

INDIA

EXCHANGE OF REPRESENTATIVES ON A RECIPROCAL BASIS BETWEEN THE UNITED STATES AND INDIA

701.4111/1235

The British Embassy to the Department of State

AIDE-MÉMOIRE

His Majesty's Government are proposing to attach to the British Embassy in Washington an Indian official with the rank of Minister. It is proposed that he should be designated Agent General for India in the United States if the United States Government have no objections to this title. His functions will be to advise the Embassy on Indian affairs and to deal with non-political questions in Indo-American relations.

WASHINGTON, April 17, 1941.

701.4111/1235

The Secretary of State to the British Ambassador (Halifax)

The Secretary of State presents his compliments to His Excellency the British Ambassador and has the honor to acknowledge the receipt of the Embassy's *aide-mémoire* of April 17, 1941, advising the Department that His Majesty's Government is proposing to attach to the British Embassy in Washington an Indian official with the rank of Minister to be designated Agent General for India if the Government of the United States has no objection to that title.

The Secretary of State entertains no objections to the assignment of such an official with the rank of Minister to be designated by the title of Agent General for India in the United States and perceives in the proposal of His Majesty's Government a recognition of the need for the establishment of an adequate basis for the effective representation of the interests of the Government of India in the United States and of the Government of the United States of America in India.

The desirability of establishing such a basis of representation is illustrated particularly by the present inadequacy of American representation in India occasioned by the unwillingness of the Government of India to permit representatives of the Government of the United States to reside or to maintain offices in the capital city of Delhi,

which is approximately one thousand miles distant from Calcutta, where the principal American consular officer in India is stationed. American representatives so distinctly removed from the seat of government at Delhi experience numerous and prolonged delays in the transaction of official business as a result of the necessity of relying primarily upon the use of the mails in the conduct of their relations with the Government of India. At this time when India is assuming a position of increasing importance as a source of materials essential to the implementation of the coordinated programs of the Government of the United States for national defense and the extension of aid to the British Empire, it is considered a matter of regret that delays of this character should occur. In view of existing policies of close cooperation between the Government of the United States and his Majesty's Government, it appears to be obviously in the mutual interest of both governments to consider means of providing facilities for the establishment of closer personal relationships between representatives of the Government of the United States in India and officials of the Government of India.

The Secretary of State, therefore, proposes that an American Foreign Service Officer with the rank of Minister, to be designated by the title of either Commissioner or Diplomatic Agent of the United States of America, be permitted, together with secretarial and clerical members of his staff, to reside and maintain offices in Delhi.

WASHINGTON, May 28, 1941.

125.0045/35

*The British Ambassador (Halifax) to the Under Secretary of State
(Welles)*

1736/7/41

WASHINGTON, 28 June, 1941.

MY DEAR WELLES: I am writing to confirm our conversation on 26th June when I told you that the Government of India gladly agree to the proposal made by the State Department that a member of the United States Foreign Service should reside at Delhi or Simla. The Government of India would prefer that this officer should have the title of Agent General, rather than that of Commissioner or of Diplomatic Agent as suggested in the Department's note of 28th May, since owing to the constitutional position the reception of a Diplomatic Minister in India, or the establishment of direct diplomatic representation between India and the United States is not possible at this time. The Government of India also suggests that in order to avoid embarrassment with other countries it would be preferable not to make any reference to the officer's personal rank in announcing his appointment.

2. The Government of India suggests that the appointment of a United States Agent General at Delhi and of an Indian Agent General at Washington might in due course be embodied in the draft Treaty now under consideration.¹ They will, however, be glad to receive the United States Agent General forthwith in advance of the conclusion of the Treaty negotiations, and suggest that the two appointments should be announced simultaneously and as being reciprocal in character.

3. The Government of India hope that the United States Consulate General at Calcutta will continue to be maintained, in addition to the new office at Delhi.

4. The Government of India are anxious to appoint as their Agent General in the United States Sir Girja Shankar Bajpai, K. B. E., C. I. E. He is aged 50, is a member of the Indian Civil Service and a member of the Governor-General's Executive Council. I should be very grateful if you will let me know whether this appointment would be acceptable to the United States Government.

V. sincerely

HALIFAX

125.0045/35

The Under Secretary of State (Welles) to the British Ambassador (Halifax)

WASHINGTON, July 2, 1941.

MY DEAR MR. AMBASSADOR: I refer to your confidential communication No. 1736/7/41 of June 28, 1941, in which you confirm our conversation on June 26, when you stated that the Government of India gladly agrees to the Department's proposal that an American Foreign Service Officer should reside at Delhi or Simla. It is noted, however, that the Government of India prefers that this officer bear the title of "agent general" rather than that of "commissioner" or "diplomatic agent", as suggested in the Department's note of May 28, 1941, because the constitutional position does not permit the reception of a diplomatic minister in India, or the establishment of direct diplomatic representation between India and the United States at the present time.

The title of "commissioner" or "diplomatic agent" was suggested in view of the provisions of section 24 of the Act of February 23, 1931,² constituting a part of basic legislation relating to the establishment and organization of the American Foreign Service, which is quoted as follows:

"Sec. 24. That within the discretion of the President, any Foreign Service Officer may be assigned to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as

¹ See pp. 189 ff.

² 46 Stat. 1210.

the public interests may require without loss of grade, class, or salary: Provided, however, That no such officer shall receive more than one salary."

Under the provisions of this section the President is empowered, without additional legislative authorization, to appoint a Foreign Service officer to act in the capacities enumerated therein, including those of "commissioner" or "diplomatic agent". It may be noted, however, that this section does not provide for the assignment of a Foreign Service officer as "agent general". To obtain authority, therefore, for the appointment of an agent general, it would be necessary to seek Congressional legislation either creating such an office or appropriately amending section 24 of the Act of February 23, 1931. In order that the proposed appointment of an American representative to Delhi might be made within the framework of existing legislation and in order to avoid delay in seeking additional legislative authority, the titles of "commissioner" and "diplomatic agent" were suggested. It was not the Department's intention that a representative designated by a title other than that of "agent general" should in fact enjoy a status or perform duties other than those he would perform if designated as "agent general". It would be appreciated, therefore, if His Majesty's Government would indicate whether, in view of the foregoing statements, the constitutional position would permit the Government of India to reconsider the Department's suggestion that an American Foreign Service officer assigned to Delhi bear the title of "commissioner".

In accordance with the desires of the Government of India, the Government of the United States, in announcing the appointment of a representative to Delhi, will make no reference to the personal rank of minister to be accorded to such officer.

The Department concurs with the suggestion of the Government of India that the appointments of an Indian agent general at Washington and of an American representative at Delhi be made the subject of a provision in the draft treaty between India and the United States now under negotiation, it being understood that the exchange of representatives would occur forthwith in advance of the conclusion of the treaty negotiations and that the appointments would be announced simultaneously as being reciprocal in character.

The Government of the United States desires to assure the Government of India of its intention of maintaining its consular establishment at Calcutta after the opening of an office in Delhi.

The Government of the United States perceives no objection to the appointment by the Government of India of Sir Girja Shankar Bajpai, K. B. E., C. I. E., as Agent General for India in the United States and will be pleased to receive him in that capacity.

Very sincerely yours,

SUMNER WELLES

124.45/5

*The British Ambassador (Halifax) to the Under Secretary
of State (Welles)*

WASHINGTON, July 15, 1941.

MY DEAR WELLES: I have now had from the Foreign Office a reply to the telegram which I sent them as a result of your letter of July 2nd about the appointment of an American Foreign Service Officer to reside at Delhi or Simla. The Foreign Office inform me that the Government of India gladly agrees to the American representative being styled "Commissioner", as suggested in your letter. I hope therefore that we shall be able to agree on a simultaneous announcement of the two appointments shortly.

Very sincerely yours,

HALIFAX

124.45/14

Press Release Issued by the Department of State, July 21, 1941

The Government of the United States and the British Government, in consultation with the Government of India, have agreed to an exchange of representatives on a reciprocal basis between the United States and India.

It is expected that an American Foreign Service Officer will be designated to represent the United States in the capacity of Commissioner at Delhi, the capital of India.

The representative of the Government of India in the United States appointed by the Governor General is Sir Girga Shankar Bajpai, who will bear the designation of Agent General for India in the United States and who, it is understood, will assume his duties in Washington in the early autumn.

123W694/360 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Winant)*

WASHINGTON, September 16, 1941—6 p. m.

3838. Referring Department's 2932, August 2, 10 p. m.,^{2a} there have arisen certain questions relating to form and procedure in connection with Mr. Wilson's appointment as Commissioner to India with the rank of Minister. These have had our careful consideration and in the light of the situation which is peculiar to India we have arrived at the following conclusions:

^{2a} Not printed.

(1) The office at Delhi will be known as "The Commission of the United States of America".

(2) Mr. Wilson will present a letter of credence to the Viceroy and the usual ceremonial procedure in connection with such presentation will be observed. Following language is suggested, subject approval British authorities: "To His Majesty, George VI, etc., Great and Good Friend: I have made choice of Mr. Thomas M. Wilson, a citizen of the United States, as Commissioner of the United States of America to India, with the personal rank of Minister, to reside at New Delhi, and have charged him to conduct the affairs of his post in a manner to foster the friendship which has so long subsisted between the Government of the United States and that of Your Majesty. Paragraph May God have Your Majesty in His wise Keeping. Your Good Friend (signed) Franklin D. Roosevelt. (Countersigned) Cordell Hull". Urgent that immediate reply be received on this point.

(3) The subordinate officers will be designated as "Secretary of the Commission".

(4) The officers assigned to Delhi will retain their consular commissions as of Calcutta and no change will be made in the Calcutta consular district. This is proposed in order that the officers may be properly documented to perform consular services at the same time avoiding the technical adjustments that would be involved in consular assignments to Delhi with the resultant necessity for establishing a new consular district.

Before issuing definitive instructions to Mr. Wilson, we desire that you discuss these several propositions with the appropriate British authorities with a view to ascertaining whether this procedure is agreeable and if it is not, we should be glad to have alternative suggestions. Our primary interest, of course, is the establishment of effective representation in complete accord with the wishes of the British Government and the Government of India. This telegram has been repeated to Mr. Wilson at Calcutta.

HULL

123W694/371 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Winant)*

WASHINGTON, September 30, 1941—11 p. m.

4128. Your 4615, September 30.^{2b} Mr. Wilson is severing his connection with the Consulate General at Calcutta and as indicated in Department's 3840, September 16,^{2b} he has been succeeded by George R. Merrell, who has been assigned Consul General at Calcutta.

