Dismemberment of Germany the Allied Negotiations from Yalta to Potsdam

By Philip E. Mosely

DURING World War II, the idea of punishing Germany for obeying Hitler to the end and supporting the Nazi bid for world domination found strong backing. Many influential Allied leaders felt that the most telling reprisal could be inflicted on her by decreeing her dismemberment. This feeling reached its high point at the Yalta Conference. There a provision for dismemberment was added to the surrender instrument previously prepared for German signature, and a secret committee was established to study and report on the steps necessary for carrying the plan into execution. Three weeks after V-E Day, however, Marshal Stalin complained to the late Harry Hopkins that Foreign Secretary Eden and the American Ambassador to Britain, the late John G. Winant, had rejected dismemberment. In the absence of other evidence it might be assumed that Stalin’s complaint gave a full account of the fate of the Yalta decision on German dismemberment. Actually, this is not the case. As we shall see, it was Stalin’s own decision which put an end to effective discussion of this issue; and on May 8, 1945, he publicly renounced dismemberment as a Soviet aim. In the meantime, however, the action at Yalta looking toward dismemberment had gravely compromised the arrangements which had been agreed upon for recording Germany’s unconditional surrender.

The idea of keeping Germany divided into several or many independent and rival states has had a long history. It was a prominent objective of French policy, from Richelieu to Napoleon III and Clemenceau. The hope and desire for the partition of Germany haunted Allied policy-makers during the Second World War, and played an important part in delaying and confusing the efforts to achieve, before Germany’s surrender, a consistent and effective Allied policy for the postwar treatment of defeated Germany. One of the main difficulties was that the proponents of dismemberment never made clear exactly what it really implied. Was Germany to be divided into several completely independent states? Was partition to be welcomed and encouraged if it emerged spontaneously after defeat? Or was it to be imposed and maintained by force? Did dismemberment mean the destruction of Prussian preponderance within the Reich and the strengthening of the historic smaller states within a loose confederation? These questions remained unanswered throughout the Allied discussions.

Apparently, the first official discussions took place during Eden’s visit to Washington in March 1943. Eden raised with President Roosevelt the question of whether the Allies were going to deal with Germany as a unit after the war, or whether they "were going to insist that it be broken up into several independent states." Mr. Roosevelt "hoped we would not use the methods discussed at Versailles and also promoted by Clemenceau to arbitrarily divide Germany, but thought we should encourage the differences and ambitions that will spring up within Germany for a Separatists Movement and, in effect, approve of a division which represents German public opinion." "... Both the President and Eden agreed that, under any circumstances, Germany must be divided into several states, one of which must, over all circumstances, be Prussia." This rather obscure reference to Prussia meant, presumably, that Prussia should be divided into several smaller states in order to destroy its ability to dominate Germany. In a memorandum of March 16 Hopkins reported that Litvinov thought Russia would want to see Germany partitioned, while Eden reported that Ambassador Maisky in London believed it should be either partitioned or decentralized. Eden had reported to Roosevelt, however, that he believed Stalin "will insist that Germany be broken up into a number of states.

But these formal discussions which Eden inaugurated in the spring of 1943 did not, as a matter of fact, mark the start of American studies on this important question. There are some grounds for believing that Churchill may have suggested the possible dismemberment of Germany at the time of his first visit to Roosevelt in December 1941. At any rate, Roosevelt seems to have had the possibility in mind early in 1942 and to have brought it to the attention of Under Secretary Sumner Welles as deserving of study in the Department of State.

However, this may have been, the pros and cons of dismembering Germany received careful discussion in the Department beginning early in 1942. Under Secretary Sumner Welles referred the problem for study to the Advisory Committee on Postwar Problems, which had been appointed by President Roosevelt in January 1942 and
which consisted of a number of outstanding public persons possessed of wide experience in world affairs. It was one of the principal questions to which this Committee gave prolonged consideration. Detailed statements of the arguments for and against partition were also prepared by a staff of research workers recruited by the Department. Projects for the partition of postwar Germany into three, five and seven separate states were drawn up, and analyses were made of the political, economic and demographic problems involved.

