Allied prisoners. These packages flow steadily into the port of Philadelphia along with clothing from the quartermaster depots, drugs from the depots of the Surgeon General, and miscellaneous supplies from other furnishers all over the country.

B. 100 PERCENT SAFETY IN TRANS-ATLANTIC SHIPPING TILL NOW

From Philadelphia a Red Cross vessel loaded with war-prisoner-relief supplies leaves for Europe every week to 10 days. The Red Cross fleet now comprises 10 vessels sailing under the flag of the International Red Cross. These white-painted and clearly marked vessels travel singly, without convoy, brightly lighted at night, following fixed trans-Atlantic lanes, under the protection of safe conduct from all belligerents.

In 124 round trip trans-Atlantic crossings by these Red Cross and other chartered neutral ships we have not had until now an accident or an incident, except for the occasional rescue of men from torpedoed war shipping vessels.

C. SOUTHERN AND NORTHERN ROUTES GIVE TWO CHANNELS OF DISTRIBUTION

Last summer special efforts, with the active help of our Government, were made to open a shipping route to northern Germany via Sweden, in addition to the conventional route via the Mediterranean to Switzerland. This northern route has been of incalculable value for the past 6 months, in practically doubling the volume of relief goods shipped into Germany; and in enabling us to reach the camps in northern Germany while supplies from Switzerland have moved to southern and central Germany. About half our goods have moved through Mediterranean ports into Switzerland; the other half goes to Goteborg, Sweden. From Göteborg small white Swedish vessels carry the war-prisoner supplies to the German port of Lubeck where we and other Allied Red Cross societies have been maintaining a stock of about 1,000,000 food parcels.

Lubeck today is almost on the firing line, but still this week goods are steadily moving on from there to camps in northern Germany by rail, by canal barges and by heavy autotrucks. The Red Cross vessel *Henry Dunant* (named after the founder of the International Red Cross) leaving here next week will carry, besides food, important amounts of drugs and dressings for our prisoners in northern Germany which is now completely cut off from the central drug depot in Switzerland.

D. SUBSTANTIAL SUPPLIES AVAILABLE ON GERMANY'S BORDER AND IN GERMAN PORT OF LUBECK

In Switzerland the International Red Cross has 14 large depots where supplies for prisoners from Red Cross societies all over the world are re-sorted and then shipped into Germany. These depots are filled to the roof with over 80,000 tons of supplies, principally from the American, British, and French Red Cross societies. Göteborg and Lubeck warehouses have 30,000 tons of supplies.

E. DETERIORATING RAILROADS IN GERMANY ARE IMPLEMENTED BY AMERICAN AND ALLIED TRUCKS

Today single freight cars are easily lost in the confusion in Germany so that supplies are now sent in large part from Switzerland in solid trains to certain rail heads. From depots at these rail heads 300 trucks furnished by various Red Cross societies and Allied Governments carry the goods on to the camps. Sometimes these trains start out for destinations which are actually overrun by the Allied armies before the trains, held up by bombed bridges and rail yards, can reach their destinations. Many of the 300 trucks now operating in Germany (and with others allocated to us by the Army, we have on the way, there will soon be 400) are driven by Allied prisoners of war. We actually know the names of some of the Americans driving the relief trucks. All these trucks, operating in the heart of Germany, are powered by American gasoline furnished either by the American Army in France, via Switzerland, or sent from here on our northern Red Cross ships via Göteborg and Lubeck.

F. DELIVERY OF SUPPLIES UNDER NORMAL CONDITIONS

When goods go to a given American camp in Germany, they are consigned to the American leader, chosen by ballot of the prisoners in enlisted men's camps, or the highest ranking officer in officers' prison camps, and known as the spokesman. The American spokesman in turn sends his receipt back to the International Red Cross.

In 1943 the record of delivery of goods intact to American prison camps in Germany was 99.93 percent. This is verified not only by camp spokesmen's receipts, but by International Red Cross delegates and by American prisoner

repatriates returned to the United States. Less than one-fourteenth of 1 percent of the goods were unaccounted for. We do not yet have the full figures for 1944, but the year will generally show good delivery, though a certain amount of our supplies were actually destroyed unknowingly by Allied air attacks.