We are in complete accord that the Consulate General remain as a separate entity, but it is our desire that the subordinate officers at Delhi shall be qualified to perform consular functions as of Calcutta.

^{2b} Not printed.

We are entirely agreeable to the proposal that neither Mr. Wilson nor Sir Girja Bajpai shall present letters of credence and as suggested, Mr. Wilson will be provided with an informal letter of introduction addressed by the President to the Viceroy.^{2c}

HULL

CONSIDERATION BY THE DEPARTMENT OF STATE OF ADVISABILITY
OF APPROACHING THE BRITISH GOVERNMENT WITH RESPECT TO
GRANTING FULL DOMINION STATUS TO INDIA

845.00/5-541

*Memorandum by the Assistant Secretary of State (Berle)*³

[WASHINGTON,] May 5, 1941.

Considerable thought given to the Near East in the past few days indicates that the Indian problem is now brought to the fore. India is contributing little to the present problem and if it remains in this status may well become an active danger to the whole situation in the not distant future. The British seem to be doing nothing about it. They have asked that we accept an Indian Agent General near this Government; meanwhile, they rather indignantly resent any attempt of ours to have effective representation at Delhi.⁴

I think the question ought to be dealt with broadly. From all the information I could get, at least a provisional settlement of the Indian problem has to be got as a preface to getting any solid help, although the Indians in general realize that if the British Empire falls their next fate will be worse than their present fate.

The attached *Aide-Mémoire* indicates the line that I rather feel ought to be considered. If it seems sensational, all I can say is that this is no time for half measures.

Mr. Wallace Murray⁵ and the Near Eastern section are of the same mind.⁶

A. A. BERLE, JR.

^{2c} President Roosevelt's letter was presented by Mr. Wilson to the Viceroy on November 21.

³ Addressed to the Secretary of State and the Under Secretary of State (Welles).

⁴ United States interest in having consular representation at Delhi was embodied in article X of the draft of the proposed treaty of commerce and navigation which had been under discussion between the United States and the Government of India since 1939; see p. 190. For correspondence regarding the establishment in 1941 of an American Commission at Delhi, see pp. 170 ff.

⁵ Chief of the Division of Near Eastern Affairs.

⁶ Attached is a note of May 8 by the Assistant Chief of the Division of Near Eastern Affairs (Alling) which states: "I understand nothing is to be done on this and that Mr. Welles feels it would be undesirable to do anything which might upset the Indian apple cart at this critical juncture."

[Enclosure]

Draft Aide-Mémoire

The Government of the United States has been giving earnest thought to certain problems corollary to the joint effort in which this Government and His Majesty's Government are now engaged. Among the greatest of these problems must be included the part which may be played by the Indian Empire in the coming months.

It would seem that considerations of principle as well as of policy converge to suggest that a solution be reached in respect of certain questions outstanding. India of necessity exerts a vast influence upon the affairs in the Middle East. Her status is of interest to all of the surrounding nations, and the degree to which and the methods by which she becomes integrated into a common cooperative effort of free peoples undeniably will affect the attitude of the Middle East countries.

Were there no other compelling reasons, it would suffice that India is a vast reservoir of manpower, and occupies a dominant position in supplying certain strategic war materials; and that her resources permit the development of additional supplies which in certain contingencies might well prove crucial. Converted into an active, rather than a passive, partner in the attempt to preserve a system of free cooperation among nations, her participation might well become of first importance.

To that end the Government of the United States hopes that His Majesty's Government will promptly explore the possibility of bringing India into the partnership of nations on terms equal to the other members of the British Commonwealth. Were this to be done, the Government of the United States would consider favorably receiving a diplomatic mission in Washington representing India as then constituted, and making provision for like representation of the United States at India.

The Government of the United States disclaims any desire to intervene in the relations existing between His Majesty's Government and the Indian Empire, but feels it appropriate to point out that under existing circumstances it can express concern over the tangible results, in the light of a common effort, which the British policy in India in fact produces.

The pressure of events in the Middle East leads this Government to hope that the matter may be promptly considered. It believes that the more rapidly a settlement of certain outstanding questions there prevailing can be arrived at, the greater will be the accession of strength to our common interest.

890F.6363 Standard Oil Co./131

*Memorandum by the Secretary of State of a Conversation With the
British Ambassador (Halifax)*

[WASHINGTON,] May 7, 1941.

[For the first part of this memorandum, regarding financial assistance to Saudi Arabia, see page 632.]

I then said that in going over conditions in Iraq and Iran and British problems in that part of the world, it occurred to me to inquire of him about conditions in India and whether the British found it feasible to consider further acts of liberalizing the relations of the United Kingdom to India. He said that the conditions in India were really very good; that Gandhi⁷ with his opposition to war found himself unable to sympathize with Hitler and later refused to go along in support of the British because that too involved the use of force. He added that sentiment in India towards the British situation and towards Great Britain at this time was very good. He especially pointed out the fact that the Indians have self government in the provinces of British India, which included some areas larger than France or Germany; that the Federal Government controlled primarily by the British only handled national defense, foreign affairs and general finance; that a short time ago they proposed that a committee of Indian officials might make up an eligible list from which the British Government would appoint an official committee to deal preliminarily and in the matter of recommendations with important phases of relations between the general government and the provinces or states and their governments to the extent that the general government has to do with the affairs of the provinces, but he added that the two religious sects, the Moslems and the Hindus, were unable to get together on this proposal, but that it still stands and has made a good impression. He added that it was not deemed feasible or even necessary now to make further liberalizing concessions.

C[ORDELL] H[ULL]

740.0011 P.W./371: Telegram

*The Ambassador in the United Kingdom (Winant) to the Secretary
of State*

LONDON, August 1, 1941—11 p. m.

[Received August 1—6:47 p. m.]

3365. To the Acting Secretary for the President. There will be a problem that will come up shortly for discussion. It will have to do with a matter that Fraser, the Prime Minister of New Zealand,

⁷ Mohandas K. Gandhi, leader of the Indian National Congress and of a passive resistance movement.

broached with me the other day. The Australians in particular and the New Zealanders also are disturbed by the Japanese encroachments. They want very much to have the British work out with us some arrangement under which the British and ourselves could join in recognition of their situation with the object of furthering their security.

It occurred to me that when this matter was called to your attention it might permit a reference to India. I have thought for some time that the charge of imperialism against England in the United States largely focused on the Indian situation. This sentiment hinders support to Britain.

I remember very clearly the effort in the Far East to work out understandings among the Asiatic peoples—China, India and Japan—and that Japan blocked the way.

If we can count on a friendly India with China already as an ally the future problem in the Far East will be in large measure solved as well as bridged to the western world.

The British have always emphasized the problem of minorities in India, and the practical difficulties of securing an agreement on a constitution in which protection was given to the minorities and under which a stabilized state could be established. It can be argued that the war period does not permit the time and attention necessary to solve the issue, but it is also true that failing to solve it disturbs large groups both within the British Empire and elsewhere in the world and handicaps the support of the war in India itself.

It might be possible at least to get agreement on the right of Dominion status for India so as to eliminate that major issue now, while at the same time giving a further pledge to implement this status within a stated period following the cessation of hostilities.

Among other considerations I believe this action would have a sobering effect upon the Japanese.

In my opinion a number of the Cabinet would favor such a plan. When the Indian question was up at a Cabinet meeting some time ago the Prime Minister^{*} was opposed to taking action. Unless the idea was suggested by you I doubt if this subject would again be pressed for further consideration.

WINANT

845.01/1163

Memorandum by the Assistant Secretary of State (Berle) to the Under Secretary of State (Welles)

[WASHINGTON,] August 5, 1941.

MR. WELLES: Attached is a draft cable which might be sent to London if you think well of it.

^{*} Winston S. Churchill.

At the time when the negotiations were presented for the appointment of an Indian diplomatic agent here, and of the corresponding appointment of a United States representative in India, Mr. Murray and I considered the situation and recommended to the Secretary that he take up with Lord Halifax the possibility of getting an agreement on Dominion status for India.

The Secretary did suggest this matter to Lord Halifax, but received a pretty plain indication that they were quite satisfied with the situation as it stood; and accordingly nothing further was done.

The applicable considerations appear to be:

(1) From the point of view of the United States public opinion, the elevation of India to Dominion status would be very helpful.

(2) From the point of view of the political situation in India, NE⁹ believes that the position of the Nationalist movements, their fear of German or Russian domination, and their desire to retain such advances as they have made, makes this a more opportune time to propose Dominion status than has yet existed.

(3) From the economic point of view, it would appear that India has developed resources and industries which in conjunction with Australia, New Zealand, and, if possible, China, present the opportunity for building up a pretty formidable military machine. Having ample man power, political impetus would thus be given for the nucleus of a Far Eastern alliance capable of giving a good account of itself as against Japan, or possibly even Germany.

A. A. BERLE, JR.

[Annex]¹⁰

*Draft of a Telegram to the Ambassador in the United Kingdom
(Winant)¹¹*

WASHINGTON, August 5, 1941.

The President has considered the proposal made in your 3365, August 1, 11 p. m. From your telegram it is assumed that the primary question is a recognition by the United States of the special position of Australia and New Zealand in the Far East, and that you have in mind the suggestion of a plan by which (a) India is raised to Dominion status; (b) India, Australia, New Zealand, and China enter into a defensive alliance; (c) that the United States indicates in an appropriate manner that it would be prepared to give assistance to such an alliance.

Your suggestion is further understood to mean that we proceed towards this plan in steps, first proposing the raising of India to

⁹ Division of Near Eastern Affairs.

¹⁰ Filed separately under 740.0011 Pacific War/371.

¹¹ Telegram not sent.

Dominion status, and thereafter working out the relationship between the four powers in question.

The President and the Department believe that the time is favorable for proposing such a plan, and authorizes you to present it to the Prime Minister and to the Foreign Office.

845.01/1143

Memorandum by the Under Secretary of State (Welles) to the Secretary of State

[WASHINGTON,] August 6, 1941.

MR. SECRETARY: I think you will wish to give very careful consideration to this suggestion.¹² In my own judgment this Government is not warranted in suggesting officially to the British Government what the status of India should be, but were the President disposed to take the matter up I should imagine that he would wish to discuss it in a very personal and confidential way directly with Mr. Churchill.¹³

S[UMNER] W[ELLES]

740.0011 European War 1939/16251: Telegram

The Secretary of State to the Ambassador in the United Kingdom (Winant)

WASHINGTON, November 1, 1941—6 p. m.