Certain members of the Advisory Committee and the expert staff itself were skeptical of the effectiveness of dismemberment as a means of preventing future German aggression and believed that the United States would not be willing, in the long run, to impose and maintain dismemberment by force. They also pointed out that dismemberment would prepare the ground for rallying all Germans against the victorious Powers, would discredit all attempts to develop a democratic régime and spirit in Germany, and would render the economic problem of German livelihood absolutely unmanageable. They foresaw that the Germans would strive in every way to undo partition through playing off the victorious Powers against each other, and would thus increase greatly the dangers of a postwar falling-out among the victors.

During April, May and June 1942, the Advisory Committee carefully weighed these and other considerations and also reviewed the question from time to time during the next year and a half. Its majority conclusion was a strong rejection of dismemberment and the recommendation of a vigorous long-range policy for preventing German rearmament, promoting democratic institutions and reducing or controlling Germany’s economic preponderance in Europe. This view, stated effectively by Hamilton Fish Armstrong and the late Isaiah Bowman, left Welles unconvinced. His proposal, published in 1944, was for the division of Germany into three states. Roosevelt, to whom the Advisory Committee’s views were doubtless transmitted by Welles, maintained his position. The President’s suggestion, made at Teheran, was for the partition of Germany into five “autonomous” states and two internationally-controlled areas. [iv]

Partition was discussed briefly at Quebec, in August 1943, by Hull and Eden. Eden felt that some members of the British Government favored partition, but expressed strong skepticism of its practicability. Hull also elaborated on the difficulties and dangers which it involved. [v] On October 5, however, President Roosevelt stated to Hull, on the eve of the latter’s departure for the first Three Power conference at Moscow, that he strongly favored the partition of Germany into three or more states, joined only by economic arrangements. Later in the same discussion, however, Roosevelt expressed less assurance of the workability of partition. [vi]

At the Moscow Conference of October 1943 preliminary discussion of postwar policy toward Germany was based upon two papers submitted by the United States delegation. These memoranda, submitted "as a basis for discussion," called for the joint occupation and control of Germany by the three Powers and for the elaboration, during the war, of an agreed Allied policy towards Germany, to be based upon the destruction of Germany’s war-making ability and of Nazism, upon the maintenance of economic unity and the promotion of a democratic régime based upon freedom for democratic parties and freedom of opinion, association and elections. Germany was to contribute to the reparation of the damage she had inflicted but was to be allowed to provide for her own sustenance.

Dismemberment was discussed briefly at the session of October 25. Mr. Hull noted that dismemberment had found favor in "high quarters" in the United States Government, but that the experts on German matters were extremely skeptical of its practicability or long-range utility. [vii] The writer, who was present at this session, recalls that both Eden and Molotov stated that the same situation prevailed in their own governments, with the same divergence of opinion between the "top-level" and the experts. The American papers on Germany were referred to the European Advisory Commission, which was established by the Moscow Conference to "study and make recommendations to the three governments upon European questions connected with the termination of hostilities . . . ."

The question of dismemberment was taken up in a different spirit at the Teheran Conference, only a few weeks later. During its last session, when the "Big Three" were already poised for flight, President Roosevelt submitted a plan for the division of Germany into five autonomous states and two other areas to be under United Nations control. Churchill expressed a preference for a two-way division, joining Bavaria to Austria to form a South German state. According to Hopkins’ notes, "Stalin was not enthusiastic about either proposal . . . and saw little difference
between the people of one part of Germany and another" . . . "there would always be a strong urge on the part of the Germans to unite." After this brief and inconclusive exchange the question was referred to the European Advisory Commission, which was about to begin its work in London. [viii]

As the European Advisory Commission set about its task of negotiating Allied agreements concerning the surrender of Germany and its postwar occupation and control, the urgency of arriving at a definite United States policy on dismemberment became apparent, since so many other questions depended on it. In the Department of State during the autumn and winter of 1943-1944 an inter-divisional committee made an intensive study of postwar policy toward Germany. Its conclusions and recommendations were then discussed at three long meetings, in early May 1944, of the Department’s Postwar Programs Committee, composed of the highest officers of the Department and presided over by Under Secretary Stettinius. The resulting basic memorandum on Germany, contained in some 15 pages, was approved by Secretary Hull in July.