G. THE YEAR 1945 FINDS DISINTEGRATION AND CHAOS IN GERMANY

Since early this year the old discipline in Germany is gone. Our advancing armies are unearthing American Red Cross packages at various odd points where they are not supposed to be. There is no longer a good post-office address of the German Government where we could send a protest, whereas until some months ago our own Government would strongly protest the unlawful diversion of a single food package. At this critical stage this does not deter our determination to get the goods through and to take every risk. We figure one package actually reaching an American prisoner in Germany is worth more than any number on a pier in Philadelphia, though even under the chaos existing today we feel a worthwhile average is getting through to the men for whom they are intended.

III. UNITED STATES GOVERNMENTAL COOPERATION RECEIVED BY THE AMERICAN RED CROSS

The prisoner-of-war relief program of the American Red Cross totaling thus far, as we have mentioned, about \$149,000,000 in Europe is basically financed by the American and Allied Governments. The American Red Cross covers the overhead of the war-prisoner relief operations; it pays for the medicines, captured parcels, and certain other miscellaneous supplies for American war prisoners.

As to getting the goods through to destination, in a series of unprecedented, and sometimes even unorthodox, measures over these past several years, our Government has given the American Red Cross every support.

The United States Army, in faithfully carrying out the Treaty of Geneva toward Axis war prisoners, has rendered a great service in enabling us to demand many things in hard-pressed, blockaded enemy countries which we might not otherwise have been able to obtain for our prisoners.

The United States Quartermaster Corps and the Surgeon General have immediately furnished us every supply we requested and these supplies have always been stocked ahead in Europe well in advance of the taking of our prisoners. Thanks to this cooperation, even in the summer of 1944 when hostilities in southern France cut us off from Switzerland for over 5 months, the reserves previously built up in Switzerland enabled full servicing of American camps in Germany during this critical period.

The Special War Problems Division of the State Department has been our invaluable counselor and helped us in the opening of many new roads and new precedents in this work. The Foreign Economic Administration, in providing supplies for Allied prisoners, has carried out a humane and far-sighted policy which makes the principles for which this war is being fought a reality. The War Shipping Administration has given us every help and shipping facility. The War Food Administration of the Department of Agriculture has always furnished us the necessary food under the highest priorities. The War Production Board has given us these same high priorities for all of the miscellaneous supplies we require.

In brief, the American Government and all its agencies have given the American Red Cross the tools and materials to do the job.

IV. MORALE AID TO PRISONERS OF WAR

While life in Germany has now become a survival of the fittest and the primary need is physical sustenance, it should be pointed out that the War Prisoners' Aid of the Young Men's Christian Association and the National Catholic Welfare Conference have made over the past several years a great contribution to the moral and intellectual welfare of prisoners of war. Important quantities of their supplies have been moved on Red Cross ships. Under today's primitive conditions, the Young Men's Christian Association has placed a part of its trucks and personnel in Germany in the service of delivering of Red Cross food to maintain life.

V. GETTING DOWN TO THE BOTTOM OF OUR PROBLEM

Our troubles in Germany really started in August 1944 when we, through the International Red Cross, had built up reserves of food packages in the camps sufficient to provide the then existing number of Americans in each camp for a

period of 1 to 3 months. Our armies were then plowing across France and the Germans became nervous, fearing that well-stocked camps might become centers of revolt. So the Germans banned all reserves and told the International Red Cross in Geneva to reduce shipments to a hand-to-mouth basis. The confusion introduced by this ban resulted in certain camps being without food parcels, of which one (Oflag 64) for 6 weeks. It took several months to secure German agreement for the principle of maintaining stocks, but then outside the barbed wire in depots adjacent to each camp. By the time this had been achieved in December the next obstacle was the rapid deterioration of transport in Germany.

Simultaneous offensives on the western and eastern fronts plus the day and night bombing of railroads by Allied Air Forces have resulted in great military achievements for us in Germany. But the better the war has gone for us, the tougher has become the lot of American and Allied prisoners whom the Germans moved repeatedly, often on foot, to avoid their liberation by advancing Allied forces.