4906. Please report to the Department by telegraph upon the significance of the visit to London of the Prime Minister of Burma¹⁴ and any development arising therefrom.

HULL

740.0011 European War 1939/16403: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, November 4, 1941—midnight.

[Received November 5—5:10 a. m.]

5253. For the Secretary and Under Secretary. In reply to Department's 4906, November 1, 6 p. m. I thought this background might be helpful. After article 3 of the eight points of the Roosevelt-Churchill joint statement¹⁵ was published, many people here and in the United States, I understood, felt that in broad language it cleared the principle. On September 9, the day the Prime Minister

¹² See memorandum by the Assistant Secretary of State, August 5, p. 179.

¹³ Marginal notation: "I agree—CH".

¹⁴ U Saw.

¹⁵ Statement of August 14, 1941, known as the Atlantic Charter, vol. 1, p. 367.

spoke in the House,¹⁶ he sent me over a copy of his speech as there were definite references to the United States.

I also found a paragraph which I asked him to eliminate. The following is a résumé of that paragraph and is contained in my despatch number 1497, of September 10, 1941.¹⁷

"The Prime Minister declared that questions had been asked as to exactly what was implied by certain points of the declaration but that it was a wise rule that one party to an agreement should not without consulting the other seek to put special or strained interpretations on specific passages and that he was therefore speaking today only in an exclusive sense. With this proviso (and with obvious reference to this Government who have inquired how paragraph 3 of the declaration—regarding 'the right of all peoples to choose the form of Government under which they will live'—applies to certain areas under British rule) he went on to say that the joint declaration did not qualify in any way the various statements of policy which had been made from time to time about the development of Constitutional Government in India, Burma or such parts of the Empire. He recalled that the British Government was pledged by its declaration of August 1940,¹⁸ to help India obtain free and equal partnership in the British Commonwealth, and that it was also the Government's considered policy to establish Burmese self-government. Mr. Churchill asserted that what had primarily been in mind at the Atlantic meeting was the revocation of the sovereignty of the European nations now under the Nazi yoke and the principles governing any alterations that might have to be made in their agreement. This was 'quite a separate problem from the progressive evolution of self-governing institutions in the regions and peoples who owe allegiance to the British Crown' on which he said the British Government had made separate and complete commitments entirely in harmony with the concepts of freedom and justice inspiring the joint declaration."

I thought it ran counter to the general public interpretation of the article and that I thought it would have little support here and elsewhere and would simply intensify charges of Imperialism and leave Great Britain in the position of "a do nothing policy" so far as India and Burma are concerned. We talked up to a few minutes before he actually had to appear in Parliament to make the address. He told me that a vote of the Cabinet was in support of that passage, and he took the position that it was a matter of internal British politics. I was not able to change his determination to use this section of his statement.

Since then I have found that Amery¹⁹ had pressed the matter and the timing leads me to believe that not only because of questions in

¹⁶ For text of speech, see *Parliamentary Debates*, House of Commons, 5th series, vol. 374, col. 67.

¹⁷ Despatch not printed.

¹⁸ British Cmd. 6219: *India and the War: Statement issued with the authority of His Majesty's Government by the Governor-General on August 8, 1940.*

¹⁹ Leopold S. Amery, British Secretary of State for India and Burma.

regard to the application of article 3 to India but also the request of the Burmese Prime Minister to come on here to discuss Burma's future policy were responsible for the statement. I had luncheon with Amery and Minister U Saw last week. U Saw asked if he might call on the President on his way home. I hope this may be possible. He rather naively suggested that he felt it proper for the Prime Minister of a democracy to call on the head of the greatest democracy. U Saw had just left the King and described his interview, which lasted some 20 minutes, with him. He said that he had promised to support the British war effort. He made one brief official call on Eden,²⁰ his contact during his stay here has been through Amery. I found through Cadogan²¹ that he himself initiated his visit here. He had planned to discuss the future status of Burma and to inquire as to the effect of article 3 on this question.

Two of the morning papers, the *Daily Express* and the *News Chronicle*, carry articles stating his disappointment in the results of his visit. The following direct quotation appears in the *Daily Express*:

"I have not been able to get an assurance about self-government to take back to Burma now that my visit here is ended.

I know the Government and the British public are very busy at the moment with the war; I only want a definite assurance that Burma will be placed on the same level as the other members of the Empire.

The British Government has given an assurance to India and Burma that they will give those countries self-government one day, but when that day will come is another question."

A further quotation taken from the *News Chronicle* follows:

"My only request was that before they free the countries under Hitler they should free the countries within the British Empire," he said.

"I was anxious to find out from Mr. Churchill how the Atlantic Charter affected the future of Burma.

Burma has been unconditionally co-operating with Britain in her war effort, and yet when I come to Britain I cannot be taken into the confidence of the War Cabinet in the same way as the Dominion Premiers, because Burma has not Dominion status.

I came here to deliver a message of goodwill from my people, but I do think it is the duty of the leaders of this country to see that each and every part of the Empire taking its share of the war effort is contented.

I cannot foresee what the attitude of my people will be when I explain the response of the British Government to my request."

This morning I again brought up this subject together with U Saw's press comments with Mr. Eden. The latter called up Mr. Amery and got his permission to give me the text of a letter sent to the Bur-

²⁰ Anthony Eden, British Secretary of State for Foreign Affairs.

²¹ Sir Alexander Cadogan, British Permanent Under Secretary of State for Foreign Affairs.

mese Prime Minister with the understanding that it be treated as secret and confidential. The text reads as follows:

"Your visit to this country has provided an opportunity for you to state your views as to the method of approach to the constitutional problem in Burma which will arise for discussion after the war, and for me to make clear, as I hope I have succeeded in doing, the sincerity of the intentions of His Majesty's Government on this subject. I feel that the opportunity thus afforded for an exchange of information and ideas has been of great benefit is desired in the midst of the life and death struggle in which this country and Burma, and indeed the whole cause of free government in the world, are involved, it is not possible, as I the past few days realize, either to enter upon the detailed examination of and discussion required for the solution of these important problems or to anticipate of conclusions which must themselves be affected by that examination and by the situation at the end of the war.²²

The general aim of the policy of His Majesty's Government has, however, been made clear in a number of declarations in recent years, the last of which was that made by Sir Archibald Cochrane²³ to the Burma Legislature on 26 August 19[40] in the course of which he stated that His Majesty's Government will continue to use their best endeavors to promote the attainment of Dominion status as being the objective of Burma's constitutional progress and that immediately the war is brought to a victorious end they will be willing to discuss the problems to be solved in Burma.

It is the intention of His Majesty's Government that this discussion, to be conducted in collaboration with representatives of Burma, should cover all questions relevant to the methods by which the attainment of this declared aim can be facilitated and expedited, with a view to removing to the fullest extent that may be found practicable such limitations as stand in the way of the assumption by the people of Burma of complete self-government within the British Commonwealth.

I may add that His Majesty's Government consider that conclusions reached on the questions to be discussed should be based on the merits of those questions themselves as affecting Burma and her relations with His Majesty's Government, and will not allow them to be prejudiced in any way by the position in regard to the solution of similar problems elsewhere.^[27]

WINANT

845.01/120

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)^{23a}

[WASHINGTON,] November 7, 1941.

Reference is made to Ambassador Winant's telegram no. 5253 of November 4, midnight, concerning Prime Minister Churchill's in-

²² This sentence is apparently garbled.

²³ Governor of Burma.

^{23a} Addressed to the Assistant Secretary of State (Berle), the Under Secretary of State (Welles), and the Secretary of State.

terpretation of Article 3 of the "Roosevelt-Churchill Atlantic Declaration." It may be recalled that Mr. Churchill informed the House of Commons on September 9, 1941 that this article, dealing with "the right of all peoples to choose the form of government under which they will live", is applicable only to European nations under Nazi occupation and does not relate to "the development of constitutional government in India, Burma or such parts of the Empire", which may be regarded as a separate problem to be handled in accordance with previous declarations in regard thereto.

It was Article 3 of the Declaration which prompted the Premier of Burma to visit London in order to ascertain the applicability of this article to Burma and discuss the future of Burma with British officials. Upon being informed of the inapplicability of Article 3 to Burma and of the unwillingness of the British Government to enter into detailed discussions of the future status of Burma at the present time, the Premier of Burma expressed his keen disappointment and is quoted in the press as stating "I cannot foresee what the attitude of my people will be when I explain the response of the British Government to my request."

It is to be expected that the attitude of the British Government, as expressed in Mr. Churchill's address to Parliament and by the nature of the reply to the inquiry of the Prime Minister of Burma, will have repercussions in India, which may be of a serious character and which may serve to impede further India's contribution to the war.

The Prime Minister of Burma has expressed a desire to call upon the President while passing through the United States on his return to Burma. In this connection, reference is made to Mr. Welles' memorandum of August 6, 1941 to the Secretary in which it was stated that "this Government is not warranted in suggesting officially to the British Government what the status of India should be, but were the President disposed to take the matter up I should imagine that he would wish to discuss it in a very personal and confidential way directly with Mr. Churchill." In view of the fact that Mr. Churchill has now offered an interpretation of the Roosevelt-Churchill Declaration, and, in view of the possible forthcoming call of the Premier of Burma upon the President, it is considered that there may be greater justification than there has been heretofore of an effort on the part of this Government to assist in a solution of problems involved in the political status of India and Burma.

It is suggested, therefore, that it may not be inopportune at the present time to submit this matter to the President for his consideration, with possible reference to Mr. Winant's telegram no. 3365 of August 1, 11 p. m., recommending that a suggestion be made to the British Government to grant dominion status to India. As has been indicated by the Division of Near Eastern Affairs in memoranda

dated August 12, and October 16, 1941,²⁴ the political situation in India appears to be deteriorating rapidly. It is considered inevitable that such a deterioration will prevent India from putting forth its best effort to help win the war. In view of the expressed views of the President regarding the policy of this Government in assisting Britain to defeat Hitler, it is believed that the President may wish to consider what steps may be taken to check the uncooperative movement in India in order that India may make a greater contribution to the prosecution of the war. Accordingly, the attached letter to the President²⁵ has been prepared for the signature of the Secretary.

WALLACE MURRAY

845.01/120

*Memorandum by the Under Secretary of State (Welles) to the
Secretary of State*

[WASHINGTON,] November 15, 1941.

THE SECRETARY: This suggested letter for you to send to the President raises, it seems to me, some very important considerations.