This statement of Department policy again reviewed the arguments for and against dismemberment. While it welcomed every move towards strengthening the federal character of the German state and reducing centralized control wherever possible, especially in education and police, it expressed complete doubt of the spontaneous emergence among the Germans of support for partition. It went on to point out that the forcible imposition and maintenance of dismemberment would rule out any future development of democratic institutions, since any governments representative of the popular will would, it predicted, strive to restore German national unity. The problem of enforcing and maintaining disarmament and demilitarization for a long period would be complicated rather than facilitated by imposed partition. Finally, a dismembered Germany could not become economically viable. If each separate German state had to develop its economic resources to the full, the total economic equipment of Germany would be increased; on the day when the separate states recombined Germany’s economic strength would be greater than before.

The Department’s memorandum further predicted that partition would lead to the separate states falling under the influence or control of outside Great Powers, while the latter would find themselves bidding for German support by promising to work for the reunification of Germany, thus eventually allowing German nationalism to play upon the resulting rivalry among the victors. Since it had already been decided in principle that Germany was to be divided into three zones of occupation, there was a real danger that this would lead to a de facto partition, unless the Allies could agree during the war upon a joint policy for the treatment of defeated Germany. It was in the American interest, therefore, to make every effort to work out an agreed Allied policy toward Germany by completing the negotiations for the establishment of an Allied Control Council for Germany and by giving this Council a firm basis of agreed policies and directives to be enforced as uniformly as possible throughout Germany. Basically, this was the function which had been entrusted to the European Advisory Commission at Moscow and Teheran, and this was the purpose to which Winant devoted a major effort between December 1943 and July 1945.

The memorandum summarized above was the policy only of the Department of State, not of the United States Government. As events turned out, it ran head-on into the Morgenthau Plan for the de-industrialization, "pastoralization" and partition of Germany, which took form during the summer of 1944. The Morgenthau Plan included a provision for dismemberment, suggesting that responsibility for the continued enforcement of dismemberment be left to Germany’s neighbors. The memorandum of Harry D. White of September 2, 1944, which advocated partition, thus clashed directly with a State Department memorandum of September 1. At a meeting of the new Cabinet Committee on Germany, on September 5, Hopkins apparently supported the anti-partition view strongly pressed by Secretary of War Stimson and seconded by Secretary Hull.

After Roosevelt and Churchill had approved the Morgenthau Plan at the second Quebec Conference, Roosevelt’s enthusiasm for it declined. The best the State Department could achieve, however, was a decision to postpone any decision concerning partition. Hull urged this course in his memorandum of September 29. In approving it on October 20, President Roosevelt said: "I dislike making detailed plans for a country which we do not occupy." By the same token, however, he put an effective stop for over four critical months to the process of formulating a consistent American policy towards Germany. [ix] During these months of "no policy" Winant was unable to press
for Allied agreement on a broad range of agreed policy in preparation for the surrender of Germany, for he had no backing from Washington for this effort.

While there was a further exchange of views on the problem of partition, in October 1944, during the Churchill and Eden visit to Moscow, the crucial discussion took place at Yalta. There, at the February 5 meeting of the three Foreign Ministers, Eden stated that the British War Cabinet had not discussed partition, though studies had been made at the expert level. Molotov felt that the Americans and British were ahead of the Soviet Government in their study of German problems. In effect, he invited his partners to commit themselves on partition, while withholding a Soviet decision for later.