The American Red Cross which has constantly striven to maintain the health and welfare of the American prisoner faces the fact that in spite of several years of service the average prisoner will return home with his last impression of hardship. We can only hope that these men will understand the conditions in Germany with which we have had to contend in recent months, and the unusual means taken in the endeavor to meet this situation.

VI. IN BROAD PERSPECTIVE

Since it started to function on a broader scale in 1940, the Swiss International Red Cross Committee has moved into Germany about 300,000 tons of relief supplies to all Allied, including American, prisoners of war. To visualize the quantity of food, drugs, and clothing this means, it may be most simply translated into a solid series of American freight cars 85 miles in length.

The American Red Cross has shipped for prisoners in Europe 15 freight car miles of clothing and drugs; 35 freight car miles of food packages. Of these 28,000,000 food packages sent overseas two-thirds have already been delivered to and consumed by American and Allied war prisoners. The balance is pressing on the borders of Germany and is in more than ample quantities to sustain our prisoners provided they can be reached, and until such time as they are rescued.

Mr. Pate voiced his conviction that the scrupulous manner in which our Government observed the Geneva Convention has been of enormous value to the Red Cross in carrying out its work with our own and Allied prisoners in Germany. He definitely asserted that the number of Americans whose lives will be lost through lack of normal care in Germany will be but a very small fraction of the loss of life of prisoners in camps which do not subscribe to that treaty.

During the last few weeks, particularly since the Allies closed in on Berlin from east and west, serious transportation difficulties were encountered. These difficulties so steadily mounted that in April 1945 it was necessary to depend almost entirely on truck transportation inside Germany. Heretofore supplies had been moved largely over railroads. The disorder and chaos resulting from the great pressure of the Allied armies was instrumental in creating tragic situations.

Under the terms of the Geneva Convention, American prisoners of war are supposed to receive the allowance of a German soldier in a base camp. The German Government makes a distinction between base-camp soldiers and combat soldiers. The number of calories allocated by Germany daily to its own soldiers in base camps was perhaps 2,500, which was also the maximum for the German civilian population. The Red Cross believes that the Germans would have given American prisoners more food, at least during the more normal years of 1943 and 1944, had the Red Cross packages not been coming in regularly to American prisoners. The Red Cross packages supplied food more palatable to American tastes as well as better balanced food from a dietetic point of view. The Germans cut down

the rations when our men left unwanted German food on their plates. The daily ration furnished by the United States Government to its combat soldiers contains 3,400 calories.

The standard type of Red Cross package delivered to American prisoners of war held in German camps contains:

- One 6-ounce carton of type K-2 biscuit.
- One 8-ounce carton of processed American cheese.
- Four 2-ounce bars of chocolate.
- One 2-ounce tin of soluble coffee.
- One 12-ounce can of corned beef.
- One 6-ounce tin of liver paste.
- One 16-ounce carton of dried prunes.
- One 16-ounce tin of whole powdered milk.
- One 16-ounce tin of vitamin-A fortified oleomargarine.
- One 6-ounce tin of jam.
- One 12-ounce tin of pork luncheon meat.
- One 7 $\frac{1}{4}$ -ounce tin of salmon.
- One 8-ounce carton of white lump sugar.
- Five packages containing 100 cigarettes.
- Two 2-ounce bars of odorless soap.
- One package ascorbic acid tablets (vitamin C).

Mr. Pate cited the camp at Bad Orb, overrun in the Bulge, as one of the worst. Prisoners there are believed to have received only one Red Cross parcel in a period of more than 2 months. This camp received its first large shipment from Switzerland on March 12 of this year.

In concluding his testimony, Mr. Pate stated that he had read this committee's report on prisoners of war, which was issued November 30, 1944 (Rept. No. 1002, 78th Cong., 2d sess.), and, to his personal knowledge, it substantially presented the condition of prisoner-of-war camps in Germany and Japan existing up to the time the report was made public.