Naturally, if point three in the joint declaration of the Atlantic has any real meaning, it should be regarded as all-inclusive and consequently applicable to the peoples of India and of Burma.

But it seems to me that this Government, in regard to this problem, at least at the present moment, is facing a question of expediency. The British have been governing India in one form or another for well over a hundred years. The highest caliber organization of the entire British civil service is that which has been built up by the British Government over the years in the Indian service. From the information which Lord Halifax has personally given to me—and I think it is generally conceded that he has probably been the most liberal viceroy that India has ever had—it is the consensus of opinion of the British civil servants most experienced in Indian affairs that any immediate change in the status of India would immediately create internal dissension in India on a very wide scale and in all probability would give rise to a situation with which the meager number of British now in India could not cope. In other words, the immediate granting of dominion status would create a situation in India exactly the opposite of that which Mr. Murray and those who join him in their recommendation to you forecast.

²⁴ Neither printed.

²⁵ Not printed; the draft letter reviewed the Indian situation and suggested that President Roosevelt might feel justified in taking this question up in a personal way with Mr. Churchill (740.0011 European War/16403).

Deeply as I sympathize with the objective which is sought in this proposed letter, I cannot believe that any officials in our own Government are sufficiently familiar with Indian affairs to make it possible for their judgment and recommendations to be put up against the judgment and recommendations of the competent British authorities themselves.

The status of India is an issue that has been used against the British Government by the extreme fringes of the Left Wing in this country, particularly during the time that the Communist Party was opposing Great Britain, and by the extreme groups among the Irish in this country. I have never yet found that this issue meant very much to public opinion in general in the United States. For that reason it would not seem to me a matter which has immediate political significance so far as public opinion in the United States is concerned. I also have the strong feeling, in view of Mr. Churchill's well-known and frequently published attitude concerning the status of India, that he would inevitably feel, should this Government intervene even in the informal manner suggested, that the United States was taking advantage of Great Britain's present situation and her dependence upon this country in order to try to force Great Britain to take an immediate step which he personally has consistently opposed, and to which the overwhelming majority of the British authorities, civil and military, are likewise opposed.

For all of these reasons I recommend against the intervention of this Government at this time in the manner proposed unless we are convinced that some step of this character is imperatively required from the standpoint of our own national policy, and of our national defense.²⁶

S[UMNER] W[ELLES]

740.0011 European War 1939/16960a : Telegram

The Secretary of State to the Commissioner in India (Wilson)

WASHINGTON, November 25, 1941—8 p. m.

16. The American press has given considerable prominence to a resolution adopted on or about November 18th by the Council of State recommending that the Viceroy convey to the British Government the discontent of that body over Prime Minister Churchill's statement to the House of Commons on September 9th to the effect that the Atlantic Charter is inapplicable to India. It is understood that this resolution

²⁶ Attached to this memorandum is a note by Cecil W. Gray, assistant to the Secretary of State, for Mr. Murray which states: "The Secretary said he didn't care to send this out now; that, if you wished, you could take it up again with U[nder Secretary]."

embodied an expression of opinion that the Prime Minister's statement is likely to be prejudicial to India's war effort.

You should report to the Department by telegraph concerning the significance of this resolution and various Indian reactions to the Churchill statement. This report should indicate whether such reactions are likely to result in a further deterioration in the India political situation prejudicial to India's contribution to the war.

As of course you realize one of the reasons for the establishment of the Office of the Commissioner at New Delhi was to enable the Department to receive timely and complete reports on just this type of thing.

HULL

740.0011 European War 1939/16961 : Telegram

The Commissioner in India (Wilson) to the Secretary of State

NEW DELHI, November 28, 1941—3 p. m.

[Received November 29—1:32 p. m.]

26. Reference Department's No. 16, November 25, 8 p. m. The resolution referred to was passed by the Council of State on November 18th by a vote of 10 to 6 with Government remaining neutral and the Government leader, Sir Akbar Hydari, stating that in any case the report of the debate would be transmitted to His Majesty's Government. One member who opposed the resolution declared that it was "the height of hypocrisy" to say that Mr. Churchill's statement would adversely affect India's war effort. The "considerable prominence" which the American press gave to the passage of this resolution has most certainly not been reflected by any section of the Indian press and editorial comment has been notably lacking.

Although as yet it is much too early to make a prophecy as to the ultimate success of the recent action whereby the Province of Orissa has formed a Ministry emphasizing its purpose to "contribute to the war effort", it would be more profitable to feature such an occurrence than to give prominence to a resolution considered in India as of little significance by journalists and public as well.

It is true the Atlantic Charter has been adversely commented on editorially by many sections of the press in India and that from time to time President Roosevelt's name has been drawn in (reference my despatch No. 10 of November 7th²⁷) but this appears to me to be inconsequential as Mr. Roosevelt's popularity and press in India are almost universally excellent from which it is reasonable to deduce that unfavorable criticism of the President is for the purpose of (1) keeping prominently before the world India's position and (2) to try to

²⁷ Not printed.

force from Mr. Roosevelt some sort of statement which might be construed as repudiation of the Prime Minister's statement of the inapplicability to India of the Atlantic Charter. I believe it would be a grave error to give any great weight or reply to such comment which after all is of infrequent occurrence (reference also in this connection my despatch No. 5 of October 30, and No. 207, Calcutta, May 22, 1941²⁸).

If an effort is made to confine under one heading that which is prejudicial to India's war effort it would be well not to lose sight of the fact that India does not consider herself as fighting in this war for India's interests as a nation and feels that she is being called upon to defend an Empire in which she is not received as an equal partner.

Despite the prominence given to it by the American press I regard the resolution of November 18 as just another resolution and without significance.

I shall regard as irrelevant the closing paragraph of the Department's cable under reference but if I am at variance with the Department by doing this I shall appreciate a further elaboration of the Department's view by air mail.

WILSON

NEGOTIATIONS REGARDING A TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND INDIA²⁹

711.452/33

The Secretary of State to the British Ambassador (Lothian)

WASHINGTON, April 10, 1940.

EXCELLENCY: With reference to my note to you of October 10, 1939³⁰ transmitting a draft of a Treaty of Establishment, Commerce, Navigation, and Consular Rights between the United States of America and India, the Department has been giving further consideration to that draft and has decided to propose to revise and expand it in certain particulars.

In view of the fact that the draft submitted with the note of October 10, 1939 makes no provision for exemption from military service it would appear appropriate to propose an article on that subject in substantially the form of the fourth paragraph of Article I of the Treaty of Friendship, Commerce, and Navigation between the United States and Siam signed November 13, 1937.³¹ A copy of that treaty is enclosed herewith. Should it be decided to include such an article, the following terms may prove acceptable:

²⁸ Neither printed.

²⁹ Continued from *Foreign Relations*, 1939, vol. II, pp. 349-364.

³⁰ *Ibid.*, p. 352.

³¹ Department of State Treaty Series No. 940, or 53 Stat. (pt. 3) 1731.

"Nationals of either country shall be exempt in the territories of the other country from compulsory military service on land, on sea, or in the air, in the regular forces, or in the national guard, or in the militia; from all contributions in money or in kind, imposed in lieu of personal military service, and from all forced loans or military contributions. They shall not be subjected, in time of peace or in time of war, to military requisitions except as imposed upon nationals."

Such an article might be appropriately inserted between Articles I and II of the present draft treaty.

Article V, paragraph 1, of the draft treaty reads as follows:

"1. Vessels of the United States of America shall enjoy in India and Indian vessels shall enjoy in the United States of America the same treatment as national vessels or vessels of the most favored third country."

It is believed that it would be desirable in the interest of precision and clarity to redraft the quoted article to read as follows:

"1. Vessels of the United States of America shall enjoy in India and Indian vessels shall enjoy in the United States of America the same treatment as national vessels. In no case shall vessels of either country be accorded treatment less favorable than the vessels of the most favored third country."

Paragraph 1, Article X, of the present draft reads as follows:

"1. Each country will receive from the other country, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any third country."

It is suggested that the word "or" be substituted for the word "and" appearing at the end of line 3 of this paragraph. This Government attaches considerable importance to the right to establish a consular office at Delhi in order to facilitate the conduct of problems of mutual interest. It is hoped that your Government may be in a position to aid in preparing the way for the establishment of such an office.

It would seem to be advisable to include an article relating to the acquisition of land and buildings for governmental purposes which customarily appears in treaties of friendship, commerce and consular rights and consular conventions of the United States. The provision would be in the following terms:

"1. The Government of the United States of America and the Government of India, respectively, shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territory of the other country and also to erect buildings in such territory for the purposes stated subject to local building regulations.

"2. Lands and buildings situated in the territory of the United States of America or India, respectively, of which the Government of the other country is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited."

If the provisions of the foregoing article are found acceptable, the article may well be inserted between Articles X and XI of the present draft treaty.

Finally, I have the honor to propose provisions relating to the inviolability of archives and related matters. These provisions, also, are standard in the treaties of the United States now in force with a number of countries. It is suggested that a new article, to be included after Article XI of the present draft might read as follows:

"Article—

"The quarters where consular business is conducted and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character within the country make any examination or seizure of papers or other property deposited with the archives. When consular officers are engaged in business within the territory of the country where they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents."

The insertion of the three foregoing articles, if agreed upon, will require the renumbering of the articles of the draft except Article I. While my Government desires to proceed to the conclusion of the treaty with India as soon as may be practicable, it is of the opinion that the time required for the negotiation of the three additional articles would not materially delay the successful conclusion of the negotiations.

Accept [etc.]

For the Secretary of State:
R. WALTON MOORE

711.452/40

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray) to the Assistant Secretary of State (Acheson)*

[WASHINGTON,] April 3, 1941.

MR. ACHESON: On March 30, 1941, Sir Firoz Khan, High Commissioner of the Government of India in London, accompanied by Mr. W. H. Mather of his office and Sir Neville Butler of the British Em-

bassy in Washington, called at the Division of Near Eastern Affairs to discuss matters relating to the draft of a proposed "Treaty of Establishment, Commerce, Navigation and Consular Rights Between the United States of America and India."