On the same afternoon, at the second plenary session, the issue was thrown open by Marshal Stalin's proposal that the Conference now reach a decision on dismemberment. Churchill proposed referring the question to a special committee for study. Stalin suggested including in the surrender instrument a mention of the intention of the Allies to dismember Germany. Roosevelt proposed to dismember Germany and meanwhile to empower the Foreign Ministers to develop concrete plans to give effect to the decision. On this the Big Three agreed.

On February 6 the Foreign Ministers discussed insertion of "dismemberment" in the surrender instrument. The Soviet version committed the three Allies to dismemberment, while the American and British drafts constituted a less binding approval of this policy. At the plenary session that afternoon Molotov withdrew his draft in favor of the American text. The three heads of government were now in agreement that the relevant article (Article 12a) drafted by the European Advisory Commission should provide that, in the exercise of supreme authority with respect to Germany, the three Governments "will take such steps, including the complete disarmament, demilitarization and the dismemberment of Germany as they deem requisite for future peace and security." [ix]

At the February 7 meeting of the Foreign Ministers Molotov proposed that a commission consisting of Eden, Winant and Gusev be established in London "to study the procedure for the dismemberment of Germany." To the concern expressed by Eden and Stettinius at the exclusion of France from these discussions, Molotov suggested that the question of French participation be decided by the commission itself. Eden asked what terms of reference were to be given to the commission, but no definite instructions were given. The final Protocol merely provided: "The study of the procedure for the dismemberment of Germany was referred to a Committee, consisting of Mr. Eden (Chairman), Mr. Winant and Mr. Gusev. This body would consider the desirability of associating with it a French representative." [xii]

The Moscow and Teheran Conferences of 1943 had foreshadowed a keen interest of the Big Three in the dismemberment of Germany. Yalta turned this interest into an intention. Yet at Yalta the problem was not once discussed in concrete form. The Yalta agreement merely provided that the three Powers would announce to Germany, at the time of surrender, that they were entitled to "take such steps, including the complete disarmament, demilitarization and the dismemberment of Germany as they deem requisite for future peace and security." In this nebulous form the entire question was referred to a committee, the members of which could, of course, negotiate only under instructions from their Governments. The theory that they could or would "decide" these questions in a vacuum was only a pretense.

The failure of the Yalta Conference to include France in the new committee was consistent with Soviet and (until lately) American policy, but it became the source of much new confusion. France had been admitted in November 1944 to membership in the European Advisory Commission, which could act only by unanimous decision. On February 7, when it was decided to appoint the committee of three on dismemberment, Stalin had not yet agreed to admit France to share in the occupation and control of Germany. When he agreed, on February 10, that France would participate in the control of Germany, there was no move to include France in the Committee on Dismemberment. The new and secret Committee, without the French, overlapped in membership the European Advisory Commission, in which the French were equal members.

The first meeting of the Committee on Dismemberment, held at the Foreign Office on March 7, 1945, with Eden, Winant and Gusev present, was devoted to a discussion of the Committee's mandate. [xiii] Asked at the end of the meeting to put into writing the understanding of the three representatives, Sir William Strang prepared and
circulated to them on March 9 a draft memorandum, in two parts. Part One provided that, in studying the procedure for effecting dismemberment, the Committee would undertake its work with certain considerations in mind. (A) The primary purpose of the Allies in their treatment of Germany after surrender or termination of hostilities was to prevent any renewal of aggression by Germany in the future. (B) In studying how this purpose could best be achieved, one question to consider was whether it could be achieved by such measures as destruction and control of industry, supplementing measures of demilitarization and disarmament, or whether it would also be essential to divide up Germany. (C) If, in order to achieve this basic purpose, it should be found essential to partition Germany, the Committee should inquire into the following problems: 1, in what manner Germany should be divided, into what parts, with what boundaries for each part and with what interrelationship among the various parts; 2, at what time division should be carried out; and 3, what steps the Allies should undertake in order to carry out and enforce dismemberment. Part Two provided that the Committee's investigations of the concrete measures set forth under "C" would be carried out in the light of their discussions of the problems set forth under "A" and "B." The memorandum of understanding clearly subordinated concrete decisions concerning dismemberment to a prior discussion of the broader problems of what military and economic measures should be taken to insure against a renewal of German aggression in future.