VI

In 1929 the United States of America entered into a treaty with 45 other nations, known as the Geneva Convention Relating to Treatment of Prisoners of War. Article VI of our Constitution says: "All treaties made under the authority of the United States shall be the supreme law of the land."

William W. Bishop, Jr., assistant to the legal adviser, Department of State, appeared before the committee to expound the legal aspects of treaties in general and this treaty in particular. This treaty may not lawfully be denounced during a war in which the denouncing power is involved but shall continue in effect 1 year beyond the conclusion of peace and until the processes of repatriation are completed. Only Congress may enact otherwise, insofar as the legal effect in this country is concerned; but it cannot alter the international effect of a treaty entered into by this country with another nation. As the law of the land, a later act of Congress may supersede the treaty, but as an international document our obligation to the other signatory countries remains. The Supreme Court has ruled to that effect. It is also the present state of international law.

A similar situation occurred in 1917 when Woodrow Wilson was President and Robert Lansing was Secretary of State. Certain treaties then in effect between the United States and imperial Germany were breached by the latter nation. The administration held

that even that action did not release the United States from its treaty obligations.

In Mr. Bishop's opinion, from a legal standpoint the Geneva Convention remains in effect despite any failure of the German Government to carry out its provisions. Unless we likewise desire to violate it, we would not be justified under present circumstances in regarding this treaty as at an end.

Japan signed but did not ratify the Geneva Convention. It has agreed to apply it to American prisoners whom they take, and we have agreed to apply it to the Japanese whom we take.

VII

CONCLUDING COMMENTS

The hearings on which this report is based took place just as the disintegration of Germany became complete, immediately prior to Victory in Europe Day; but the policies which came under discussion had been formed and executed during the period between 1942, when the first prisoners of war were brought to this country, and the present. Throughout this period the war was still going on, the extent of German resistance was still uncertain, the issues of specific campaigns were still in doubt, and the number of Americans falling into German hands as prisoners of war was approaching 80,000.

Confusion exists in some quarters because mass atrocity pictures and press reports coming from Germany are apt to speak of "prisoners" and "prison camps" without making it clear that the bulk of these prisoners are civilians, not prisoners of war, and not Americans. Many are themselves Germans, others civilian "slaves" from many European countries. For example, when the notorious prison camp at Buchenwald was taken, 20,000 prisoners were found there. Not one was an American soldier. Eighteen hundred were Germans. American prisoners of war have been badly treated in some places, but not in the way and to the extent many persons, because of this confusion, imagine.

The keystone of War Department policy in the treatment of prisoners of war is the Geneva Convention. That Convention is an international treaty and under our Constitution is part of the supreme law of the land. In time of war it can be violated, as any law can be violated, but it may not legally be abrogated. The Geneva Convention lays down broad standards of shelter, diet, medical care, clothing, and labor. Its purpose is to insure that prisoners of war be given humane treatment and that they be held in honorable captivity, not as criminals.

The State Department has attested that the Army has succeeded in "adhering very closely to the Geneva Convention." The Army's own summation, in the words of the Assistant The Provost Marshal General, who is responsible for prisoners of war in this country, is: "We do not coddle prisoners of war, but we treat them fairly and firmly."

For us to treat with undue harshness the Germans in our hands would be to adopt the Nazi principle of hostages. The particular men held by us are not necessarily the ones who ill-treated our men in German prison camps. To punish one man for what another has done is not an American principle.

The policy which has been followed has already paid large dividends. The Red Cross has declared that the United States Army, by faithfully living up to the Geneva Convention, has enabled Red Cross authorities to demand many things in hard-pressed enemy countries which we might not otherwise have been able to obtain. Commanders abroad have stated that reports reaching German soldiers to the effect that we are treating prisoners fairly, in spite of what their officers told them, were a great factor in breaking down the morale of German troops and making them willing, even eager, to surrender. So pronounced was this effect that General Eisenhower had safe-conduct passes dropped by the millions over enemy lines, promising treatment in accordance with the provisions of the Geneva Convention. Had these promises not been true, and believed, victory would have been slower and harder, and a far greater number of Americans killed.