The reasons for the desirability of such a treaty with India and the history of the preparation of the draft may be summarized briefly as follows: Following reports from the Consulate General at Calcutta regarding mounting resentment in India at restrictions imposed by our immigration laws against the entry of Indian business men into the United States, it was decided to negotiate a treaty with India in order that Indian nationals, like those of most other Oriental countries, would be accorded "treaty merchant" status under Section 3 (6) of the Immigration Act of 1924.³² It was considered desirable also to have a new treaty of commerce and navigation to replace the obsolete provisions relating to India in the American-British Convention of Commerce and Navigation of July 3, 1815.³³ Accordingly, when the British Ambassador subsequently took up the question of restrictions upon the entry of Indian business men, the Department proposed the negotiation of a treaty of establishment and commerce. The British Embassy stated that the Government of India was agreeable to the proposal and suggested that the Department prepare a draft of such a treaty, which was duly submitted to the Embassy on October 10, 1939.³⁴

The purpose of the visit of Sir Firoz Khan, who arrived in the United States a little over a week ago, is to submit the proposals of the Government of India for changes in the draft. Although most of these proposals present only minor problems for which it is believed solutions can be found, two issues have been raised which concern matters relating to the general foreign policy of the Government. These issues and the matters to which they relate are discussed briefly as follows:

1. *Mineral Resources Article*

It has been proposed that Article VIII (copy attached³⁵) consist only of the first sentence thereof and that the second and third sentences be deleted. Such a deletion would result in our acquiescence in the continued enjoyment by British oil companies of exploratory and extractive privileges in India not accorded to American firms by virtue of legislation existing in India since 1885 forbidding corporations controlled by foreign interests to engage in the extraction of petroleum. A similar situation prevailing in Great Britain was al-

³² 43 Stat. 155.

³³ Hunter Miller (ed.), *Treaties and Other International Acts of the United States of America*, vol. 2, p. 595.

³⁴ For the draft, see *Foreign Relations*, 1939, vol. II, p. 354.

³⁵ *Ibid.*, p. 360.

tered by the British Petroleum (Production) Act, 1934, under which oil-extracting rights were granted to foreign corporations on a reciprocal basis. This legislation opened the door to similar concessions in certain other parts of the British Empire, notably New Zealand, Papua, and New Guinea. In the United States, in accordance with the provisions of the Mineral Leasing Act of 1920,³⁶ foreign nationals may own stock in American corporations exploiting the oil resources of the public domain provided the countries of which they are nationals accord similar rights to American nationals. Sir Firoz Khan took the position that reciprocal treatment with respect to extractive and mining rights by the Governments of the United States and of India would constitute only theoretical reciprocity, because Indian corporations lack the capital to exploit American resources, and that such a concession would have an unfortunate effect upon public opinion in India. However, it may be said in reply to his contention that the petroleum industry in India is almost entirely in the hands of British, rather than Indian, firms and that the British Petroleum Act of 1934 grants American corporations only theoretical rights in the United Kingdom, where there is no oil to be extracted. Therefore, a provision in the proposed treaty between the United States and India would amount in fact to actual reciprocity on the part of Great Britain for privileges granted to British corporations under the terms of the American Mineral Leasing Act of 1920.

2. *Definition of Most-Favored Nation Clause*

It was also proposed that the words "including the United Kingdom of Great Britain and Northern Ireland" be deleted from Article XVI, Section 3, which is quoted as follows:

"The term 'most-favored nation' as used in this Treaty shall be construed to mean the most favored third country, *including the United Kingdom of Great Britain and Northern Ireland.*"

Sir Firoz Khan states that the clause which it is proposed to delete is in contravention of an agreement between Great Britain and India whereby preferential tariff treatment is accorded to importations of a large number of commodities from the United Kingdom and British colonies. It is also his opinion that by deleting the clause British dominions would not be included in the term "third countries". The effect of such a deletion, therefore, would be to accord recognition in a treaty to preferential tariff treatment now accorded certain British and Colonial products, and it would open the door to the extension of the principle of preferential treatment to goods of the Dominions.

In the Trade Agreement between the United States and Great Britain, signed November 17, 1938,³⁷ this Government recognized the sys-

³⁶ 41 Stat. 437.

³⁷ Department of State Executive Agreement Series No. 164, or 54 Stat. (pt. 2) 1897.

tem of Empire preferences, but the British Government made a substantial reduction of the differences between standard and preferential rates. In this connection it may be stated that, although recognition was given to the system of imperial preferences, a material concession was granted in return for such recognition. Moreover the recognition of imperial preferences in a treaty is a recognition of a more formal character and the initial compulsory period is for a much longer time. It appears that the issue raised by the definition of "most-favored nation" is that of the attitude of the Government of the United States toward the entire system of Empire preferences.

WALLACE MURRAY

711.452/42

Memorandum of Conversation, by the Chief of the Division of Trade Agreements (Hawkins)

[WASHINGTON,] April 4, 1941.

Participants: Sir Firoz Khan—High Commissioner of the Government of India in London
Mr. W. H. Mather of Sir Firoz's office in London
Mr. Acheson
Mr. Hawkins

Sir Firoz Khan and Mr. Mather called pursuant to an appointment made at their request to discuss certain aspects of the proposed Treaty of Establishment, Commerce, Navigation and Consular Rights between the United States and India, a draft of which was submitted by this government in October 1939.

Sir Firoz Khan stated that his government is anxious to conclude the treaty as soon as possible in order that Indian nationals who desire to come to this country on business may enjoy the "treaty merchant" status under Section 3 (6) of the Immigration Act. He pointed out that the granting of these privileges is as much in our interest as in theirs since it would facilitate business contacts between individuals and companies in the United States and in India which would result in an increase in the sale of American products in the Indian market. He went on to say, however, that the draft treaty which we presented raises questions which are difficult to settle and which if not surmounted will prevent the extension of privileges to Indian merchants which are of benefit to both countries.

The difficulties presented are (a) those created by the definition of most-favored-nation treatment (Article XVI, Section 3) which would require the abolition of preferences by India to the United Kingdom and (b) the mineral resources article (Article VIII) which would

accord to nationals of each country reciprocal rights with respect to the exploration for and exploitation of petroleum and other mineral resources in the other.

With respect to (a), India is faced with the situation created by its contractual obligation under its trade agreement of 1939 with the United Kingdom³⁸ whereby preferences to the United Kingdom are guaranteed.

With respect to (b), Sir Firoz Khan was less explicit with respect to the difficulties from India's standpoint but indicated that the granting of privileges for the exploitation of petroleum and other mineral resources, in Baluchistan, would be very difficult for the Government of India to accord and it is in this area that American interests particularly desire to operate. With respect to other parts of India, he said there is nothing to interfere with American enterprise. Mr. Acheson pointed out that as matters now stand there is a notable absence of reciprocity as between British and American interests; that the British enjoy rights of exploitation in the United States and while reciprocal rights are accorded American citizens in the United Kingdom these rights are of little practical value; that in India, where opportunities for mineral development exist, American enterprise is excluded; and that accordingly he felt that American nationals in all fairness should be permitted to share with the British in India opportunities such as the British share with American nationals in this country.

Sir Firoz Khan expressed the hope that in the interest of facilitating closer commercial relations with India this Government would be willing to conclude immediately a simple commercial treaty sufficient only to extend to Indian nationals "treaty merchant" status under Section 3 (6) of the Immigration Act and that other controversial issues such as those above mentioned would be excluded for the present and left for future adjustment. He supported this proposal by repeating his contention that the granting of such status to Indian merchants is as much in our interest as in the interest of India. It was pointed out to him that under the law a treaty of commerce and navigation is necessary in order to grant such rights and that in formulating the draft of the proposed treaty we sought to effect the adjustment of other issues which we consider of at least equal importance, such adjustment being the function of such a treaty. However, Mr. Acheson said that we would study the matter carefully in the light of the discussion.

Sir Firoz Khan said again that he was very anxious to expedite the conclusion of an arrangement which would settle the treaty merchant

³⁸ British Cmd. 5966: *Trade Agreement between His Majesty's Government in the United Kingdom and the Government of India, London, March 20, 1939.*

matter, and expressed the hope that we could reach some decision within the next week or two. He said he was going to New York but that he could be reached there and would be ready for further discussion at any time.

711.452/41

The Acting Secretary of State to the British Ambassador (Halifax)

WASHINGTON, June 25, 1941.

EXCELLENCY: I have the honor to refer to this Government's note of October 10, 1939,³⁹ to your predecessor transmitting a draft of a treaty of establishment, commerce, navigation and consular rights between the United States and India, and to recent conversations at Washington between Sir Firoz Khan Noon, High Commissioner for India at London, and officers of this Department with respect to the draft treaty.

The conversations indicate that there is substantial agreement as to the various articles of the draft treaty, except as to the article on mineral resources. As pointed out in the note under reference, this article provides for most-favored-nation treatment in respect of the exploration for and exploitation of mineral resources. It also provides, on a basis of reciprocity, for national treatment in the ownership of stock in domestic corporations engaged in the exploration for and exploitation of a specified list of resources, including oil.

This Government is of the opinion that the article concerning mineral resources is of considerable importance in the proposed treaty with India and requests that further consideration be given to its inclusion as originally drafted. This Government will be pleased to receive the expression of the views of His Majesty's Government.

It is understood that the Government of India desires that a specific condition of reciprocity be added at the end of Article I. The major effect of such a provision probably would be to limit the operation of the most-favored-nation clause contained in paragraph 2 of that Article. This Government would prefer the most liberal possible construction of the most-favored-nation provisions of the Article. However, should the Government of India insist upon the addition of the condition of reciprocity, and should all other outstanding questions be satisfactorily settled, this Government would agree to the following stipulation:

"9. Nothing in this Article shall be construed to require the United States of America to grant Indian nationals rights greater than those received by American nationals in India, or to require India to grant American nationals rights greater than those received by Indian nationals in the United States of America".

³⁹ *Foreign Relations*, 1939, vol. II, p. 352.

This Government further understands that it is the desire of the Government of India to define coasting trade in paragraph 2 of Article V so as to include trade between India, on the one hand, and Burma, Ceylon and Persian Gulf ports on the other hand. While this Government is prepared to agree to a definition of the coasting trade of India which will include trade with Burma and Ceylon, it would find it difficult to place trade between India and the Persian Gulf ports in the same category. It is proposed, therefore, that paragraph 2 of Article V read as follows:

"The coasting trade of the two countries, including trade between India and Burma and Ceylon, shall be exempt from the foregoing provision and from the other provisions of this Treaty, and shall be regulated according to the laws of each country in relation thereto. It is agreed, however, that with respect to the coasting trade, vessels of either country shall enjoy within the territory of the other country the most-favored-nation treatment."