The Strang memorandum, which presumably had been approved by Eden, was circulated to Winant and Gusev. Winant felt that the term "destruction and control of German industry" was more sweeping than was justified under the Committee's terms of reference. He proposed to Strang and Gusev that this expression be replaced by the words "elimination or control of all German industry that could be used for military production" (borrowed, at the writer's suggestion, from the communiqué of the Yalta Conference). Strang agreed to this modification in his draft, and Gusev stated that he had no objection to it. Thereupon, Winant addressed a letter to Eden, saying that, with this change included, he was willing to accept Sir William Strang's draft as a statement of the Committee's mandate.

On March 26, presumably after receiving his instructions from Moscow, Gusev also replied to Eden, first showing his reply informally to Winant. In it he stated that he had no objection to the formula set forth in the Strang draft with the Winant revision, as the understanding of the Committee's mandate. His letter added, significantly, that the Soviet Government understood that the Yalta decision regarding the dismemberment of Germany was not an obligatory plan for partition but a possibility for exercising pressure upon Germany for the purpose of rendering it harmless if other means proved insufficient.

In a secret report to the Secretary of State on March 29, Winant stressed the significance of Gusev's reply. The Soviet note meant that the Committee was intended to consider not merely matters of "procedure" for the purpose of effecting dismemberment, but should, in the first place, consider the substantive question of the desirability and feasibility of partition. Thus far he had found no indication of a firm Soviet view concerning partition. Gusev's letter made it plain that at this stage the Soviet Government was not committed in principle to a program of partition. In a private conversation the writer had also asked the Soviet representative whether his information led him to believe that any strong movements for separation would appear in Germany as a consequence of defeat and whether he believed that the Germans would strive for or support dismemberment. To both queries the answer given was an unhesitating "No."

Winant's report on the work of the Committee was referred to President Roosevelt, and his instructions were forwarded to Winant on April 10. They were: "I think our attitude should be one of study and postponement of final decision" [concerning dismemberment]. The Department asked Winant to be guided by this instruction in future discussions.

In all, the Committee on Dismemberment held only two formal meetings, aside from a number of informal conversations. The Committee never discussed the substantive questions. Being without instructions from their Governments, the members had no proposals to discuss. As the tumultuous events of the German debacle unfolded, all the Allied leaders were straining their efforts to cope with day-to-day problems. Dismemberment, which had seemed so attractive a goal at Yalta, remained among the topics which had least urgency.
Meanwhile, however, the Yalta decision to insert the word "dismemberment" in the surrender instrument had already given rise to complications both real and prospective. As early as February 22, Winant had called the Department’s attention to the problems which arose from the failure of the Governments to authorize the members of the committee of three to inform the French of this addition, and the present writer reviewed this question briefly with higher officers of the State Department during a hasty visit to Washington in March.

In effect there were now two versions of the Instrument of Unconditional Surrender. There was the version agreed upon in the European Advisory Commission on July 25, 1944. In November 1944 this version had been communicated to the French delegation, which in January submitted to the E.A.C. a draft protocol for the inclusion of France as a signatory to the surrender instrument, without any changes of substance. (The E.A.C. signed a protocol to this effect on May 1, 1945). Since Yalta, however, there was a second version of the surrender instrument, revised to include the word "dismemberment," but this version was known to and approved by only three Powers. In order for France to accept this addition, her government must first be informed of its existence; once informed of the Yalta addition, France would logically have to be admitted to membership in the Committee on Dismemberment.