The provisions of Article XII relating to exemption from internal taxation of officials of the Government of one country within the territory of the other country are understood to meet with some objection on the part of the Government of India on the ground that it infringes upon the freedom of action of some of the subdivisions of the Government of India. This Government is prepared to agree to limit this Article so as to apply only to internal taxes imposed by the central governments. This Government would be pleased to receive a redraft of Article XII.

You will recall that this Government has proposed that the last sentence of the first paragraph of Article XVI read as follows:

"The present Treaty shall apply, on the part of India, to India, including the Indian States."

It appears that the inclusion of the Indian States within the scope of the treaty is not acceptable to His Majesty's Government. In view of the great difficulties of administration in the United States of a treaty applicable to India but not to the Indian States, and in view of the fact that at least one other treaty, namely, the convention concerning the tenure and disposition of real and personal property of March 2, 1899,⁴⁰ has been made applicable to India including the Indian States, this Government hopes that His Majesty's Government may be able to include the Indian States within the purview of paragraph 1 of Article XVI.

⁴⁰ William M. Malloy (ed.), *Treaties, Conventions, etc., Between the United States of America and Other Powers, 1776-1909* (Washington, Government Printing Office, 1910), vol. 1, p. 774.

In connection with the term "most-favored-nation" in paragraph 3 of Article XVI it appears that the definition proposed by this Government is not acceptable. This proposal was as follows:

"3. The term 'most-favored-nation' as used in this treaty shall be construed to mean the most favored third country, including the United Kingdom of Great Britain and Northern Ireland."

It is appreciated that the inclusion of the reference to the United Kingdom of Great Britain and Northern Ireland raises the whole problem of the conditions of trade between two component parts of the British Commonwealth of Nations. While it is my hope that these conditions may embody the most liberal principles of international trade, this Government, in view of present unsettled world conditions will refrain from raising the question at the present time. It, therefore, proposes the following wording for paragraph 3 of Article XVI:

"3. The term 'most-favored-nation' as used in this treaty, except Articles II, III and IV shall be construed to mean the most favored third country including the United Kingdom of Great Britain and Northern Ireland. The term 'most-favored-nation' as used in Articles II, III and IV shall be construed to mean the most favored foreign country."

In view of the fact that the proposed treaty as concluded, would leave a number of problems without definitive rules for their solution, it is suggested that the initial term of the treaty specified in paragraph 1 of Article XVII be three years in lieu of five years.

It is understood that the Government of India would agree to the establishment of an American consular establishment at Delhi, such agreement to be in the form of an exchange of notes. In the event Agents General or Commissioners are received at Washington and Delhi pursuant to this Department's memorandum of May 28, 1941,⁴¹ it will, of course, be unnecessary to conclude the previously mentioned exchange of notes.

There are a number of small refinements in language which this Government desires in the proposed treaty, particularly in the provisions relating to foreign exchange control, but such changes may be discussed at some later time.

In view of the substantial progress made in the negotiations hitherto conducted it is my hope that, despite the pressure of other problems, it may be possible to bring these negotiations to a speedy conclusion.

Accept [etc.]

SUMNER WELLES

⁴¹ *Ante*, p. 170.

711.452/43

*Memorandum of Conversation, by Mr. W. L. Parker of the Division
of Near Eastern Affairs*

[WASHINGTON,] June 30, 1941.

Participants: Sir Firoz Khan Noon, High Commissioner of the
Government of India at London,
Mr. Mather, of the High Commissioner's Office.
Mr. Alling⁴²
Mr. Turkel⁴³
Mr. Parker

Sir Firoz Khan Noon, accompanied by Mr. Mather, called again this morning at the Division of Near Eastern Affairs to discuss matters pertaining to the proposed treaty between India and the United States. Sir Firoz stated that the Government of India desires that the limitrophe countries, Iran, Afghanistan, and Nepal be outside the purview of the treaty because of the special position which they occupy in relation to India. He was informed that no objection was perceived to this proposal.

There was also discussed the question of inclusion in the treaty of a provision according American nationals and corporations the same rights and privileges in the exploitation of mineral resources as those of other nations, particularly the United Kingdom. Sir Firoz was informed that the Department still desires the inclusion of such a provision, and Sir Firoz stated that he would take the matter up with his Government. A discussion then ensued as to whether this provision, as well as certain other provisions in the treaty, should be upon a "reciprocal" or "most-favored-nation" basis. Sir Firoz was inclined to favor the "reciprocal" point of view; whereas the Department prefers a "most-favored-nation" basis.

At the conclusion of the conference it appeared that substantial agreement had been reached in regard to most matters involved in the treaty and that remaining controversial problems were capable of solution. Just prior to his departure Sir Firoz indicated that he considered it probable that agreement on all points could be reached eventually and that prospects are good for the conclusion of a treaty embodying substantially the provisions desired by the Department.

⁴² Paul H. Alling, Assistant Chief of the Division of Near Eastern Affairs.

⁴³ Harry R. Turkel of the Division of Commercial Policy and Agreements.

711.452/44

*The High Commissioner of the Government of India at London
(Noon) to the Chief of the Division of Near Eastern Affairs
(Murray)*

WASHINGTON, July 1, 1941.

DEAR MR. WALLACE MURRAY: It was a great pleasure to have met you this morning and to have discussed the trade treaty with your officers, Messrs. Ayling [*Alling*], Parker and Turkel. During these discussions, it was informally agreed that the point of view of the Government of India regarding a special treatment to be accorded to limitrophe countries was in accordance with the usual practice and that the State Department will have no objection to this principle being incorporated in this treaty.

The second point we discussed was the exploitation of mineral resources. In this respect, your officers were keen that the U. S. A. citizens should have an equal treatment with the United Kingdom subjects. I am passing this information on to my own Government and I hope that before long the two countries will be able to come to a final decision.

Assuring you [etc.]

FIROZ NOON

711.452/44

*The Assistant Secretary of State (Acheson) to the British Chargé
(Campbell)*

WASHINGTON, October 3, 1941.

MY DEAR MR. CHARGÉ D'AFFAIRES: I enclose a copy of a letter dated July 1, 1941 ⁴⁴ from Sir Firoz Khan Noon, K. C. S. I., relating to certain matters under consideration in connection with the proposed treaty between the United States and India. In view of the recent appointment of Sir Firoz to a post in India, it is not known whether Sir Firoz is still engaged in the consideration of questions relating to the proposed treaty. For this reason it is considered appropriate to communicate to you the attitude of the Department concerning the following matters referred to by Sir Firoz in his letter.

It is noted that it is the desire of the Government of India that the terms of the proposed treaty provide for special treatment to be accorded to the limitrophe countries of Nepal, Afghanistan and Iran. In view of the special factors affecting the trade between India, on the one hand, and Nepal and Afghanistan, on the other, the Department perceives no objection to the incorporation within the treaty of a provision recognizing the special position of these two limitrophe

⁴⁴ *Supra*.

countries and placing them outside the purview of the treaty. It is the opinion of the Department, however, that India's trade relations with Iran, and Iran's trade relations with other countries, are not such as to warrant the inclusion within the treaty of such a provision with respect to Iran. In this connection it may be mentioned, furthermore, that, whereas Nepal and Afghanistan are land-locked countries with extensive frontiers over which pass their principal arteries of trade, Iran is a maritime nation engaged in direct sea-borne trade with various countries, including the United States.

It is noted also that Sir Firoz has stated that he is informing his Government of the Department's desire that there be incorporated in the treaty provisions according to American nationals and corporations the same rights and privileges in the exploration and development of mineral resources as accorded to those of other countries, including the United Kingdom.

It would be greatly appreciated if you would kindly make known the foregoing views of the Department either to Sir Firoz Khan Noon or to the appropriate authorities of the Government of India.

I am [etc.]

DEAN ACHESON

[In a letter from the Indian Agency General, December 15, 1942, it was stated that the Government of India, after most carefully considering the matter, "are disposed to feel it wiser, in view of the changed situation in India, to defer the conclusion of the negotiations until conditions are more settled". (711.452/49)]

REPRESENTATIONS BY THE UNITED STATES REGARDING IMPORT RESTRICTIONS BY INDIA AND BURMA AFFECTING AMERICAN MISSIONARY ORGANIZATIONS; REQUEST FOR FREE ENTRY PRIVILEGES FOR AMERICAN MISSIONARIES

645.116/48

*The Secretary of State to the Consul General at Calcutta (Wilson)*⁴⁵

WASHINGTON, March 24, 1941.

The Secretary of State encloses for the attention of the Consular Officer in charge a copy of a letter dated March 12, 1941, together with an enclosure thereto, from the American Baptist Foreign Mission Society, 152 Madison Avenue, New York, New York,⁴⁶ concerning the desire of the Society that shipments of certain types of medical and educational supplies made to its representatives in India and

⁴⁵ The same instruction, *mutatis mutandis*, March 24, to the Consul at Rangoon.

⁴⁶ Not printed.

Burma be exempted from import control restrictive measures and prohibitions in view of the fact that they are financed entirely by American funds.

The American Baptist Foreign Mission Society states in its letter that, for the past twenty years, it has been shipping medical and school supplies to its missions in India and Burma and that most of these articles consist of contributions and gifts from affiliated religious organizations in the United States. It appears that some of the materials, such as bandages and certain medical supplies, are prepared by church women and that monetary contributions equivalent to the value of such articles can not be obtained. It is pointed out that these shipments are not financed by mission funds in India and Burma and that they involve no exchange transactions for the purchase of dollars.

From the information available to the Department it is understood that shipments of the type referred to are subject to import control measures and that no provision exists exempting them from restrictions and prohibitions generally applicable to ordinary commercial goods purchased with rupee funds. Since it is the Department's understanding that the ostensible purpose of existing regulations controlling imports is to conserve exchange, it is desired that you ascertain from the appropriate local authorities what exemptions may be made with respect to importations by all American missionary organizations in India of supplies of this character which do not involve foreign exchange transactions, pointing out that such supplies represent the voluntary contribution of materials for use in philanthropic enterprises. The list of articles submitted by the American Baptist Foreign Mission Society as an enclosure to its letter may, of course, be regarded as illustrative and not as a complete list of the articles which the Mission Society desires to import.

The Department desires that you submit a report on the subject by air mail.

A similar instruction has been sent to Rangoon.

645.116/71b

The Secretary of State to the Consul General at Calcutta (Wilson) ⁴⁷

WASHINGTON, May 5, 1941.

SIR: The Department desires to ascertain the attitude of the Government of India toward granting free entry to importations of equipment and supplies consigned to American missionary organizations,

⁴⁷ The same instruction, *mutatis mutandis*, May 5, to the Consul at Rangoon.

including educational, medical, and philanthropic institutions maintained by them, as well as to importations of clothing, foodstuffs, and professional equipment by the American personnel thereof.

These missionary organizations provide educational and medical facilities which would not otherwise be available to the communities they serve unless their entire cost were borne by governmental agencies. As is well known, these organizations derive their support from voluntary contributions of materials and funds made by interested persons in the United States. In view of these circumstances it is considered that the use of such funds for the payment of customs duties in countries for the benefit of whose peoples they are contributed is not in consonance with the purpose for which these funds are donated and results in their diversion from the philanthropic enterprises they are intended to foster. By making substantial contributions to the education and medical care of the people of India, the American people are rendering material assistance to the Government of India in meeting these social problems. It does not appear to be inopportune, therefore, to inquire as to the extent to which that Government may be willing to cooperate in facilitating the conduct of this philanthropic work through customs-duty exemptions.

It is desired that you discuss the matter with the appropriate authorities in order to ascertain their reactions, stating that you are acting upon specific instructions to do so and emphasizing the fact that the Department attaches considerable importance to the question involved. A report of your discussions, together with your comments, should be submitted promptly to the Department.

For your information and assistance there follows a brief discussion of the nature and extent of free-entry privileges accorded by certain countries to missionary organizations engaged in philanthropic enterprises:

Egypt—The Government of Egypt grants free entry to supplies, except building materials, imported by religious, educational, and charitable institutions, and to importations by clergymen and missionaries of clothing and provisions not exceeding a total value per person of twenty Egyptian Pounds a year.

Iran—Under a procedure involving theoretical refunds from "Government Credit", the Iranian Government in actual practice exempts from payment of customs duties official supplies imported by American and British hospitals and schools within rather liberal valuation limits.

Liberia—The Government of Liberia permits duty-free importations not exceeding a total annual value per person of \$150 of goods for the personal use and consumption of "all persons regularly employed as Missionaries, Professors, Tutors and Instructors engaged by and giving full time service in Missionary and Philanthropic Institutions within the Republic and who are actually engaged in educational and/or medical work".

Palestine—The Government of Palestine provides in general, with certain minor exceptions, for free entry for supplies and equipment imported for places of worship, schools and institutions maintained by religious communities, hospitals, asylums, and dispensaries operated by charitable societies, as well as for importations of clothing, furniture, and devotional objects by "persons leading the religious life".

Syria—Upon the basis of an exchange of notes between the Governments of the United States and of France,⁴⁸ the Government of Syria grants unlimited free entry to "articles intended to be used in conducting religious worship" and restricted free entry within fixed annual valuation limits to importations of a wide variety of enumerated supplies imported "by religious communities and evangelical missions for the support of their members", as well as by schools, colleges, hospitals, dispensaries, and orphanages. Duty-free importations by educational, medical, and similar institutions are based upon annual valuation allotments per pupil or inmate, colleges and universities receiving substantially larger allotments than primary and secondary schools.

A similar instruction has been sent to Rangoon.

Very truly yours,

For the Secretary of State:

A. A. BERLE, JR.

645C.116/7

The Consul at Rangoon (Brady) to the Secretary of State

No. 446

RANGOON, May 19, 1941.

[Received June 5.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction of March 24, 1941,⁴⁹ transmitting a copy of a letter dated March 12, 1941, and an enclosure thereto, from the American Baptist Foreign Mission Society, concerning the desire of that Society that shipments of certain types of medical and educational supplies made to its representatives in India and Burma be exempted from import control restrictive measures and prohibitions in view of the fact that they are financed by American funds. The Department instructed me to ascertain from the appropriate local authorities what exemptions might be made with respect to importations by all American missionary organizations in Burma of supplies of the character stated, and it pointed out that the list of articles submitted by the American Baptist Foreign Mission Society as an enclosure to its letter might be regarded as illustrative and not as a complete list of the articles the Society desired to import.

⁴⁸ February 18, 1937; see Department of State Executive Agreement Series No. 107, or 51 Stat. 279.

⁴⁹ See footnote 45, p. 201.

In reply I have to report that on the receipt of the Department's instruction I personally interviewed the Controller and the Deputy Controller of Supplies in Burma in regard to the question of exempting from control restrictions the types of medical and educational supplies shipped to American missions and mission schools in Burma by missionary organizations in the United States, and financed entirely by American funds, and later I confirmed the statements made to them in a letter to the Controller of Supplies, to which I attached a copy of the list submitted by the American Baptist Foreign Mission Society, as illustrative of the types of materials that have been shipped to Burma. Under date of May 5, 1941, I received a letter from the Deputy Controller of Supplies enclosing an order which he informed me was being issued by the Import Trade Controller, and concerning which he said:

"It is hoped that this order will enable free supplies of medical and educational requisites to be continued without hindrance and I am to suggest that you will be so good as to request the American Baptist Mission Society in Rangoon to communicate with the Import Trade Controller on this matter."

The order enclosed with the Deputy Controller's letter reads as follows:

"The American Baptist Mission Press are hereby permitted to import without license until further notice the undernoted articles of United States of America origin, provided they certify on the bill of entry that the articles, including cost of freight, duty and shipping charges, are being supplied as free gifts by the Baptist church in the United States of America for free distribution to American Baptist Missions in Burma."

As the order refers only to the American Baptist organization and specifies only the articles listed by it as illustrative of the types of materials shipped to Burma, I again took up with the Deputy Controller the question of the exemption applying to shipments made by other American missionary organizations to their missions in Burma, and to materials of the types mentioned which might not be found in the list submitted, and he has assured me that the exemption granted will apply to any shipments of the same character made by other American missionary organizations having missions in Burma, and that medical and educational supplies furnished as free gifts for free distribution will not be arbitrarily restricted to those included in the list in question.

The American Baptist Mission Press, which is the organization in Burma which receives and distributes supplies shipped from the United States by the American Baptist Foreign Mission Society, is in possession of a copy of the order issued by the Import Trade

Controller, and the Acting Mission Treasurer and Attorney has been informed of the assurance given by the Deputy Controller of Supplies with respect to supplies.

Respectfully yours,

AUSTIN C. BRADY

645.116/73

The Consul General at Calcutta (Wilson) to the Secretary of State

No. 258

CALCUTTA, July 2, 1941.

[Received July 25.]

SIR: I have the honor to refer to the Department's airmail instruction of March 24, 1941 (File No. 645C.116/1 [645.116/48]) instructing this Consulate General to request the Government of India to relax its current import restrictions in favor of shipments of supplies to American missionary societies and philanthropic institutions in India.

This request has now been granted. A copy of the communication to this effect just received from the Government of India is enclosed.

It is requested that the Department take steps to inform the appropriate American organizations of this change in procedure, as this Consulate General is not in a position to determine which of the local establishments may be eligible for the benefits accruing under the new ruling.

Respectfully yours,

T. M. WILSON

[Enclosure]

The Under Secretary to the Government of India (Pringle) to the American Consul General at Calcutta (Wilson)

No. 350 (44)-(I. T. C.)/41

SIMLA, 25 June, 1941.

SIR: With reference to your letter No. 660 dated the 7th May 1941,⁵⁰ I am directed to say that, having regard to the special circumstances of the case, the Government of India have been pleased to sanction the issue of special licences for such goods as may be imported by American Missionary Societies, and philanthropic institutions, and are free gifts from the United States of America and which, therefore, involve no transfer of foreign exchange. The licences will accordingly be marked "Custom Licence: Not valid for transfer of foreign exchange".

⁵⁰ Not printed.

2. Necessary instructions are being issued to the Import Trade Controllers and the organizations in question may be instructed to apply for the licences, when required, to the Import Trade Controller concerned giving full details (e. g. description, value, etc.) of each importation.

I have [etc.]

R. J. PRINGLE

645C.116/10

The Consul at Rangoon (Brady) to the Secretary of State

No. 471

RANGOON, July 15, 1941.

[Received July 30.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction of May 5, 1941,⁵¹ in regard to the Department's desire to ascertain the attitude of the Government of Burma toward granting free entry to importations of equipment and supplies to American missionary organizations, including educational, medical, and philanthropic institutions maintained by them, as well as to importations of clothing, foodstuffs, and professional equipment by the American personnel thereof.

In reply I have to report that, in compliance with the Department's instruction, I have discussed this matter with the appropriate authorities of the Government of Burma in order to ascertain their reactions. These have included the Financial Commissioner of Burma, who is an adviser to the Ministry in matters affecting Government finances and revenue; with the Minister of Commerce and Industry, whose department includes customs administration; with the Minister of Lands and Revenue, who was formerly in charge of customs administration; and with the Governor of Burma. It is my opinion, as a result of these discussions, that there is a possibility of some concessions being granted, but only a possibility. I have to explain, however, that the matter would have to be placed before the Government of Burma in a formal manner, for examination and consideration, before there could be anything of a definite nature, and I should like to have the Department's authorization to do this, by cable if there is no objection.⁵² I feel that nothing would be lost by carrying the matter to a decision, and something might be gained.

[Here follows discussion of attitude of several Burmese officials.]

Respectfully yours,

AUSTIN C. BRADY

⁵¹ See footnote 47, p. 202.

⁵² No further correspondence on this subject has been found in Department files.

645.116/93

The Commissioner in India (Wilson) to the Secretary of State

No. 17

NEW DELHI, November 28, 1941.

[Received February 10, 1942.]

SIR: I have the honor to refer to the Department's instruction of May 5th, 1941, by which I was directed to ascertain the attitude of the Government of India toward granting free entry to importations of equipment and supplies consigned to American missionary organizations including educational, medical, and philanthropic institutions maintained by them, as well as to importations of clothing, foodstuffs and professional equipment by the American personnel thereof.

The delay in replying to the Department's instruction, which was of course received by me in Calcutta before my change of status⁵⁸ and departure for New Delhi, has been occasioned by 1) the desirability of discussions with the appropriate authorities rather than by taking the question up at once in official correspondence, and 2) the fact that as Government was in Simla it became advisable to await their return to New Delhi without going to the expense of making a special trip to Simla for this purpose.

I have now discussed this question with the appropriate officials in two interested departments namely: External Affairs Department and the Finance Department (Central Board of Revenue) with definitely negative results. The attitude displayed by the official in the Department of External Affairs although appreciative of much good that was accomplished by medical missionaries and certain others of purely philanthropic purposes, was distinctly unsympathetic to the question from a general point of view; to allow the concessions suggested would also not be in line, according to this official, with the tariff policy towards organizations of the same category which are situated in Great Britain and elsewhere in the Empire.