The Department informed Winant (through this writer) that it had no objection to including a French representative in the Committee; this meant that Paris would be informed of the word added at Yalta and would be invited to approve the surrender instrument with this modification. On March 29 Winant confirmed receipt of these instructions, and reported that he and Eden had not brought up the question in the Committee in order to avoid confusing the simultaneous discussions among the three Governments over the question of including the French in the Reparations Commission, which was expected to meet shortly in Moscow. Meanwhile the French representative on the E.A.C. had again pressed, on March 28, for the formal admission of France as a signatory of the surrender instrument. Winant’s message went on to hint that it would be better for the three Governments to clarify their own positions concerning partition before inviting the French Government to join in the discussions.

On April 3, however, the Department urged that the Yalta modification of the surrender instrument be communicated promptly to the French Government and that arrangements be made for formal adherence by France. Referring to the Yalta decision that the Committee consider the desirability of adding a French member, the Department instructed Winant to give active support to the inclusion of France in the Committee. On April 5 Winant raised with Eden the question of inviting France to join the Committee, and Eden agreed to call the Committee together for this purpose. At the meeting, on April 11, Winant made a forceful plea to his colleagues in favor of informing France of the addition of "dismemberment" to the instrument and inviting her to adhere to this decision and to join the Committee. Eden and Gusev promised to consult their governments, and Eden expressed assurance that his government would approve this proposal. No answer was ever received from Moscow to this proposal, and therefore France never joined the Committee.

Meanwhile, on April 11 the French Government learned unofficially of the existence of the added word and of the Committee. The Department’s instruction of April 3 had been repeated to the United States Embassy in Paris, for information, and in his reply of April 5, also repeated to the Embassy in Paris, Winant expressed his hope that no action would be taken by the Embassy there until he could secure Soviet and British agreement to approach the French. On April 12, however, the writer was requested to call on the French representative to the E.A.C. On the previous evening the American Embassy in Paris had informed the French Foreign Ministry of the existence of the secret Committee, and France was deeply hurt at its exclusion from a subject in which it had many interests. This writer was able to point out that the American Government was strongly urging the inclusion of France in the Committee, that Soviet consent to this step would be jeopardized by any French protests or leaks to the press, and that Paris should await the result of Winant’s new proposal. At the close of this interview feeling was considerably better than at the beginning.

Late that evening a message was prepared for transmission to the Department and to the Paris Embassy, pointing out the disagreeable consequences which might follow from this unauthorized communication. At midnight, London time, as the text of the telegram was about to be reviewed with Winant, the news came of the death of President Roosevelt. In the light of this blow, the telegram was of course put aside and never sent.
By the first week of May, Germany was clearly on the verge of surrender or complete collapse. Still there was no clarification concerning the final text of the surrender instrument, although on May 1 the E.A.C. signed the protocol making the textual changes necessary to include France among the future signatories. But which document would be used -- the one with "dismemberment" or the one without? Repeated visits to the Soviet Delegation brought no answer. Meanwhile, on the basis of the agreed English, Russian and French texts of the instrument, and the agreed German translation, the writer had had prepared sets of signature copies in both variants and held them ready in the office of the E.A.C. delegation in London for immediate use.

On Friday, May 4, Winant discussed the question of the surrender instrument by telephone with Lt. Gen. Walter Bedell Smith, at SHAEF. He reminded General Smith of the E.A.C. instrument of July 25, 1944. In guarded terms Winant informed General Smith of the word which had been added at Yalta, explained the difficulty which had arisen over the two variants, and reported the efforts which he was making to secure a clarification from the Soviet Delegation. He also informed General Smith that he had available for the use of SHAEF the two sets of signature copies, together with two mimeographed sets of the approved German translation. General Smith stated that he was familiar with the E.A.C. surrender instrument; however, an authoritative text of the instrument had not been transmitted to SHAEF by the Combined Chiefs of Staff, in Washington, nor had authority to sign the E.A.C. instrument been delegated to SHAEF by the four Governments. On that same evening, which was midday, Washington time, Winant talked with the State Department by telephone, informing it of the status of the surrender instrument in the eyes of SHAEF and urging it to arrange at once with the Secretary of War and the Combined Chiefs of Staff for the necessary authorization to be wired to SHAEF.