My talks with the member of the Central Board of Revenue did not disclose any attitude unsympathetic to missionary organizations as such, but definitely confirmed what the first official had told me was the tariff policy of Government with added emphasis that "Government cannot possibly cater to charity as such. To do so would tend to destroy the integrity of the Tariff." He went on to tell me of the stand Government was taking in refusing a request of this character from those concerned with the importations from England of red poppies which are sold on "Poppy Day." No exemption from tariff duty is accorded these importations in spite of strong pressure

⁵⁸ i. e., from Consul General at Calcutta to Commissioner at New Delhi; see pp. 170 ff.

upon Government to bring this about, and all countries are, according to him, treated alike in this matter with discrimination shown toward none.

This Central Board of Revenue Official called my attention to the fact that professional persons (medical missionaries, educationalists and the like) are allowed to bring in free of duty their instruments, books and tools of their profession. Further than this he was very certain Government would not be willing to go.

I do not feel that any request for reconsideration of the Government's policy would be productive of results at this time.

Respectfully yours,

T. M. WILSON

**REPRESENTATIONS TO THE BRITISH GOVERNMENT REGARDING
GENERAL BAN ON ADMISSION OF AMERICAN LUTHERAN MIS-
SIONARIES INTO INDIA**

345.1163/84

*Memorandum of Conversation, by the Assistant Secretary of State
(Berle)*

[WASHINGTON,] September 16, 1941.

Sir Ronald Campbell⁵⁴ came in today, at his request.

I took occasion to mention the protest which had been made to this Department by representatives of the Lutheran Church against the ruling of the British Foreign Office denying entrance to Lutheran missionaries to India.

I pointed out that the Lutheran Church in America is not a branch of the German state church of the same name. On the contrary, some seventy-five years ago they had broken away. Further, the church was composed of some five million people of varied extraction, many of them Scandinavian in origin—Norwegians, Swedes, Danes, and so forth. I noted that in this particular matter they had enlisted the interest of one of their foremost members, Mr. William S. Knudsen.⁵⁵

I said it seemed wholly unnecessary to antagonize as large a group of Americans as this, particularly in view of the fact that the Lutheran Church had supported the American defense effort up to the hilt; that it had many distinguished army officers and government servants in its ranks; and that blanket rulings of this kind would, I thought, if publicly known, create a painful impression. I said of course that there was no intent to defend the activities of any individuals who might have been objectionable or embarrassing, but that the ruling was distinctly placed not on these grounds but on a general objection

⁵⁴ British Chargé.

⁵⁵ Director General of the Office of Production Management.

to the Lutheran Church. I hoped, accordingly, that Sir Ronald could take the matter up with his Government and get the ruling reversed.

Sir Ronald made note of the fact and said he would endeavor to do something about it.

ADOLF A. BERLE, JR.

345.1163/78: Telegram

The Secretary of State to the Consul General at Calcutta (Wilson)

WASHINGTON, September 16, 1941—10 p. m.

The Board of Foreign Missions of the United Lutheran Church in America states that the British Passport Control Office in New York has refused visas for India to two of the Board's missionaries, Leila R. Van Deusen and Esther Eleanor Bacon on grounds that visas are being denied to all Lutherans.

Miss Van Deusen and Miss Bacon are native-born American citizens and according to information furnished to the Department both parents of each were born in the United States. Miss Van Deusen has previously served with the United Lutheran Mission at Kodai-kanal, South India.

The Board states that the United Lutheran Church in America was founded in the United States in 1820 and has conducted missionary work in India for 99 years; that all the Board's missionaries are instructed to refrain from political discussions and that neither the Church, Board, or its missions receive any financial aid from Germany.

Please bring the foregoing information to the attention of the appropriate authorities and report their decision to the Department by telegraph. You may add that representations have been made by the Department to the British Embassy who are taking up the matter at London.

HULL

345.1163/91

*Memorandum by the Chief of the Division of European Affairs
(Atherton) to the Secretary of State*

[WASHINGTON,] October 28, 1941.

THE SECRETARY: I asked Sir Ronald Campbell to call today and referred to the protest which had been made by this Department against the denial of entrance visas to Lutheran missionaries for India. I referred to Mr. Berle's conversation on September 16 and continued to point out that this could not be considered but a reflection on a

group of loyal Americans belonging to the Lutheran Church which for over 75 years had had no affiliation with the German State church of this name.

Sir Ronald informed me that the ruling had been made by the India Office and had nothing to do with the British Foreign Office; however, the India Office had the matter under advisement and had informed the British Foreign Office that they were no longer refusing visas for Lutheran missionaries to India, but that visas were being "held in suspense" pending final deliberations. Sir Ronald undertook immediately to send a further message to London and likewise trusted Ambassador Winant might be requested to take the matter up with the British Foreign Office. A telegram to London in this sense is being prepared.

RAY ATHERTON

345.1163/86b : Telegram

The Secretary of State to the Commissioner in India (Wilson)

WASHINGTON, October 28, 1941—3 p. m.

4. With reference to the Department's September 16, 10 p. m., and October 16, 8 p. m.,⁵⁶ to Calcutta, please report by telegraph immediately on action taken with respect to alleged refusal of Government of India to grant visas to Lutheran missionaries.

HULL

345.1163/88c : Telegram

The Secretary of State to the Ambassador in the United Kingdom (Winant)

WASHINGTON, October 29, 1941—7 p. m.

4815. The British Passport Control Officer in New York has informed the Board of Foreign Missions of the Lutheran Church of America that he has received instructions that Lutheran missionaries are not to be admitted to India and on the basis of these instructions he has refused to grant visas to the Board's missionaries desiring to proceed to India. This ruling is severely handicapping the Board's work in India.

On September 16 in a telegram to the Consulate General to Calcutta and in a conversation with the British Chargé d'Affaires in Washington it was pointed out that the Lutheran Church in America is not a branch of the German Lutheran Church and that neither the Church, Board, or its Missions receive any financial aid from Germany. The

⁵⁶ Latter not printed.

Consulate General, and subsequently the Commissioner at New Delhi, were instructed to take the matter up with the Government of India and the British Chargé d'Affaires stated that he would take the matter up with his Government in London. However, the Department has received no indication that the ruling has been changed.

Please inquire of the British authorities as to the present status of the case. If no decision has been reached, please take appropriate steps to obtain permission for American Lutheran missionaries to enter India in order to carry on the work of the Board which has been conducted in India for 99 years.

Please report developments in the matter to the Department promptly by telegraph and continue to keep me advised. Time is important.

HULL

345.1163/96

Memorandum of Conversation, by the Secretary of State

[WASHINGTON,] October 29, 1941.

The British Ambassador ⁵⁷ called at his request. I called attention to the discriminatory attitude taken either by the Indian Office or the Government of India against American citizens who are Lutherans in the matter of the refusal of passport visas to India. I most earnestly urged that this policy of thus excluding missionaries of one of our important churches was impossible to explain here. I presented a number of facts and arguments in opposition to this sort of discrimination against an outstanding church composed of such fine people. The Ambassador said he would give the matter attention. I stated that Sir Ronald Campbell on last evening had promised to telegraph his Foreign Office about the matter and my later information is that he had done so.

C[ORDELL] H[ULL]

845.111/240

The British Ambassador (Halifax) to the Secretary of State

WASHINGTON, October 30, 1941.

DEAR MR. HULL: You spoke to me yesterday about the question of the grant of visas for India for members of the American Lutheran Missionary Societies. I am glad to inform you that on my return to the Embassy I found a telegram from Mr. Eden ⁵⁸ asking me to let

⁵⁷ Viscount Halifax.

⁵⁸ Anthony Eden, British Secretary of State for Foreign Affairs.

you know that, after further consideration and consultation with the Government of India, it has been decided to withdraw the general ban on the admission of members of the American Lutheran Missionary Societies into India. The Government of India will proceed forthwith to reconsider the applications of individual missionaries to whom visas have recently been refused, and hope very shortly to make known their decision in each case.

The Government of India for their part have requested that missionaries selected for work in India will bear in mind that war conditions make the situation there delicate, and will therefore be very careful to avoid any speech or action that might be used by unfriendly elements to embarrass the Government of India. I should be most grateful if you could give the Societies an indication of the Government of India's feeling in this matter.

Yours sincerely,

HALIFAX

345.1163/82

The Secretary of State to the British Ambassador (Halifax)

WASHINGTON, November 1, 1941.

MY DEAR MR. AMBASSADOR: I have received your communication of October 30, 1941, stating that it has been decided to withdraw the general ban on the admission of members of American Lutheran missionary societies into India and that the Government of India will proceed forthwith to reconsider the applications of individual missionaries to whom visas have recently been refused. I am very grateful to you for the interest you have taken in the matter and appreciate being informed of the action which has been taken.

In accordance with your request, the interested Lutheran missionary societies in the United States have been informed of the desire of the Government of India that missionaries in India bear in mind that war conditions make the situation there delicate and that they avoid any speech or action that might be used by unfriendly elements to embarrass the Government of India.

Sincerely yours,

CORDELL HULL

345.1163/93: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

LONDON, November 4, 1941—1 p. m.

[Received November 4—9 a. m.]

5231. Your 4815, October 29, 7 p. m. With reference to the admission to India of Lutheran missionaries an informal note has been re-

ceived from the Foreign Office dated yesterday stating that the ban recently imposed by the Government of India was due to the appearance in a publication issued in Philadelphia by the United Lutheran publication house of material constituting anti-British propaganda.⁵⁹ The publication had been sent to the United Lutheran Church Mission in India and the Government of India felt that this confirmed suspicions they had already felt regarding the attitude of certain Lutheran missionary bodies in America. In consequence, however, of explanations received from His Majesty's Embassy at Washington, from which it would seem that the bulk of the Lutheran Church in the United States has no connection with the State Lutheran Church in Germany, the Government of India have now agreed to withdraw the general ban on the admission of members of American Lutheran Missionary Societies into India on the understanding that no grounds will be given for suspicion that the Societies are encouraging any anti-British propaganda in connection with their activities in India. The Government of India will proceed forthwith to reconsider the applications of the individual missionaries to whom visas have recently been refused and it is hoped very soon to make known their decision in each case.

WINANT

⁵⁹ According to information furnished subsequently by the Ambassador in the United Kingdom and the Commissioner in India, the offending article was one which appeared in the October 24, 1940, issue of the *Lutherischer Herald*, entitled "England's Wars."