On Saturday, May 5, Winant saw Gusev before the meeting of the E.A.C. The latter telegraphed his government, at Winant’s request, asking again for permission to inform the French of the addition of "dismemberment" to the surrender instrument. A quick approval from Moscow, after waiting since April 11 for a reply, even now would clear the way for the E.A.C. surrender instrument to be used, in its Yalta variant.

On that same afternoon Sir William Strang was called away from the E.A.C. meeting to discuss with Churchill the instrument of unconditional surrender. Winant assumed that Churchill was trying to clarify the question of which variant of the text was to be used in the impending surrender. Later in the evening, however, he learned that SHAEF was discussing with Churchill, in repeated telephone calls, the substitution of an entirely new text for the E.A.C. instrument. The new text provided only for a military surrender in the field, and omitted all mention of the assumption by the four Allies of supreme power over Germany.

The principal motive behind the action of SHAEF was, apparently, the belief that surrender could be secured from the German representatives with least dispute and delay through presenting a brief and simple instrument of military surrender. Apparently, SHAEF assumed that the Germans would argue over the more detailed provisions of the E.A.C. document or might even refuse to sign it. A short document would, in their opinion, save lives, through hastening the German signature and ending German resistance by German military order.

These military factors were important. However, they ignored two important political considerations. By allowing the German High Command to sign a purely military surrender in the field the Allies would forfeit the opportunity to secure a German acknowledgment of unconditional political surrender. This failure would place in question the supreme authority which the Allies had agreed to exercise over Germany. For example, a purely military surrender would leave in force, for an indefinite future, the provisions of the Geneva and Hague Conventions; this would, legally, require the Allies to maintain the laws and institutions of the Nazi régime, would prevent them from trying and punishing political war criminals, and, in general, would deprive them of the right to exercise full control over Germany. A purely military surrender was adequate to cover the capitulation of separate armies, as in the surrender of Kesselring’s army. It was quite inadequate as an instrument of final and unconditional surrender on the part of the German Government and High Command.

There was another danger in the adoption of the SHAEF proposal. The E.A.C. surrender instrument was, at the same time, an agreement among the four Allied Governments. Its provisions were to be binding on the Allies in their dealings with each other, as well as upon the Germans. It was risky to inaugurate the postwar coöperation of
the Allies by scrapping a basic document of Allied agreement and substituting for the instrument agreed to by the four Governments a new instrument, whose very existence and contents were unknown to several of them.

Having discovered, late on Saturday, that a new surrender instrument was being drawn up, Winant was able to present these dangers personally to Churchill and by telephone to General Smith. As he reported to the Department in a later message, Winant wished to make sure that the degree of agreement which had been reached by the four Powers after long and painful negotiations would be fully safeguarded in the act of surrender. Through his personal insistence a new article, Article 4, was included in the surrender instrument, which was then signed at Rheims on May 7. This article was worded as a general enabling clause, leaving the way open for imposing on Germany the additional military and political conditions which had been embodied in the E.A.C. instrument. Article 4 became the basis on which the four Powers issued the Declaration on Germany of June 5, 1945, and assumed supreme authority to control and administer Germany.

On Sunday, May 6, assuming that SHAEF had cleared its brief draft with the Combined Chiefs of Staff and with the War Department in Washington, Winant wired the Department reassuringly, stating that there had been full coördination and agreement in London on surrender terms. On May 9, however, the Department wired Winant for more detailed information, asking what arrangements were envisaged for utilizing the E.A.C. surrender instrument. It reported that the War Department also had no news on the origin of the brief instrument of surrender or on the reasons why the E.A.C. instrument had not been presented for signature at Rheims or Berlin.

Thus, during April 1945 the presence of "dismemberment" in one version of the surrender instrument and its absence in the other version had been a source of great prospective difficulty. In May the very existence of an agreed surrender instrument was brushed aside by SHAEF, although it had had many printed copies of the instrument of July 25, 1944, and its representatives had discussed with Winant the details concerning the arrangements for the signature copies of the instrument and for the authorized German translation. The leaders of SHAEF were, apparently, indifferent to the fact that the E.A.C. instrument had been approved by four governments, and that the inclusion in it of "dismemberment" had been the subject of much discussion at Yalta.

Naturally, the brief military instrument contained no reference to "dismemberment." And reference to dismemberment was also omitted, by agreement, from the Declaration on Germany, which was later issued in Berlin by the four Commanders-in-Chief on June 5. Discussions of a draft Declaration had begun with the circulation of a British draft, on March 30. At this time, it appeared likely that no German authority, military or civil, would be available to sign a formal surrender and that the victors would have to resort to another procedure, that of proclaiming the complete defeat of Germany and assuming supreme power over it. Accordingly, in April the E.A.C. had been reworking the surrender instrument of July 25, 1944, into a declaration to be issued by the four Commanders-in-Chief. The Declaration proclaimed the right of the victors to determine the future status of any and all parts of Germany, and it therefore appeared unnecessary to include a specific mention of "dismemberment."

In addition, the Soviet Government, without consulting its Allies, had now taken an official stand in opposition to dismemberment. In his "Proclamation to the People" of May 8, Marshal Stalin declared that "the Soviet Union . . . does not intend to dismember or destroy Germany." On May 10 Winant confirmed to the Department that the British and Soviet Governments concurred in the view that the word "dismemberment" should not appear in the Declaration. After May 8 the draft Declaration was revised to take account of Article 4 of the brief surrender instrument, signed at Rheims and Berlin, and the text was completed and approved by the E.A.C. on May 12. Thus the term "dismemberment" disappeared both from the military instrument and from the Declaration which was issued on June 5.

Meanwhile, the partition of Germany was actually taking place. As the victorious armies advanced into Germany, they had set up SHAEF and Soviet military government régimes in the occupied territories. The de facto division of Germany which followed had not been forestalled by the preparatory efforts of the E.A.C., and it was not overcome by the Potsdam agreement for the unified treatment of Germany. By midsummer 1945, Germany was, in fact, dismembered into four zones of occupation, plus Berlin as a fifth zone under Four-Power control. As General Clay reported to Secretary Byrnes in May 1946: "After one year of occupation, zones represent air-tight territories with almost no free exchange of commodities, persons and ideas; Germany now consists of four small economic units.
which can deal with each other only through treaties . . ." [xvii] The gloomiest predictions of the State Department memorandum of May 1944 concerning the consequences of the failure to lay down during the war a consistent and agreed Allied policy towards Germany had been more than fulfilled.

Allied pursuit of the mirage of dismemberment -- in which the United States participated conspicuously -- had contributed substantially to this failure.

[i] Robert E. Sherwood, "Roosevelt and Hopkins, an Intimate History" (New York: Harper, 1948, p. 904). The full report of the Yalta discussions regarding dismemberment has been given by the late Edward R. Stettinius, Jr., in "Roosevelt and the Russians: The Yalta Conference" (Garden City, N. Y.: Doubleday, 1949).


[x] Stettinius, op. cit., p. 122.


[xii]ibid., p. 162-163, 344.

[xiii] The author is grateful to the Department of State for having permitted him to refresh his memory concerning the records of the Committee on Dismemberment. He participated closely in the negotiations as Political Adviser to Mr. Winant on the European Advisory Commission (June 1944-August 1945) and assistant to Mr. Winant for the Committee on Dismemberment.

[xiv] This account differs substantially from the brief account given by General Smith in "My Three Years in Moscow" (Philadelphia and New York: Lippincott, 1950, p. 20). The discrepancy is no doubt due to the difficulty of exact recollection after nearly five years, and the writer intends no reflection upon General Smith's sincerity.

[xv] Article 4: "This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole." Act of Military Surrender, Rheims, May 7, and Berlin, May 8, 1945. "Surrender by Germany" (Department of State Publication 2515, Washington, D. C., 1946, p. 1, 4).
